

ORDINANCE NO. 2020- 14

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, ORDERING A GENERAL ELECTION ON NOVEMBER 3, 2020, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) ALDERMEN OF THE VILLAGE OF SALADO BOARD OF ALDERMEN; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THE ELECTION; MAKING OTHER PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, CONFLICTING PROVISIONS, GOVERNING LAW, PROPER NOTICE AND OPEN MEETING, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Aldermen of the Village of Salado on January 2, 2020, adopted Ordinance No. 2020-01, ordering a General Election to be held on May 2, 2020, to elect a Mayor and two (2) Aldermen of the Village of Salado Board of Aldermen, and 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 3.004 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 April 6, 2020, the Board of Aldermen approved Ordinance No. 2020-08 moving the date of the General Election from May 2, 2020 to November 3, 2020, for the purpose of electing a Mayor and two (2) Aldermen of the Village of Salado Board of Aldermen; and

**WHEREAS**, the Board of Aldermen has the authority, pursuant to Chapter 271, Texas Election Code, to enter into a joint election agreement with Bell County which is a political subdivision holding elections on the same day in all or part of the same territory; and

**WHEREAS**, this ordinance is in furtherance of the public interest, for the good of government, peace, and order of the Village, and necessary and proper for carrying out the power granted by law to the Village.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:**

### **SECTION 1. FINDINGS OF FACT**

The foregoing recitals are adopted as facts and are incorporated fully herein.

### **SECTION 2. ORDER OF ELECTION**

A General Election (“election”) is hereby ordered to be held on Tuesday, November 3, 2020, at designated polling locations in Bell County, Texas, from the hours of 7:00 a.m. to 7:00 p.m., at which election there shall be elected a Mayor and two (2) Aldermen for the Village of Salado. The Mayor and two (2) Aldermen shall be elected to serve a term of eighteen (18) months.

The election was postponed from May 2, 2020, to November 3, 2020, pursuant to the authority granted to the Village in the disaster proclamation of Governor Greg Abbott issued on March 18, 2020.

This Third Amended Ordinance and Order of Election are adopted pursuant to the Proclamation of Governor Greg Abbott issued March 18, 2020 and the City. 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 Section 3 of this Ordinance.

The candidate filings submitted for the May 2, 2020, 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.

All residents, qualified electors of the Village shall be entitled to vote in the election. Each voter may vote for a Mayor and two (2) Aldermen. The Mayor and two (2) Aldermen candidates receiving the highest number of votes shall be elected.

### **SECTION 3. CONDUCT OF ELECTION**

(A) Joint Election. The election shall be conducted in a joint election by Bell County in accordance with the provisions of the Texas Election Code. A copy of the approved Joint Election Agreement shall be attached and labeled as “Exhibit A” to this Ordinance and incorporated by reference as it is fully set out herein.

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: Early Voting Clerk. The Elections Administrator of Bell County will be conducting the election in accordance with the duties as described in the Joint Election Agreement and in accordance with the Texas Election Code. Melinda Luedecke, Elections Administrator, shall be the Early Voting Clerk for said election.

The voting system and tabulating unit shall be that to be designated by Bell County for receiving and tabulating votes and ballots cast in the elections. The election shall be declared and returns canvassed by the Village of Salado Board of Aldermen.

All single use Applications for Ballot by Mail (ABBMs) 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 Bell County Elections Department; Attention Early Voting Clerk: P.O. Box 1629, Belton, TX, 76513 and received no later than the close of business on Friday, October 23, 2020.

- (C) Presiding Election Judges and Alternate Presiding Election Judges. Judges appointed to serve at said polling places listed in the Joint Elections Agreement shall be those election officials furnished by the Bell County Elections Administrator selected pursuant to the terms of the Joint Election Agreement. The Elections Administrator shall give notice of appointment as required by law.
- (D) Early Voting Ballot Board. The Bell County Elections Administrator shall appoint the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint two or more election clerks, and such judge and clerks shall constitute the Early Voting Ballot Board. All early votes and other votes to be processed in accordance with early voting procedures pursuant to the Texas Election Code shall be delivered to the Bell County Elections Department, P.O. Box 1629, Belton, Texas 76513 in accordance with the Election Code. The Early Voting Ballot Board shall perform its duties in accordance with applicable provisions of the Election Code.
- (E) Early Voting: Polling Places. Early voting for the November 3, 2020, election will be conducted from Monday, October 19, 2020 through Friday, October 30, 2020. Early voting locations will be at the Bell County Courthouse Annex, 550 East 2nd Avenue, Belton; Salado Church of Christ, 217 North Stagecoach, Salado; Bell County Annex, 205 East Central Avenue, Temple; Parks & Recreation Center, 307 Miller's Crossing, Harker Heights; Bell County Courthouse Annex, 304 Priest Drive, Killeen; and Killeen Community Center, 2201 E Veterans Memorial Boulevard, Killeen. Early voting will be conducted at these locations between the hours of 8:00 a.m. and 5:00 p.m. Monday, October 19, 2020 through Friday, October 23, 2020; 7:00 a.m. through 7:00 p.m. Saturday, October 24, 2020; Noon through 5:00 p.m. Sunday, October 25, 2020; 7:00 a.m. through 7:00 p.m. Monday, October 26, 2020, through Friday, October 30, 2020.

