

ORDINANCE NO. O-04-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS, ORDERING THAT THE GENERAL ELECTION SCHEDULED TO BE HELD ON SATURDAY, MAY 2, 2020, BE POSTPONED TO TUESDAY, NOVEMBER 3, 2020; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR POSTPONEMENT OF THE 2020 KAUFMAN GENERAL ELECTION; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about March 13, 2020, the Governor of the State 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 in every county in the State of Texas; and

WHEREAS, on or about March 18, 2020, the Governor issued a Proclamation suspending certain sections of the Texas Election Code, among others, to allow political subdivisions of the State that would otherwise hold elections on May 2, 2020, to postpone general and special elections to the next uniform election date, November 3, 2020; and

WHEREAS, on or about January 27, 2020, the City adopted Ordinance No. O-01-20 which, in part, ordered a general election for Saturday, May 2, 2020, to elect three (3) Council Members for two (2) year terms each to serve as Members of the Kaufman City Council; and

WHEREAS, it is pursuant to the authority of the Governor's March 13, 2020, disaster declaration and the March 18, 2020, proclamation that this Ordinance is adopted; *i.e.*, to postpone the City Council general election in the City from Saturday, May 2, 2020, to Tuesday, November 3, 2020; and

WHEREAS, Ordinance No. O-01-20 remains effective, but pursuant to this Ordinance, the general election date provided for in Ordinance No. O-01-20 shall be postponed.

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

SECTION 1
INCORPORATION OF PREMISES

All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2
POSTPONEMENT OF GENERAL ELECTION DATE

The general election scheduled for Saturday, May 2, 2020, to elect three (3) Council Members for two (2) year terms each is hereby postponed until Tuesday, November 3, 2020, pursuant to the authority referenced in the recitals to this Ordinance, and it is hereby so ordered.

SECTION 3
ADDITIONAL FINDINGS

Pursuant to Election Advisory No. 2020-12, issued by the Texas Secretary of State's Office on or about March 18, 2020, this Ordinance also makes the following findings, and incorporates them by reference into this Ordinance: (1) all candidate filings for the May 2, 2020, general election shall remain valid for the November 3, 2020, general election; (2) the filing period will not be re-opened for the November 3, 2020, general election; (3) all applications for a ballot by mail for voters who are voting by mail due to being over the age of 65 or due to disability will remain valid for the postponed election whereas all applications for a ballot by mail based upon a voter's expected absence from the county will not be valid for the postponed election; and (4) the major relevant dates for the November 3, 2020, general election are as follows: deadline for registration to vote in the November 3, 2020, election—October 5, 2020; the deadline to submit an application for a ballot by mail—October 23, 2020; and early voting—October 19, 2020, through October 30, 2020.

SECTION 4
CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of Ordinances of the City of Kaufman, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5
SEVERABILITY CLAUSE

It is hereby declared to be the intent of the City Council of the City of Kaufman that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6
EFFECTIVE DATE


This Ordinance shall become effective from and after its passage.

AND IT IS SO ORDAINED, PASSED AND APPROVED by the City Council of the City of Kaufman, Texas this 30th day of March 2020.



JEFF JORDAN
MAYOR

ATTEST:



JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:



PATRICIA A. ADAMS
CITY ATTORNEY