

YOLANDA FORD
Mayor

VASHAUNDRA EDWARDS
Councilmember at Large Position No. 1

CHRIS PRESTON
Mayor Pro Tem
Councilmember at Large Position No. 2



CHERYL STERLING
Councilmember District A

JEFFREY L. BONEY
Councilmember District B

ANTHONY G. MAROULIS
Councilmember District C

FLOYD EMERY
Councilmember District D

CITY COUNCIL SPECIAL MEETING AGENDA

Notice is hereby given of a Special City Council Meeting to be held on **Monday, March 30, 2020, at 6:00 p.m.** at: **City Hall, Council Chamber, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas, 77489, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

NOTICE REGARDING PUBLIC PARTICIPATION

Due to the COVID 19 Disaster and the Center for Disease Control's recommendation regarding social distancing measures, the public will not be allowed to be physically present at this meeting.

The meeting will be available to members of the public and allow for two-way communications for those desiring to participate. Any person interested in speaking on any item on the agenda must notify the City by one of the following methods **before 4:00 p.m. on the day of the City Council meeting**:

1. Email or call the City Secretary at CSO@missouricitytx.gov or 281-403-8686; or,
2. Submit a "Public Comment Form" to the City Secretary from the following webpage: <https://bit.ly/39pw73Q>.

The request must include the speaker's name, address, email address, phone number and the agenda item number.

To livestream the meeting, the public may access the following link:
<https://www.missouricitytx.gov/780/MCTV>.

To access the meeting agenda packet in PDF format, the public may access the following link:
<https://www.missouricitytx.gov/407/City-Council>.

1. CALL TO ORDER

2. DISCUSSION/POSSIBLE ACTION

- (a) Discuss the Fiscal Year 2019 Comprehensive Annual Financial Report (CAFR).
- (b) Discuss the proposed Fiscal Year 2021 budget calendar.
- (c) Discuss the procurement of executive search firm services for the position of the city manager.
- (d) Consider and discuss the postponement of the May 2, 2020 election date to the November 3, 2020 uniform election date, as provided for by a Proclamation issued by the Governor of

Texas suspending certain provisions of the Texas Election Code as a result of the Coronavirus Disease 2019 (COVID-19) Pandemic.

3. CLOSED EXECUTIVE SESSION

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Title 5, Chapter 551 of the Texas Government Code.

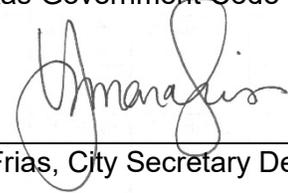
4. RECONVENE into Special Session and consider action, if any, on items discussed in Executive Session.

5. ADJOURN

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Maria Jackson, City Secretary, at 281.403.8686.

CERTIFICATION

I certify that a copy of the March 30, 2020, agenda of items to be considered by City Council was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on March 27, 2020, at 4:00 p.m.



Yomara Frias, City Secretary Department



CITY COUNCIL AGENDA ITEM COVER MEMO

March 30, 2020

To: Mayor and City Council
Agenda Item: 2(a) Consider accepting the Fiscal Year 2019 Comprehensive Annual Financial Report (CAFR).
Submitted by: Allena J. Portis, Director of Financial Services

SYNOPSIS

The audit report for the period ended September 30, 2019 was presented to the Finances & Services Committee on March 26, 2020. Weaver and Tidwell performed the audit and issued an unmodified opinion on the City's financial statements.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Maintain a financially sound City

BACKGROUND

The City Charter requires that at the close of each fiscal year the council shall cause an independent audit to be made of all accounts of the city by an independent certified public accountant and upon completion of the audit, the results shall be placed on file in the city secretary's office as a public record.

Local Government Code Section 103.001 also requires municipalities to have its records and accounts audited annually and have an annual financial statements prepared based on the audit. The code requires that the annual financial statement, including the auditor's opinion on the statement, be filed as a public record in the office of the City Secretary within 180 days after the last day of the municipality's fiscal year. We have complied with this requirement and filed the report with the City Secretary by the deadline for the FY 2019 report, March 28, 2020.

Weaver and Tidwell performed the audit for the period ended September 30, 2019 and issued an unqualified opinion on the city's financial statements. Interim audit work was performed during the month of September 2019 and the year-end audit field work was performed in January and February 2020. The audit report was presented to the Finances & Services Committee for their review on March 26, 2020.

