

**ORDINANCE NO. 20-012**

**AN ORDINANCE OF THE CITY OF GILMER, TEXAS POSTPONING THE GENERAL ELECTION TO BE HELD ON THE 2<sup>ND</sup> DAY OF MAY, 2020, FOR THE PURPOSE OF ELECTING COUNCILMEMBERS FROM DISTRICT(S) ONE, FOUR AND AT-LARGE FOR TWO-YEAR TERMS IN THE CITY OF GILMER, TEXAS UNTIL THE NOVEMBER 3, 2020, UNIFORM ELECTION DATE; AUTHORIZING EXECUTION OF A JOINT ELECTION CONTRACT FOR THE NOVEMBER 3, 2020, ELECTION; PROVIDING A SEVERABILITY CLAUSE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GILMER, TEXAS:**

**WHEREAS**, the City Council of the City of Gilmer, Texas, by Ordinance No. 20-007, passed and approved on February 11<sup>th</sup>, 2020, did thereby in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of Gilmer, Texas, call for an election to be held on the first Saturday in May, 2020, the same being May 2, 2020, for the purpose of electing members of the City Council for City Council DISTRICT(S) ONE, FOUR AND AT-LARGE FOR TWO-YEAR TERMS

**WHEREAS**, pursuant to Section 418.016 of the Texas Government Code, on March 18, 2020, the Governor of the State of Texas signed a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions that are utilizing the May 2, 2020, uniform election date to postpone their elections to the November 3, 2020, uniform election date; and,

**WHEREAS**, pursuant to the aforesaid proclamation of the Governor, the City Council does by this Ordinance exercise its authority to postpone the General Election ordered for May 2, 2020, for the purpose of electing a City Council Members for City Council District One, Four and At-large for two-year terms.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GILMER, TEXAS:**

Section 1. That the findings set forth in the preamble to this ordinance are hereby approved and adopted.

**Section 2.** That the general election previously ordered for May 2, 2020, for the City of Gilmer, Texas, for the purpose of electing a City Council Member for City Council District One, Four and At-Large for two year terms.

**Section 3.** That the candidate filings for the municipal election for May 2, 2020, for the City of Gilmer, Texas, for the purpose of electing a City Council Member for City Council Voting District One, Four and At-large shall remain valid for the election to be held on November 3, 2020, and that the filing period for candidates will not be re-opened for the election to be held on November 3, 2020.

**Section 4.** That all annual applications for ballot by mail (ABBM) for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the November 3, 2020, election and that ABBMs for voters who submitted ABBMs based on expected absence from the county shall not be valid for the postponed November 3, 2020, election.

**Section 5.** That the voter registration deadline for the November 3, 2020, election is October 5, 2020, the deadline to submit an ABBM is October 23, 2020, and the dates for early voting are October 19, 2020, through October 30, 2020.

**Section 6.** That the City Manager is authorized to negotiate and execute an election contract with Upshur County for the purposes of conducting the postponed election on November 3, 2020.

**Section 7.** That this ordinance does not repeal or supersede Ordinance No. 20-007, passed and approved February 11th, 2020, by the City Council of the City of Gilmer, Texas,

**Section 8.** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

**Section 9.** That the meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

**Section 10.** That this ordinance shall be effective immediately from and after its date of passage and publication as required by law.

PASSED AND APPROVED this the 31<sup>st</sup> day of March, 2020.



Tim Marshall  
Tim Marshall, Mayor

ATTEST:

Maria G. Cisher  
Maria G. Cisher, City Secretary

APPROVED AS TO FORM AND EFFECT:

Michael D. Martin  
Michael D. Martin, City Attorney