

ORDINANCE

NO. OR08-2020-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AMENDING THE ORDER OF ELECTION APPROVED ON FEBRUARY 11, 2020 AND HOLD ITS GENERAL ELECTION ON NOVEMBER 3, 2020, IN THE CITY OF CLEBURNE, TEXAS, FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCILMEMBERS FOR SINGLE MEMBER DISTRICTS ONE AND FOUR; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 11, 2020, the City Council approved Ordinance No. OR02-2020-12 calling the City's General Election to be held on May 2, 2020; and

WHEREAS, on March 18, 2020, Governor Greg Abbott issued a proclamation authorizing political subdivisions that would otherwise hold elections on May 2, 2020, to move their general elections to November 3rd due to public health and safety concerns related to the novel coronavirus (COVID-19); and

WHEREAS, on March 24, 2020, the City Council approved Resolution No. RS03-2020-38, postponing the City's General Election to be held on the next uniform election date of November 3, 2020 in accordance with the Texas Election Code and by the direction of Governor Abbott and the Secretary of State; and

WHEREAS, the Johnson County Elections Office is also conducting a General Election on November 3rd that includes local county, state and federal races and the Johnson County Elections Administrator provided an election services contract for the administration of the City's election; and

WHEREAS, on July 14, 2020, the City Council approved Resolution No. RS07-2020-80 authorizing Johnson County to administer the City's General Election utilizing a shared ballot with the County; and

WHEREAS, as deemed necessary to mitigate the spread of COVID-19 and to maintain appropriate social distancing standards, on July 27, 2020, Governor Greg Abbot issued a proclamation suspending Section 85.001(a) of the Texas Election Code by expanding the early voting period increasing in-person voting opportunities. Additionally, the proclamation suspended a portion of Section 86.006(a-1) to allow a voter to hand deliver their marked mail ballot to the early voting clerk's office before election day; and

WHEREAS, it is necessary to amend certain, but not all, elements of the Order of Election adopted in February no later than August 17, 2020 to reflect revised procedures, dates, times, and locations of voting;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS, THAT:

SECTION ONE. Order of Election. This Ordinance shall constitute an amendment to the Order of such elections adopted on February 11, 2020 by Ordinance No. OR02-2020-12.

SECTION TWO. Date of Election. The General Election for the City of Cleburne, Texas, be ordered for and the same be held on the first Tuesday in November, 2020, which is the 3rd day of November, 2020. Said election shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. on said date for such purposes and between said hours on said date as required by the Election Code of the State of Texas and pursuant to the City Charter of the City of Cleburne, Texas.

SECTION THREE. Joint Election Agreement. The City of Cleburne and Johnson County entered into an Election Services Agreement for said 2020 General Election which will be held on the same day in all or part of the same territory. Pursuant to the provisions of the Texas Election Code, the elections may be combined maintaining consistency and accessibility in voting practices, polling places, and election procedures to best assist the voters of Cleburne.

SECTION FOUR. Filing Application for or Withdrawal from Place on the Ballot. The filing period for place on the ballot ended on the 14th day of February, 2020, at 5:00 p.m., and is hereby not extended for the purpose of the postponed election. A candidate who wishes to withdraw from placement on the ballot may do so no later than the 24th day of August, 2020, 5:00 p.m. A withdrawal submitted after this date is valid if it is submitted before the ballots are prepared.

SECTION FIVE. Paper Ballots. In the November 3, 2020 Election, the City Secretary shall coordinate with the Johnson County Elections Administrator to cause paper ballots to be prepared being in both English and Spanish, in accordance with the Charter of the City of Cleburne, Texas, the Constitution and Laws of the State of Texas and the Voting Rights Act of 1965, and any amendments thereto, insofar as same are applicable.

SECTION SIX. Polling Locations and Judge Appointments. The places designated as polling places for such election and whereby election officials to be appointed shall be coordinated and provided by the Johnson County Elections Administrator in accordance with the Election Services Agreement.

SECTION SEVEN. Duty of Judges. The manner of holding and voting of said election and the powers and duties of the judges thereof shall be in accordance with the Election Code of the State of Texas, and the Charter of the City of Cleburne, Texas, in force at the time of said election.

SECTION EIGHT. Early Voting Locations/Schedule. It shall be provided that early voting by personal appearance shall be held and Patty Bourgeois, the Johnson County Elections Administrator shall preside as the Early Voting Judge of said early voting. The period to conduct early voting shall begin on the 13th day of October, 2020, and end on the 30th day of October, 2020, with the exceptions as prescribed by Texas State Law. Early voting locations and hours shall be detailed in the Election Services Agreement.

SECTION NINE. Ballots by Mail. Applications for ballot by mail shall be mailed to and received by Patty Bourgeois, Early Voting Clerk, P.O. Box 895, Cleburne, Texas 76033 no later than October 23, 2020, or received in person at 103 South Walnut Street no later than October 9, 2020, as prescribed by the Texas Election Code. Applications for ballot by mail may not be received before January 1, 2020.

SECTION TEN. Notice of Election – Posting. The City Secretary, in coordination with the Johnson County Elections Administrator, is hereby directed and instructed to post a properly executed copy of Notice of these elections at each polling place named in the Election Services Agreement and on the bulletin board used for posting notice of meetings of the governing body. Said notices shall be posted not less than twenty-one (21) days before the date of such elections and said notices shall be posted in both English and Spanish.

SECTION ELEVEN. Liability. All of the regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City Official or employee charged with the enforcement of this Ordinance, acting for the City of Cleburne in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.

SECTION TWELVE. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

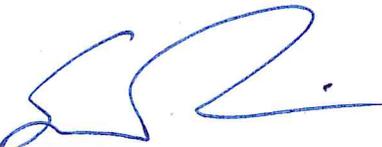
SECTION THIRTEEN. Effective Date. This Ordinance shall take effect and be in full force and effect from and after the date of its passage, and it is so ordained.

PASSED AND APPROVED this the 11th day of August, 2020 at a Regular Meeting of the City Council of the City of Cleburne, Texas.




Ivy Peterson, City Secretary

CITY OF CLEBURNE

BY: 
Scott Cain, Mayor