BUDGET/FISCAL ANALYSIS

Purchasing Review: N/A
Financial/Budget Review: N/A

Note: Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

SUPPORTING MATERIALS

1. Comprehensive Annual Financial Report (*Forthcoming*)

STAFF'S RECOMMENDATION

Accept the Fiscal Year 2019 Comprehensive Annual Financial Report (CAFR).

Director Approval: **Allena J. Portis, CPA**

**Interim City Manager
Approval:** **Bill Atkinson**



CITY COUNCIL AGENDA ITEM COVER MEMO

March 30, 2020

To: Mayor and City Council
Agenda Item: 2(b) Discuss the FY 2021 Budget Calendar
Submitted by: Allena J. Portis, Director of Financial Services

SYNOPSIS

The preparation of the annual operating budget is a cooperative effort among City Council, the City Manager, staff and stakeholders. To ensure seamless coordination of efforts, it is necessary to set forth guidelines for budget development at the beginning of the budget preparation cycle. One step in the planning process is developing the budget calendar. Staff has completed the FY 2021 Budget Calendar and are proposing specific dates for various budget workshops to be held with City Council.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Maintain a financially sound City

BACKGROUND

The budget cycle consists of four phases: preparation, approval, execution and audit. The preparation phase begins with preparing a budget calendar that outlines all of the activities, deadlines, and meetings. The preparation phase ends with a recommended budget being assembled. This recommended budget becomes a legally binding document upon passage by the City Council. Prior to completing the recommended budget, it is important to receive the input of City Council. Thus, staff is recommending a series of budget workshops to be held the evenings of June 22- 24, 2020. During these workshops, City Council will be briefed on the various issues in the budget and receive your feedback prior to its formal presentation scheduled for August 3, 2020. Holding and participating in these workshop sessions will ensure that when the budget is formally presented, passage would be easier since Council had the opportunity to discuss and provide input prior to its presentation.

BUDGET/FISCAL ANALYSIS

Purchasing Review: N/A
Financial/Budget Review: N/A

SUPPORTING MATERIALS

1. Proposed FY 20201 Budget Calendar

STAFF'S RECOMMENDATION

Staff recommends approval of dates for City Council workshops related to the FY 2021 budget.

