ORDINANCE NO. 851-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, POSTPONING THE CITY'S ELECTION ORDER FOR MAY 2, 2020 FOR THE PURPOSE OF ELECTING TWO (2) CITY COUNCIL MEMBERS AND A SPECIAL ELECTION TO ELECT ONE (1) CITY COUNCIL MEMBER TO FILL AN UNEXPIRED TERM OF OFFICE, TO THE UNIFORM ELECTION DATE OF NOVEMBER 3, 2020, AND AUTHORIZING RELATED ACTIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the general laws and Constitution of the State of Texas, a municipal officers' election is normally held on the second Saturday in May; and

WHEREAS, the City Council of the City of Anna did order an election to be held on May 2, 2020, for the purpose of electing council members for Places 3, 4 and 5; and

WHEREAS, a state of local disaster and public health emergency currently exists in the United States, the State of Texas, Collin County, and the City of Anna, as reflected in the official proclamations regarding the COVID-19 virus; and;

WHEREAS, the nature of the COVID-19 disease outbreak is such that public health authorities are exercising emergency powers to restrict activities which allow for continued community spread of the virus; and

WHEREAS, as of March 13, 2020, United States President Donald Trump declared a national emergency concerning the COVID-19 outbreak; and

WHEREAS, as of March 13, 2020, Governor Greg Abbott declared a state of disaster for Texas over the coronavirus pandemic; and

WHEREAS, as of March 16, 2020, County Judge Chris Hill issued a disaster declaration for Collin County, Texas; and

WHEREAS, on March 17, 2020, City of Anna Mayor Nate Pike declared a local state of disaster and public health emergency in the City of Anna; and

WHEREAS, on March 18, 2020, Governor Greg Abbott by proclamation did 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 municipalities that would otherwise hold elections on May 2, 2020, to move their general and special elections to the uniform election date occurring on November 3, 2020, without otherwise adjusting the term of office; and

WHEREAS, Governor Abbott's proclamation of March 18, 2020 did further state that county election officers, if requested by an affected political subdivision such as the City of Anna, would enter into a contract to furnish election services for those who postpone their election to November

3, 2020 under the authority of said proclamation; and

WHEREAS, on March 19, 2020, Governor Greg Abbott issued Executive Order GA-08 which imposed restrictions on certain business operations and social activities as emergency measures,

WHEREAS, on the 24th day of March 2020, the City of Anna affirmed, adopted, renewed, and extended the mayor's declaration; and

WHEREAS, on the 1st day of April 2020, the 419th District Court issued an order authorizing the City to postpone it special election to fill Place 4 on the City Council to the uniform election day in November; and

WHEREAS, given the manner in which the COVID-19 novel coronavirus spreads and its high degree of contagiousness, the activities commonly associated with municipal elections and political campaigns pose an unnecessary risk to public health and potential loss of life, and in this time of emergency it is necessary to take swift and decisive action to save lives, protect the public welfare, and reduce burdens on our health care system and medical professionals; and

WHEREAS, the City Council of Anna has investigated and found that it is in the best interests of the public health, welfare, good governance, and order for the municipality, during a time of federal, state, county, and local public disaster and emergency, to postpone the election ordered for May 2, 2020, until the November 3, 2020 uniform election date, and to take such further measures as detailed below;

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

SECTION 1. Order Postponing Election; Confirmations; Major Relevant Dates.

1. The above-stated recitals are incorporated herein as if set forth in full.

2. The City Council of the City of Anna, Texas, does hereby exercise its authority to order and does hereby order that its previously ordered general election and special election of May 2, 2020 shall be postponed to November 3, 2020, and does request that the election officers of Collin County, Texas, enter into an appropriate contract to furnish election services to the City of Anna.

3. The City of Anna does hereby confirm that candidate filings for the postponed election will remain valid for the election held on the November date and that the candidate filing period will not be re-opened for the November election date.

4. The City of Anna does hereby confirm 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, <u>will still be valid</u> for the postponed election.

   The City of Anna does hereby confirm that ABBMs for voters who submitted ABBMs

based on expected absence from the county will not be valid for the postponed election.

5. Major relevant dates for the November 3, 2020 election:

   a. The voter registration deadline is **October 5, 2020**
   b. Deadline to submit an ABBM is **October 23, 2020**
   c. The dates for early voting shall be **October 19 through October 30, 2020**.

SECTION 2. Authorizations.

1. The City Secretary is authorized and directed to:

   a. Deliver a copy of this ordinance to the election officials of Collin County, Texas, as the request by the City of Anna for a contract for election services, or a joint election agreement, pursuant to the Governor's suspension of certain Texas Election Code provisions on March 18, 2020.

   b. Ensure that a copy of this ordinance and notice of the City's exercise of authority to postpone the election date is posted on the City's website, and local media organizations shall be alerted regarding the change.

   c. Provide notice to the Collin County election officer regarding this change without undue delay, and to provide same with a revised notice for posting on the county's website.

   d. Arrange publication of this ordinance as soon as practicable.

2. The City Manager is authorized to coordinate and direct City staff to take additional actions as needed to revise and update the City's original order of election, and to conduct the election on November 3, 2020, and to ensure the public receives any notice required by law for any changes in dates, main early voting locations, early voting dates and hours (including weekend early voting), identities of the early voting clerks and their contact information, or to branch early voting locations.

SECTION 3. Savings, Severability, and Repealer Clauses.

All ordinances, resolutions, or orders of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict, including without limitation Ordinance No. 844-2020. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date.

That this ordinance shall become effective immediately from and after its passage and publication of its caption or content, if such publication is required by law.

APPROVED AND ADOPTED by the City Council of the City of Anna, Texas on this the 1st day of April 2020.

ATTESTED:

Carrie L. Land

City Secretary Carrie L. Land

CITY OF ANNA TEXAS

APPROVED:

Nate Pike

Mayor Nate Pike