

ORDINANCE NO. 2020- 029- 0325

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF ANTHONY, TEXAS TO POSTPONE THE MAY 2, 2020 GENERAL ELECTION UNTIL THE NEXT UNIFORM ELECTION DATE OCCURRING ON NOVEMBER 3, 2020 PURSUANT TO THE AUTHORITY GRANTED UNDER THE PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS ISSUED ON MARCH 18, 2020 IN RESPONSE TO THE COVID-19 (CORONAVIRUS) PANDEMIC.

WHEREAS, the Town Council of the Town of Anthony, Texas did hold a duly noticed Public Hearing; and

WHEREAS, the Town Council of the Town of Anthony, Texas did consider testimony from staff and the public before reaching its decision; and

WHEREAS, pursuant to the statutory authority granted to the Town Council of the Town of Anthony, Texas as a municipality under Texas Local Government Code Section 51.001, the Town Council of the Town of Anthony, Texas may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, pursuant to the statutory authority granted to the municipality as a Type A General-Law Municipality under Texas Local Government Code Section 51.012, the municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared that COVID-19 poses an imminent threat of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the Governor of the State of Texas 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; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, on March 18, 2020, the Governor of the State of Texas issued 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

WHEREAS, pursuant to Section 31.003 and Section 31.004 of the Texas Elections Code, on March 18, 2020, the Texas Secretary of State issued *Election Advisory No. 2020-12* providing guidance to local political subdivisions regarding their options for any general or special elections that have been ordered for the May 2, 2020 uniform election date; and

WHEREAS, on March 21, 2020, pursuant to Section 418.108(a) of the Texas Government Code, the Mayor signed a *Declaration Of Local Disaster Due To Public Health Emergency* arising from the COVID-19 (coronavirus) pandemic that has now reached El Paso County; and

WHEREAS, as of March 21, 2020, there are several declared cases of COVID-19 in the County of El Paso; and

WHEREAS, the emergence and spread of COVID-19 within El Paso County poses an imminent threat of widespread illness resulting from an epidemic that requires emergency action; and

WHEREAS, the *Proclamation* issued by the Governor of the State of Texas on March 18, 2020 provides that the political subdivision ordering the election under Section 3004 of the Texas Election Code is the authority authorized to make the decision to postpone its election in accordance with said *Proclamation*, and that the current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution; and

WHEREAS, the Town Council of the Town of Anthony, Texas, desires to exercise the authority granted to it by the *Proclamation* issued by the Governor of the State of Texas on March 18, 2020 in response to the COVID-19 (coronavirus) pandemic, for reason that the Town Council of the Town of Anthony, Texas finds that the holding of its May 2, 2020 general election during this national, state and local state of disaster due to a public health emergency could prevent, hinder or delay necessary action in coping with the disaster, by both the Town of Anthony, Texas and the County of El Paso which has also issued a *Declaration Of Local Disaster Due To Public Health Emergency* on March 13, 2020 and was to assist the Town of Anthony, Texas with the conduct of its May 2, 2020 general election; and

WHEREAS, the Town Council of the Town of Anthony, Texas finds that taking action on this item was an emergency and an urgent public necessity because immediate action was required of the Town of Anthony, Texas to timely act to postpone this election to November 3, 2020, due to the imminent threat to public health, safety and welfare presented by the COVID-19 (coronavirus) pandemic in connection with holding the election on May 2, 2020, and further, this situation was reasonably unforeseeable as the Governor of the State of Texas had just issued on March 18, 2020 the *Proclamation* allowing political subdivisions to move their elections; and

WHEREAS, the Town Council of the Town of Anthony, Texas finds it necessary and appropriate for the health, safety and welfare of the residents of the Town of Anthony, Texas to take this action.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANTHONY, TEXAS, THAT:

- Section 1. The foregoing recitals are adopted as facts and are incorporated fully herein.
- Section 2. Pursuant to the authority granted to the Town of Anthony, Texas by the *Proclamation* issued by the Governor of the State of Texas on March 18, 2020 in response to the COVID-19 (Coronavirus) pandemic, the Town hereby postpones its May 2, 2020 general election until the next uniform election date occurring on November 3, 2020.
- Section 3. That the candidate filings for the May 2, 2020 general election shall remain valid for the election postponed to November 3, 2020 and the postponement shall not have the effect of reopening candidate filings.

Section 4. That all election records, including candidate filings for the May 2, 2020 general election, applications to vote by mail, ballot proofs, and printed ballots, shall be retained and preserved.

Section 5. That all applications for a ballot by mail (ABBM) for voters that are voting by mail due to being over the age of 65 or due to disability shall remain valid for the postponed election, and that ABBMs for voters who submitted ABBMs based on expected absence from the county shall not be valid for the postponed election as the election date has changed.

Section 6. That major relevant dates for the November 3, 2020 election shall be:

Voter registration deadline: October 5, 2020

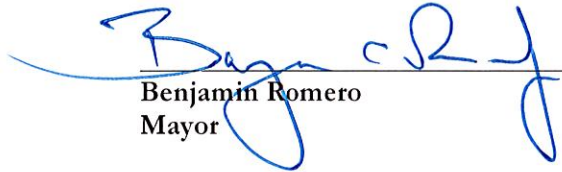
Deadline to submit an ABBM: October 23, 2020

Dates for early voting: October 19, 2020 – October 30, 2020


Section 7. This ordinance shall be effective immediately upon passage and approval.

PASSED, ADOPTED AND APPROVED THIS 25 DAY OF MARCH, 2020.

APPROVED:


Benjamin Romero
Mayor

ATTEST:


Norma Gonzalez
Town Clerk



ROLL CALL VOTE:

Mayor Pro-Tem Shawn Weeks	YES _____
Councilor Jose Garcia	YES _____
Councilor Eddie Chavez	YES _____
Councilor Louie Alfaro	YES _____