Director Approval: Allena J. Portis, Director of Financial Services

Interim City Manager Approval: Bill Atkinson



**Fiscal Year 2021 Council Budget Calendar
As of March 10, 2020**

| Line Item | Event Type | Events | Month (01-12) | Day | Year | Notes |
|-----------|-------------|--|---------------|----------------|------|---|
| 1 | CM/Council | Community Engagement Town Hall Meeting District B-Councilmember Boney | TBD | TBD | 2020 | Kelly to provide dates once confirmed |
| 2 | CM/Council | Community Engagement Town Hall Meeting District C-Councilmember Maroulis | TBD | TBD | 2020 | Kelly to provide dates once confirmed |
| 3 | CM/Council | Community Engagement Town Hall Meeting District D-Councilmember Emery | TBD | TBD | 2020 | Kelly to provide dates once confirmed |
| 4 | Budget | Develop instructions, forms and Budget Preparation Manual for FY 2021 Budget | 02-February | 17-28 | 2020 | Deliver at Budget Workshop in April |
| 5 | Budget/CIP | City Engineer Office coordinates CIP Kickoff Email | 03-March | 16 | 2020 | |
| 6 | Budget | Departmental Narrative Reviews Notice sent out | 03-March | 16 | 2020 | Financial Services to coordinate |
| 8 | Budget | Budget Kick-off meeting: Directors, Managers or Representatives | 04-April | 14 | 2020 | Departments receive budget instructions on development of their FY 2021 budgets and Munis training (1 session in am; 1 session in pm; additional sessions or one-on-one training upon request |
| 9 | Budget | Council Policy & Budget Work Session; Hockenyos Forecast & State of the Economy | 04-April | 20 | 2020 | Allena to coordinate with Hockenyos |
| 7 | CM/Council | Community Engagement Town Hall Meeting District A-Councilmember Sterling | 04-April | 25 | 2020 | Kelly to provide dates once confirmed |
| 10 | Budget | Appraiser provides estimate of taxable value of property | 04-April | 30 | 2020 | |
| 11 | | <i>Preliminary Tax Rolls, Citizen Survey, Budget Priorities</i> | 05-May | 4 | 2020 | |
| 12 | Budget | Departmental Budget Requests due in Munis | 05-May | 11 | 2020 | |
| 13 | Budget | Revenue Projections due to Budget Team | 05-May | 11 | 2020 | Revenue entered in MUNIS by Budget Team |
| 14 | Budget | Budget Team review departmental budget submissions | 05-May | 13-18 | 2020 | Review with CFO |
| 15 | Budget/Comm | Youth Town Hall | TBD | TBD | 2020 | To be schedule May or early June; Communications to follow-up with date |
| 16 | Budget/Comm | Clergy Annual Roundtable | TBD | TBD | 2020 | Communications to coordinate. |
| 17 | Budget | Finalize preliminary General Fund and Debt Service Fund revenue estimates | 06-June | 7 | 2020 | City Manager receives update on revenue and determines what request can be funded by priority |
| 18 | Budget | City Manager Budget Reviews with departments | 06-June | 8-10 and 17-18 | 2020 | CM meets with Depts to review and discuss budget. |
| 19 | Budget | TIRZs budgets submitted to Boards for approval | 06-June | TBD | 2020 | Schedule meeting with each TIRZ Board to review budget; Approved Budget included in City's Proposed FY 2021 Budget |
| 20 | Budget | Missouri City Development Authority (MCDA) and PIDs budgets submitted to Board of Directors for approval | 06-June | 10 | 2020 | Approved Budget included in City's Proposed FY 2021 Budget |
| 21 | Budget/CIP | Meeting with Finances & Services Committee on CIP (CM, ACMs & CFO) | 06-June | 11 | 2020 | Overview and recap of CIP |
| 22 | Budget/CIP | CM reviews list of CIP Projects with City Council | 06-June | 15 | 2020 | |
| 23 | Budget | Presentation of FY 2021 Budget Overview | 06-June | 15 | 2020 | High-level Overview - Special Council meeting |
| 24 | Budget | Discussion on Council Budget Work Sessions and required budget and tax public hearings | 06-June | 15 | 2020 | |
| 25 | | <i>Tentative Budget Workshops</i> | 06-June | 22-24 | 2020 | Public Safety, Internal, External |
| 26 | Budget | Receipt of Certified Tax Roll from Fort Bend County Appraisal District | 07-July | 24 | 2020 | Tentative |
| 27 | Budget | Last revision of estimated revenues and expenditures | 07-July | 27 | 2020 | City Manager final review to determine adjustments to requests by priority; Janet to schedule meeting with CM, ACM, CFO & Budget Team |



Fiscal Year 2021 Council Budget Calendar
As of March 10, 2020

| Line Item | Event Type | Events | Month (01-12) | Day | Year | Notes |
|-----------|-----------------|---|---------------|-----|------|---|
| 28 | Budget | City Manager submits FY 2021 Proposed Budget to City Council; File with the City Secretary and posts Proposed Budget on the website. | 07-July | 31 | 2020 | Tax Code Section 26.5 If the proposed tax rate exceeds the no-new-revenue tax rate and the voter-approval tax rate , an election is required so that the voters may accept or reject the proposed tax rate; adoption no later than the 71st day before the next uniform election date which occurs November 3, 2020. |
| 29 | CM/Council | Community Town Hall (All Segments of the Community) | TBD | TBD | 2020 | Communications to coordinate. |
| 30 | Budget | LGC submits budget to Board of Directors for approval | 08-August | 3 | 2020 | Approved Budget included in City's Proposed FY 2021 Budget |
| 31 | Budget | Presentation of the Certified Tax Rolls and the Proposed FY 2021 Budget. | 08-August | 3 | 2020 | Discussion of Proposed Budget (High-level) and Certified Tax Roll with Council. Special Meeting to start at 4pm |
| 32 | Budget | Council to discuss and set proposed Maximum Tax Rate | 08-August | 3 | 2020 | |
| 33 | Budget/Tax Rate | Fort Bend County and Harris County Appraisal Districts must deliver to owners of property a notice of estimated amount of taxes to be imposed by August 7 or soon thereafter; Can hold public hearing 5th day after this notice if proposed tax rate exceeds the lower of the voter-approval tax rate or the no-new-revenue tax rate. | 08-August | 7 | 2020 | Section 26.04(e-2); earliest for Public Notice on Proposed Tax Rate August 12, 2020. |
| 34 | Budget | City Council Budget Work Session | 08-August | 10 | 2020 | Work Session on submitted detailed Proposed FY 2021 budget (Special Meeting) |
| 35 | Budget/Tax Rate | Tax Rate Hearing - If proposed tax rate exceeds the lower of the voter-approval tax rate or the no-new-revenue tax rate. | 08-August | 17 | 2020 | 26.05 (d-1) No sooner than the fifth day after the date the chief appraiser of each appraisal (1) delivered the notice required by Section 26.01 (e-2); and (2) complied with Section 26.17 (f). |
| 36 | Budget | Budget Public Hearing on the approval and adoption of the FY 2021 Budget | 08-August | 17 | 2020 | LGC 102.006 Must occur after the 15th day after the date the proposed budget is filed with the City Secretary. |
| 37 | Budget | City Council considers adoption of FY 2021 Budget on First Reading (requires a majority vote) | 08-August | 17 | 2020 | LGC 102.007 Council can adopt budget at conclusion of public hearing; must be a record vote. |
| 38 | Budget/Tax Rate | Adoption of Tax Rate | 08-August | 17 | 2020 | |