- (E) Election Day Voting; Polling Places. Election day voting will be conducted at the designated Bell County polling locations as shown on “Exhibit A” of this Ordinance. The list of polling places is subject to change by the Bell County Elections Administrator.
- (F) Ballots and Election Expenditures Authorized. All ballots shall be prepared in accordance with the Texas Election Code. The ballots shall be printed in both English and Spanish and shall conform to the requirements of the Texas Election Code. Oral bilingual assistance shall be available during the election. The cost of the Election shall be shared proportionately with the other government entities participating in the election as provided in the Joint Election Agreement. All expenditures necessary for the conduct of the election is hereby authorized.
- (G) Custodian of Records. To the extent not otherwise provided in the Joint Election Agreement, City Secretary Cara McPartland is appointed as the Custodian of Records (“Custodian”) to perform duties related to the conduct and maintenance of records of the election as required under the Texas Election Code ending not earlier than the fortieth (40<sup>th</sup>) day after the date of the Election. In particular, the Custodian shall provide applications for candidates, accept applications from candidates for a place on the ballot, determine the order in which names will appear on the ballot for the Mayor and Aldermen positions, and accept and maintain records regarding campaign expenditures that may be filed with the Village.

The Custodian shall maintain an office open for election duties for at least three (3) hours each day, during regular office hours, on regular business days during the period required by the Election Code. The Custodian shall post notice of the location and hours of her office as required by the Election Code.

Notwithstanding the foregoing, pursuant to Sections 66.058 and 271.010 of the Texas Election Code, prior to the Election, the Board of Aldermen shall appoint a Joint Custodian of Records (“Joint Custodian”) for the sole purpose of preserving all voted ballots securely in a locked room in the locked ballot boxes for the period of preservation required by the Election Code.

- (H) Notice. Notice of the election, including a Spanish translation thereof, shall be published at least once in a newspaper published within the territory of the Village of Salado on or before October 26, 2020 and shall be posted on the bulletin board at the Municipal Building on or before October 13, 2020. The City Secretary shall cause the notice of the Election to be published.
- (I) Election Information to be provided in Spanish. Election notices, instructions, orders, ballots, and other written material pertaining to the Election shall be translated into and furnished to voters in both the English and the Spanish language.

**SECTION 4.** The election shall be held under, and in accordance with the laws of the State of Texas.

**SECTION 5. SEVERABILITY.** If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance and the application of such provision to other persons and circumstances shall remain valid and in full force and effect, and the Board of Aldermen hereby declares that this Ordinance would have been enacted without such invalid provision.

**SECTION 6. CONFLICTING PROVISIONS.** All orders and resolutions, or parts thereof, which 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 Order shall be and remain controlling as to the matters ordered herein.

**SECTION 7. GOVERNING LAW.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

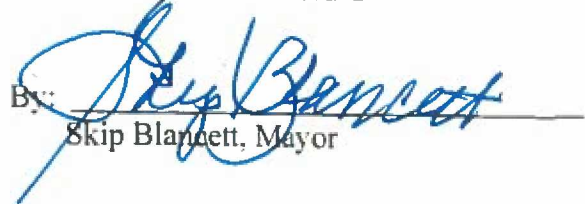
**SECTION 8. PROPER NOTICE AND OPEN MEETING.** It is hereby officially found and determined that the meeting at which this Ordinance was acted upon was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 9. AUTHORIZATION TO EXECUTE.** The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the Board; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

**SECTION 10. EFFECTIVE DATE.** This Ordinance is effective immediately upon its passage and approval.

**PASSED AND APPROVED** by the Village of Salado Board of Aldermen on July 16, 2020, by a vote of 4 (Ayes) and 0 (Nays) and 0 (Abstentions).

VILLAGE OF SALADO

By:   
Skip Blarzett, Mayor

ATTEST:

Cara McPartland  
Cara Mc Partland, City Secretary

(SEAL)

APPROVED AS TO FORM:



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City Attorney