

RESOLUTION NO. 03-27-2020 A

A RESOLUTION OF THE CITY OF FAIRFIELD, TEXAS AMENDING THE ORDER ISSUED FEBRUARY 11, 2020 CONCERNING THE NEXT GENERAL ELECTION OF THE CITY TO BE HELD ON MAY 2, 2020, AND AMENDING SAID ORDER PURSUANT TO THE AUTHORITY GRANTED BY THE GOVERNOR OF THE STATE OF TEXAS DURING THE PENDENCY OF THE STATE AND LOCAL DISASTERS DUE TO THE COVID-19 PANDEMIC TO MOVE SAID GENERAL ELECTION FROM MAY 2, 2020 TO NOVEMBER 3, 2020 FOR THE PURPOSE OF ELECTING THE MAYOR AND TWO (2) COUNCIL MEMBERS FOR TWO (2) YEAR TERMS EACH, TO CORRECT THE LIST OF POLLING PLACES; PROVIDING FOR CONDUCT OF THE ELECTION AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fairfield has ordered a general election of the City to be held on May 2, 2020 and has accepted candidate filings for the three positions on the ballot of such election; and

WHEREAS, on March 13, 2020, the Governor 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 for all counties in Texas; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the Governor 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, on March 18, 2020, the Governor of Texas issued a Proclamation pursuant to his powers under Texas law to allow political subdivisions 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, without otherwise adjusting the term of office; and

WHEREAS, this Proclamation further notes that the authority 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 current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution; and

WHEREAS, on March 20, 2020, Mayor Kenneth Hughes issued a Declaration of Public Health Emergency and Local Disaster for the same reason that the novel coronavirus (COVID-19) poses an imminent threat to the health and safety of residents of the City; and

WHEREAS, the City Council of the City of Fairfield finds that the holding of the City's general election during this disaster could prevent, hinder or delay necessary action in coping with the disaster;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD, TEXAS, THAT:

SECTION 1. ORDER OF ELECTION. The City Council of the City of Fairfield hereby amends its call and order for a general election to be held in the City of Fairfield for the purpose of electing the mayor and two council members to the City Council, Councilman Place I and Councilman Place 2 for two (2) year terms each. The City Council of the City of Fairfield hereby postpones the date of the election from May 2, 2020 to November 3, 2020.

This Resolution and Order of Election are adopted pursuant to the Proclamation of Governor Greg Abbott issued March 18, 2020 and the City, by postponing the date of the election is exercising its authority pursuant to this Proclamation. The additional necessary revisions to this Ordinance and Order of Election, as established by the Texas Secretary of State in Election Advisory No 2020-12, are incorporated in the provisions set forth below and in Article II of this Ordinance.

The "Order of Election," notice form of the Texas Secretary of State is additionally attached hereto as "*Attachment A*" and is incorporated fully herein.

The candidate filings, as have been submitted for the general election will remain valid for the election to be held on November 3, 2020 and the filing period will not be re-opened. All election records, including these candidate filings shall be retained and preserved.

SECTION 2. CONDUCT OF ELECTION.

A) Joint Election. The election shall be conducted in a joint election by the City of Fairfield in accordance with the provisions of the Texas Election Code. All resident qualified electors of the City shall be permitted to vote at the election. The deadline to register to vote in the November 3, 2020 election is October 5, 2020.

B) Conduct of Election; Joint Election Agreement; Early Voting Clerk.

1. Pursuant to the suspension of the May election by the Governor of the State of Texas, and as authorized by Texas Government Code section 418.017 authorizing the suspension of the conduct of elections during the COVID-19 pandemic, the City general election is moved to the next general election date of November 3, 2020. Due to the requirements of Texas Election Code and conduct of an election, the City is required to conduct its general election in November jointly with Freestone County.
2. The City Secretary will conduct the election in accordance with the duties as described in the Joint Election Agreement and in accordance with the Texas Election Code. The City Secretary for the City of Fairfield shall be the deputy early voting clerk for said election. The City Secretary is authorize to negotiate and execute a Joint Election Agreement with Freestone County for the purposes of conducting the postponed general election on November 3, 2020, next uniform election date,

The central counting station shall be that to be designated by Freestone County for receiving and tabulating votes and ballots cast in the elections. Elections shall be declared and returns canvassed by the City Council.

All single use applications for ballot by mail (ABBM) that are marked annual and all ABBMs that were submitted for reasons of age or disability that were filed for the May 2, 2020 election will apply for the November 3, 2020. Any ABBM that was filed for the May 2, 2020 election date based on expected absence from the county will not be valid for the November 3, 2020 election. All ABBMs requested henceforth shall be submitted to the City Secretary: Misty Richardson no later than the close of business on Friday, October 23, 2020.

C) Presiding Election Judges and Alternate Presiding Election. Judges appointed to serve at said polling places shall be those election officials furnished by Freestone County for Election Day and by the City Secretary, as deputy early voting clerk. Freestone County and/or the City Secretary, shall give notice of appointment as required by law for judges appointed to serve under their respective election locations.

