

ORDINANCE 20-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS POSTPONING THE GENERAL ELECTION TO BE HELD ON MAY 2, 2020, FOR THE PURPOSE OF ELECTING A MAYOR AND THREE COUNCIL MEMBERS-AT-LARGE TO THE NOVEMBER 3, 2020, UNIFORM ELECTION DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of Killeen, Texas, and pursuant to Ordinance No. 20-003, a general election was ordered to be held on May 2, 2020, for the purpose of electing the Mayor and three Council Members-at-large, and;

WHEREAS, pursuant to Section 418.016 of the Texas Government code, on March 18, 2020, the Governor of the State of Texas signed a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions that are utilizing the May 2, 2020, uniform election date to postpone their elections to the November 3, 2020, uniform election date, and;

WHEREAS, pursuant to the Governor's proclamation authorizing the City of Killeen to postpone the May 2, 2020, election date, the City Council does by this ordinance exercise its authority to postpone the general election ordered for May 2, 2020, for the purpose of electing the Mayor and three Council Members-at-large to November 3, 2020.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION 1. That the general election previously ordered for May 2, 2020, for the City of Killeen, Texas, for the purpose of electing the Mayor and three Council Members-at-large is hereby postponed to November 3, 2020.

SECTION 2. That under Art. XVI, Sec. 17 of the Texas Constitution, the individuals who currently hold public offices that are scheduled to be on the ballot on the May uniform election date will continue to exercise the duties of those offices until the new officers take their oaths of office, following the November uniform election date.

SECTION 3. That the candidate fillings for the general election for May 2, 2020, for the City of Killeen, Texas, for the purpose of electing members of the City Council for Mayor and three City Council Members-at-Large shall remain valid for the election to be held on November 3, 2020, and that the filing period for candidates will not be re-opened for the election to be held on November 3, 2020.

SECTION 4. That all marked ballots received by Federal Post Card Application voters and other voters who are eligible for early voting because they are voting from outside the United States will still be valid for the November 3, 2020 postponed election date.

SECTION 5. That all annual applications for ballot by mail (ABBM) 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 November 3, 2020, election; and that ABBMs for voters who submitted ABBMs based on expected absence from the county shall not be valid for the postponed November 3, 2020, election.

SECTION 6. That the voter registration deadline for the November 3, 2020, election is October 5, 2020, the deadline to submit an ABBM is October 23, 2020, and the dates for early voting are October 19, 2020, through October 30, 2020.

SECTION 7. Returns of election shall be made by the election officers to the City Council at a meeting following the election; the returns will be canvassed and the results of the election declared as prescribed by the Election Code, V.T.C.A., of the State of Texas and the City Charter.

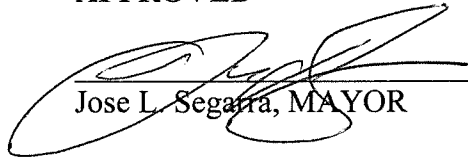
SECTION 8. It is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered and acted upon at the meeting, including this Ordinance, was given, all as required by the applicable provisions of the Texas Government Code, Sec. 551.001, *et seq.*

SECTION 9. That should any section or part of any section or paragraph of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION 10. That this ordinance shall be effective immediately upon passage.

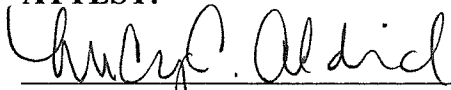
PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 24th day of March 2020, at which meeting a quorum was present, held in accordance with the provisions of the Texas Government Code, Sec. 551.001, *et seq.*

APPROVED



Jose L. Segarra, MAYOR

ATTEST:



Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM



Traci S. Briggs, INTERIM CITY ATTORNEY



CITY COUNCIL MEMORANDUM FOR ORDINANCE

DATE: March 24, 2020
TO: Kent Cagle, City Manager
FROM: Traci Briggs, Interim City Attorney
SUBJECT: Postponing the May 2, 2020 General Election to Elect a Mayor and Three Council Members-at-Large to November 3, 2020

BACKGROUND AND FINDINGS:

City Council approved ordinance 20-003 calling a general election to be held May 2, 2020, for the purpose of electing the Mayor and three Council Members-at-Large.

In response to COVID-19, on March 18, 2020, the Governor of the State of Texas signed a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions that are utilizing the May 2, 2020, uniform election date to postpone their elections to the November 3, 2020, uniform election date. The postponement of an election does not happen automatically; the City Council must take official action for such a change to be effective.

Pursuant to the Texas Election Advisory No. 2020-12 issued by the Texas Secretary of State, there will be no change to the current candidate filings; all ballot by mail requests that were filed for the May 2, 2020, election marked annual would apply for the November 3, 2020, election; all single ballot by mail requests submitted for reasons of age or disability would still be valid for the November 3, 2020, election; single use ballot by mail applications submitted due to absence from the county would not be valid (a letter will be submitted to the voter advising of the invalidity); and marked ballots that are received by Federal Post Card Application voters (military members serving overseas and out of the county) and other voters who are eligible for early voting because they are voting from outside the United States will still be valid and will be counted for the November 3, 2020, election date. Pursuant to Article XVI, Section 17 of the Texas Constitution, those currently holding offices that are scheduled to be on the May ballot will continue to exercise those duties until new officers take oath of office following the November 3, 2020, election.

The attached ordinance has been prepared postponing the general election to November 3, 2020.

THE ALTERNATIVES CONSIDERED:

The alternatives considered are to hold a May 2, 2020, election or to postpone the election to November 3, 2020.

Which alternative is recommended? Why?

CONFORMITY TO CITY POLICY:

This ordinance conforms to Article IX of the City Charter, all city elections shall be governed by the laws of the State of Texas governing municipal elections.

FINANCIAL IMPACT:

There are no anticipated additional costs associated with postponing the election.

What is the amount of the expenditure in the current fiscal year? For future years?

N/A

Is this a one-time or recurring expenditure?

N/A.

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

Ordinance