

ORDINANCE NO. ORD-2020-10323

AN ORDINANCE OF THE CITY OF IRVING POSTPONING THE REGULAR MUNICIPAL ELECTION FOR THE PURPOSE OF ELECTING THE POSITION OF MAYOR AND CITY COUNCIL PLACES THREE (3) AND FIVE (5), AND THE SPECIAL BOND ELECTION FROM MAY 2, 2020 TO NOVEMBER 3, 2020 OR AN EARLIER DATE AUTHORIZED BY PROCLAMATION OF THE GOVERNOR; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, on January 16, 2020, the Irving City Council called a Regular Municipal Election to be held on Saturday, May 2, 2020 for the purpose of electing the position of Mayor and City Council Places 3 and 5; and

WHEREAS, on February 13, 2020, the Irving City Council called a Special Bond Election to be held on Saturday, May 2, 2020 with 12 propositions to be submitted for voters' consideration; and

WHEREAS, on March 13, 2020, the Governor declared a state of emergency in Texas in response to the COVID-19 (Coronavirus) pandemic; and

WHEREAS, on March 18, 2020, the Governor issued a proclamation, attached hereto as Exhibit "A," that suspended Section 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election dates, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020; and

WHEREAS, the Elections Division of the Texas Secretary of State's Office, pursuant to Election Advisory 2020-12, has advised that the candidate filings for the election will remain valid for the election held on November 3, 2020 and that the filing period will not be re-opened for the November 2020 election date; and

WHEREAS, the Elections Division of the Texas Secretary of State's Office, pursuant to Election Advisory 2020-12, has further advised that all Applications for Ballot by Mail (ABBMs) for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the postponed elections, and that ABBMs for voters who submitted ABBMs based on expected absence from the county would not be valid for the postponed election; and

WHEREAS, the major relevant dates for the November election include: the voter registration deadline is October 5, 2020; the deadline to submit ABBMs is October 23, 2020; and early voting will be from October 19, 2020 through October 30, 2020; and

WHEREAS, the Dallas County Elections Department has requested that entities within the County postpone their elections to November 3, 2020;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That the City Council hereby postpones the Regular Municipal Election and the Special Bond Election originally scheduled for May 2, 2020 to November 3, 2020 pursuant to the March 18, 2020 proclamation from the Governor; or to an earlier date authorized by the Governor or applicable law.

SECTION 2. Should the Governor provide another election date available for political subdivisions to hold election before November 3, 2020, the City Secretary shall inform the City Council and the City Council may consider such date.

SECTION 3. That the City Council hereby confirms that the candidate filings for the Regular Municipal Election will remain valid for the election held on November 3, 2020 and that the filing period will not be re-opened for the November 3, 2020 election date. The City council further confirms that all ABBMs for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the postponed elections, and that ABBMs for voters who submitted ABBMs based on expected absence from the country would not be valid for the postponed elections.

SECTION 4. That the major relevant dates for the November 3, 2020 election include: the voter registration deadline is October 5, 2020, the deadline to submit an ABBM is October 23, 2020, and the dates for early voting are October 19, 2020 – October 30, 2020.

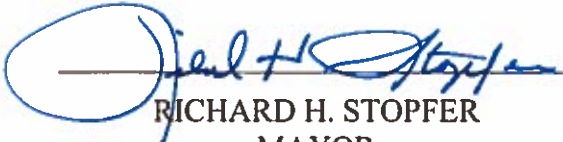
SECTION 5. On or before August 17, 2020, the City Council will make any necessary revisions to this order of election. Such revisions include, but are not limited to, change the date of the election; change the location of the main early voting location; changes to the early voting dates and hours; any changes to the identity of the early voting clerk and their contact information; any changes to branch early voting locations; or any other change authorized by applicable law.

SECTION 6. The Mayor, the City Secretary, or their respective designee, acting on behalf of the City Council, in consultation with the City Attorney and bond counsel, is hereby authorized and directed to take any and all actions necessary to comply with the provisions of Section 41.001(a) of the Texas Election Code and the Federal Voting Rights Act in carrying out and conducting the Election.

SECTION 7. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 8. That this ordinance shall become effective from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on March 31, 2020.


RICHARD H. STOPFER
MAYOR

ATTEST:


Shanae Jennings
City Secretary



APPROVED AS TO FORM:


Kuruvilla Oommen
City Attorney

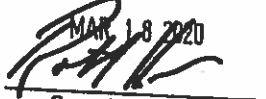


GOVERNOR GREG ABBOTT

March 18, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM '20

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

MAR 18 2020

Secretary of State

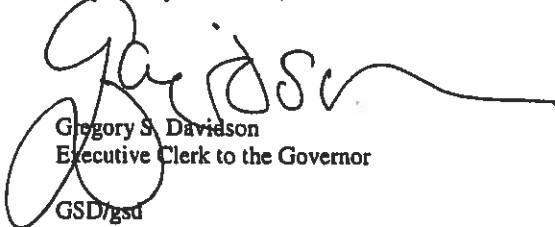
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, Section 41.001(a)(2) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on May 2, 2020; and

WHEREAS, Section 49.103 of the Texas Water Code provides that certain districts governed by this provision are required to hold director elections in May of each even-numbered year; and

WHEREAS, Section 41.0052 of the Texas Election Code prescribes a procedure for a political subdivision to change a general election date, but the time for making such a change has expired; and

WHEREAS, Section 31.093 of the Texas Election Code requires a county elections administrator to enter into a contract to furnish election services upon request of a political subdivision; and

WHEREAS, Section 42.0621(c) of the Texas Election Code does not require a political subdivision to enter into a contract with a county or hold a joint election with a county on the November uniform election date; and

WHEREAS, on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby suspend Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office. I further suspend Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The authority ordering the election under Section 3.004 of the Texas Election Code is the authority authorized to make the decision to postpone its election in accordance with this proclamation.

Current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution.

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00AM O'CLOCK

MAR 18 2020



IN TESTIMONY WHEREOF, I
have hereto signed my name and
have officially caused the Seal of
State to be affixed at my office in the
City of Austin, Texas, this the 18th
day of March, 2020.

Handwritten signature of Greg Abbott in cursive.

GREG ABBOTT
Governor of Texas

ATTESTED BY:

Handwritten signature of Ruth R. Hughs in cursive.

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM - 0'CLOCK

MAR 18 2020