D) Early Voting. Early voting for the November 3, 2020 election will be conducted from October 19, 2020 through October 30, 2020. The Fairfield Civic Center/Green Barn, 839 East Commerce Street, Fairfield Texas 75840, is hereby designated as the main early voting polling place for said election. In addition, early voting may also occur at such branch early voting locations and at such days and times as are designated by the Elections Administrator and for which notice is given by the City Secretary. The City Secretary is authorized to prepare the appropriate list(s) of early voting locations, days and hours, add or revise the locations designating the early voting locations, add or revise the days and hours of early voting, attach the list(s) to the election order and give the required notice.

E) Polling Place. The polling locations for Election Day shall be at the Fairfield Civic Center/Green Barn, 839 East Commerce Street, Fairfield Texas 75840.

F) Notice. The City Secretary shall order early voting on a Saturday or Sunday by written order in accordance with Section 85.006 (b), (c), Election Code, and unless so ordered, there shall be no early voting on a Saturday or Sunday. The City Secretary shall prepare, publish and post notices in English and in Spanish as required by law, to include the designation of any Saturday or Sunday hours of early voting, if any and any required revisions to the Order of Election; and shall immediately deliver notice of this amended election ordinance and election order to the elections Administrator of Limestone County.

The City Secretary will ensure that all election records for the election are stored and secured during the postponement period. The City Secretary shall promptly post notice on the City's website of the postponement of the election date and will alert local media organizations regarding this change to the election date. The City Secretary will promptly give notice to the Limestone County Elections Administrator regarding the change to the election date.

SECTION 3. FINDINGS OF FACT. The foregoing recitals are adopted as facts and are incorporated fully herein.


SECTION 4. REPEALER AND SEVERABILITY.

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.


SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 5. This Resolution shall be effective immediately upon approval.

RESOLVED this 27th day of March, 2020.


Kenneth D. Hughes, Mayor

ATTEST:


Misty Richardson
City Secretary

ORDER OF ELECTION FOR THE CITY OF FAIRFIELD
MODIFICADA ORDEN DE ELECCION PARA LA CUIDAD DE FAIRFIELD

NOTICE OF GENERAL ELECTION FOR THE CITY OF FAIRFIELD
(ADVISORIO DE ELECCION GENERAL PARA LA CUIDAD DE FAIRFIELD)

To the Registered Voters of Fairfield, Texas (*A los votantes registrados de Fairfield, Texas*):

Notice is hereby given that the general election is postponed and will be held on November 3, 2020, and the following polling places will be open from 7:00 a.m. to 7:00 p.m.:

Las elecciones generales se llevarán a cabo el 3 de Noviembre del 2020 y los siguientes centros de votación estarán abiertos de 7:00 a.m. a 7:00 p.m.:

Fairfield Civic Center/Green Barn
839 East Commerce Street, Fairfield Texas 75840
El Centro de Convenciones de Fairfield/Granero Verde
839 East Commerce Street, Fairfield Texas 75840

Electing the following municipal officers:

Mayor (Alde)

Councilman Place 1 (Concejal Lugar I)

Councilman Place 2 (Concejal Lugar II)

Early voting by personal appearance will be conducted each weekday at the Fairfield Convention Center/Green Barn:

La votación anticipada en persona se llevará a cabo cada día de la semana en el Centro de Convenciones de Fairfield/Granero Verde

839 East Commerce Street, Fairfield Texas 75840

between the hours of 7:00 a.m. and 7:00 p.m. on Monday, October 19, 2020 and Friday, October 30, 2020 and

entre las 7:00 a.m. y las 7:00 p.m. el lunes 19 de octubre de 2020 y el viernes 30 de octubre de 2020 y

between the hours of 8:00 a.m. and 5:00 p.m. beginning on Tuesday, October 20, 2020 through Friday, October 23, 2020 and Monday, October 26, 2020 through Thursday, October 29, 2020.

entre las 8:00 a.m. y las 5:00 p.m. comenzando el martes 20 de octubre de 2020 hasta el viernes 23 de octubre de 2020 y el lunes 26 de octubre de 2020 hasta el jueves 29 de octubre de 2020.

Applications for ballot by mail shall be mailed to:

Las solicitudes de boleta por correo deberán enviarse a:


Misty Richardson
P.O. Box 1149
Fairfield, Texas 75840

Applications for ballots by mail must be received by the City Secretary, Misty Richardson no later than the close of business, October 23, 2020. Please visit the City website at <https://fairfieldtexas.com> for additional information. All single use applications for ballot by mail that are marked annual and all applications for ballot by mail that were submitted for reasons of age or disability that were filed for the May 2, 2020 election will apply for the November 3, 2020. Any application for ballot by mail that was filed for the May 2, 2020 election date based on expected absence from the county will be valid for the November 3, 2020 election.

Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de negocio el día 23 de Octubre del 2020 al Secretario de Ciudad, Misty Richardson. Visite el sitio web <https://fairfieldtexas.com> para abtener información adicional.

Issued this the 27th day of March 2020.

Modificada este día el veintisiete de marzo 2020.


Kenneth D. Hughes, Mayor