

ORDINANCE NO. 2020-0323-01

AN ORDINANCE OF THE TOWN OF CROSS ROADS, TEXAS, POSTPONING THE MAY 2, 2020 GENERAL ELECTION TO NOVEMBER 3, 2020 DUE TO THE DECLARATION OF EMERGENCY ISSUED BY THE GOVERNOR OF TEXAS; CALLING FOR A GENERAL ELECTION FOR NOVEMBER 3, 2020 FOR THE PURPOSE OF ELECTING A MAYOR AND TWO TOWN COUNCIL MEMBERS; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICES; PROVIDING FOR EARLY VOTING; PROVIDING FOR THE APPOINTMENT OF ELECTIONS ADMINISTRATORS AND JUDGES; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Cross Roads, Texas has heretofore called and ordered a general election for May 2, 2020 for the purpose of electing a Mayor and two Council Members; and

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-COV-2, which causes COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, the Judge of Denton County, Texas issued an emergency declaration of local disaster for the entire county on March 13, 2020, as has the Governor of the State of Texas and the President of the United States; and

WHEREAS, the Governor of the State of Texas has issued a proclamation declaring a state of emergency and, in conjunction therewith, has issued a proclamation suspending certain provisions of the Texas Election Code to allow political subdivisions to postpone elections called for May 2, 2020 to the November 3, 2020 uniform election date; and

WHEREAS, the Texas Secretary of State's Office has issued guidelines in Election Advisory No. 2020-12 directing that political subdivisions choosing to postpone May elections shall preserve all candidate filings and ballot order actions previously taken and shall not reopen the election to new candidates or new propositions; and

WHEREAS, the Denton County Elections Administrator has strongly advised that all Denton County political subdivisions with whom the County is under contract to conduct elections should postpone May elections to the November 3, 2020 uniform election date; and

WHEREAS, the Town Council of the Town of Cross Roads, Texas, finds and determines that in view of the public health risk and potential community spread of the COVID-19 disease, the May 2, 2020 general election should be postponed to the November 3, 2020 uniform election date and that this postponement is in the best interest of the public health and safety. Now, Therefore

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CROSS ROADS, TEXAS:

SECTION 1. That the general election previously ordered to be held in the Town of Cross Roads, Texas for May 2, 2020 be and is hereby postponed. Said general election shall be held on November 3, 2020, for the purpose of electing a Mayor and two Council Members, all of whom shall be elected at large, each to serve for a two-year term. The candidates receiving the highest number of votes cast shall be elected for two-year terms.

SECTION 2. That pursuant to the Texas Governor's suspension and Elections Advisory No. 2020-12, all candidate filings and ballot order actions previously done are hereby preserved and will remain valid for the November 3, 2020 election and the filing period will not be re-opened. No new candidates, propositions or measures shall be added to the ballot. All deadlines that apply to the November 3, 2020 election shall apply to all candidates currently on the ballot for the May 2020 general election.

SECTION 3. That all applications for a ballot by mail (ABBM) that were filed for the May 2, 2020 election for voters that are voting by mail due to being over the age of 65 or due to disability will remain valid for the postponed election, and ABBMs for voters who submitted ABBMs based on expected absence from the county will not be valid for said election.

SECTION 4. That the voter registration deadline is October 5, 2020, and the deadline to submit an ABBM is October 23, 2020.

SECTION 5. That all records, including candidate filings, applications to vote by mail, ballot proofs, and printed ballots shall be retained and preserved.

SECTION 6. That all persons currently holding office as mayor and members of the Town Council whose terms are set to expire in May 2020 and whose seats would otherwise be filled in the May election shall be deemed holdovers in office in accordance with Article XVI,

Sec. 17, of the Texas Constitution and shall continue to exercise the duties of those offices until successors are duly elected and qualified.

SECTION 7. That the polling place for said election shall be determined by the County Elections Administrator. The polls shall be open from 7:00 a.m. to 7:00 p.m. None but legally qualified voters of the Town shall be entitled to vote at said election.

SECTION 8. Notice of said election shall be published once in the official newspaper of the Town not earlier than the 30th day before Election Day, and not later than the 10th day before Election Day. Such notice shall also be posted on the bulletin board used to publish notice of the Town Council meeting not later than the 19th day before Election Day.

SECTION 9. A copy of the published notice that contains the name of the newspaper and the date of the publication shall be retained as a record of such notice, and the person posting the notice shall make a record at the time of posting stating the date and place of posting and deliver a copy of each notice posted to the Mayor of the Town of Cross Roads after the last posting is made.

SECTION 10. The elections shall be conducted in accordance with an interlocal agreement between the Town and the Denton County Elections Administrator. The County Elections Administrator shall appoint an Election Judge and an Alternate Presiding Election Judge shall be appointed, to serve at the polling place during the election. The Alternate Presiding Judge shall serve as Presiding Judge if the regularly appointed Presiding Judge cannot serve and where the election is conducted by the regularly appointed Judge, the Presiding Judge shall appoint the Alternate Presiding Judge as one of the clerks.

SECTION 11. That an early voting ballot board is hereby created. The Presiding Election Judge shall also serve as the Presiding Judge of the early voting ballot board. The other

members of the early voting ballot board shall be appointed by the Presiding Judge in the same manner as the Presiding Election Judge appoints election clerks. All judges and clerks appointed by the Presiding Election Judge shall be qualified voters in the Town. The County Elections Administrator shall be the Early Voting Clerk for said election. Early voting polling locations for the above designated election shall be determined by the County Elections Administrator, and said place of early voting shall remain open on each day of early voting which is not a Saturday, Sunday or legal State holiday, beginning on or before the 12th day before the Election and continuing through the 4th day preceding the date of said election.

SECTION 12. After holding the election, the Presiding Election Judge shall promptly deliver the original of the election returns in person to the Mayor or if the Mayor is unavailable, to the Town Secretary. The Town Secretary shall present the returns to the Town Council for the canvassing of said election. The canvass of said election returns shall be conducted by the Town Council not earlier than the 3rd day nor later than the 11th day after the election.

SECTION 13. Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 14. This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

DULY PASSED by the Town Council of the Town of Cross Roads, Texas, on the 23rd day of March, 2020.

APPROVED:



MAYOR

ATTEST:

A handwritten signature in blue ink, appearing to read "Annabuth", written over a horizontal line.

TOWN SECRETARY

APPROVED AS TO FORM:

TOWN ATTORNEY