

**ORDINANCE 292**

**AN ORDINANCE POSTPONING THE ELECTION ORDERED ON JANUARY 16, 2020, PRESERVING CANDIDATE FILINGS, AND REPEALING CONFLICTING ORDINANCES, ESTABLISHING PROCEDURES FOR THE POSTPONED ELECTION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lone Star is a General Law Municipality located in Morris County, Texas, operating pursuant to the Texas Local Government Code and enabling legislation of the State of Texas; and

**WHEREAS**, the City Council of the City of Lone Star previously ordering that a General Election be held on May 2, 2020, a uniform election date per Texas law, for the purpose of electing three (3) Aldermen; and

**WHEREAS**, elections in Texas must be held on a uniform election date per state law; and

**WHEREAS**, on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and declared a state of disaster for all counties in Texas; and

**WHEREAS**, on March 18, 2020, the Governor of Texas issued a Proclamation to suspend various statutes to allow political subdivisions of the state that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 to the next uniform election date, occurring on November 3, 2020; and

**WHEREAS**, on March 31, 2020, the Governor of Texas issued Executive Order No. GA-14 which extended, in part, the need to minimize social gatherings and in-person contact and maintain social distancing until April 30, 2020, and

**WHEREAS**, the Texas Secretary of State has issued, pursuant to the Proclamation of March 18, 2020, Election Advisory No. 2020-12, to provide guidance to local political subdivisions regarding issues raised by the Proclamation, and

**WHEREAS**, federal, state, and local officials have determined that the spread of COVID-19 can be slowed by avoiding bringing people together, and the City Council hereby finds that the holding of the general election might cause physical danger of infection to voters, election officials, and election volunteers; and

**WHEREAS**, because of the public health crisis, and in order to protect the health and safety of voters, the election officials, and election volunteers, the City Council therefore wishes to exercise the authority granted to it in the Proclamation of March 18, 2020 to postpone the election previously called by it to be held on May 2, 2020,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE STAR, TEXAS:**

**SECTION 1  
POSTPONEMENT OF ELECTION**

- A. Pursuant to the authority granted in the Proclamation of March 18, 2020, the general election ordered to be held on May 2, 2020 by Order dated January 16, 2020 is hereby postponed until the next uniform election date, November 3, 2020.
- B. Candidate filings for the May 2 election will remain valid for the November 3 election. This postponement does not reopen candidate filings for the three (3) Alderman positions.

- C. All matters and dates relevant to the November 3, 2020 elections, such as voter registration deadlines, applications for ballots by mail and dates for early voting shall be as provided by Texas law.
- D. The Council will, by subsequent action, amend the Order of January 16, 2020 to comply with state law regarding early voting location, dates and hours, and any other changes caused by postponing this election to November 3, 2020.

## **SECTION 2**

### **APPLICATION BALLOTS BY MAIL FOR THE MAY 2, 2020 ELECTION**

- A. All applications for ballots by mail that were filed for the May 2, 2020, election that are marked annual remain valid for the November 3, 2020, election.
- B. All single use applications for ballots by mail that were submitted for the May 2, 2020, election for reasons of age or disability remain valid for the November 3, 2020, election.
- C. Single use applications for ballots by mail submitted for the May 2, 2020, election that indicated the reason for voting by mail was due to absence from the county will not remain valid for the November 3, 2020, election.

## **SECTION 3**

### **APPLICATION FOR BALLOTS BY MAIL FOR THE NOVEMBER 3, 2020 ELECTION**

Applications for early voting by mail in Morris County may be delivered to the Early Voting Clerk, 200 W. Industrial Blvd., P.O. Box 218, Lone Star, Texas 75668 FAX 903-656-3355 email: [citysecretary@lonestartx.net](mailto:citysecretary@lonestartx.net) to be received not later than the close of business on October 23, 2020. The City Secretary is directed to forward the applications and ballots to the Election Administrator.

## **SECTION 4**

### **EARLY VOTING BY PERSONAL APPEARANCE**

Early Voting by personal appearance shall be conducted beginning on October 19, 2020, and continuing through October 30, 2020 at Lone Star City Hall, 200 W. Industrial Blvd.. Exact dates and times will be reflected in a future revision to the original election order.

## **SECTION 5**

### **DEADLINE TO REGISTER TO VOTE**

Any individual seeking to vote in the November 3, 2020, election must register to vote by October 5, 2020.

## **SECTION 6**

### **ELECTION DAY**

Voting shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. on Tuesday, November 3, 2020, at the Lone Star Volunteer Fire Department and will be reflected in a future revision to the original election order.

## **SECTION 7**

### **GOVERNING LAW AND QUALIFIED VOTERS**

The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident qualified voters of the City shall be eligible to vote at the election.

**SECTION 8**

**PUBLICATION AND POSTING OF NOTICE OF POSTPONED ELECTION**

Notice of the postponement of the election until November 3, 2020, shall be posted on the City’s website, provided to local media organizations, and provided to the Morris County Elections Administrator.

**SECTION 9  
NECESSARY ACTIONS**

The Mayor and the City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

**SECTION 10  
CONFLICT CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Lone Star, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

**SECTION 11  
SEVERABILITY CLAUSE**


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

**SECTION 12  
SAVING CLAUSE**

All rights and remedies of the City of Lone Star are expressly saved as to any and all violations of the provisions of any ordinances which have accrued as of the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**PASSED AND APPROVED ON THIS 6<sup>th</sup> DAY OF APRIL, 2020.**

  
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Randy Hodges, Mayor

ATTEST:  
  
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Devon Whatley, City Secretary