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

March 30, 2020

To: Mayor and City Council
Agenda Item: 2(c) City Manager Executive Search Firm.
Submitted by: Martin Russell, Director of Human Resources

SYNOPSIS

This report provides an update from the March 16, 2020 City Council Special meeting.

STRATEGIC PLAN 2020 GOALS ADDRESSED

- Develop a high performing City team.

BACKGROUND

During the March 16, 2020 City Council Special meeting, Council approved moving forward in the hiring of an Executive Search Firm, for the open City Manager position. This presentation provides an update on the process moving forward.

BUDGET/FISCAL ANALYSIS

Purchasing Review: N/A
Financial/Budget Review: N/A

Note: Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

SUPPORTING MATERIALS

1. PowerPoint Presentation

STAFF'S RECOMMENDATION

Staff recommendation – Select the top 3 Executive Search Firms to present their proposals to Council.

Director Approval: Martin Russell, Director of Human Resources

City Manager Recruitment Update 03-30-2020

Martin Russell, Director of Human Resources and
Organizational Development



Process

- ❖ **Request For Proposals (RFP) was sent out 3-2-2020 to Executive Search Firms**
 - ❖ Deadline 3-24-2020 to respond to request
 - ❖ City Council was given the opportunity to review proposals



Review of Executive Search Firms

- ❖ **Once Review of Executive Search Firms is Complete**
 - ❖ Council will select top three Firms to present their proposal to City Council
 - ❖ Council will vote on the Firm to represent City Executive search – date TBD
 - ❖ Firm will provide Council with timelines of the process to select City Manager



Selection of a Executive Search Firm

- ❖ **Costs and benefits when deciding what firm to select.**
 - ❖ Scope of services
 - ❖ Resources



Staff Recommendation

Select the top 3 Executive Search Firms to present their proposals to City Council.



Questions?





CITY COUNCIL AGENDA ITEM COVER MEMO

March 30, 2020

To: Mayor and City Council

Agenda Item: 2(d) Consider and discuss the postponement of the May 2, 2020 election date to the November 3, 2020 uniform election date, as provided for by a Proclamation issued by the Governor of Texas suspending certain provisions of the Texas Election Code as a result of the Coronavirus Disease 2019 (COVID-19) Pandemic.

Submitted by: Maria Jackson, City Secretary

SYNOPSIS

Consider and discuss the postponement of the May 2, 2020 election date to the November 3, 2020 uniform election date, as provided for by a Proclamation issued by the Governor of Texas suspending certain provisions of the Texas Election Code as a result of the Coronavirus Disease 2019 (COVID-19) Pandemic.

BACKGROUND

Mayor Ford requested to discuss the postponement of the May 2, 2020 election date to the November 3, 2020 uniform election date. City Council called a Special Election to be conducted on May 2, 2020 during the February 3, 2020, regular City Council meeting.

Due to concerns regarding COVID-19, Texas Governor Gregg Abbott issued an advisory on March 18, 2020 suspending certain provisions of the Texas Election Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to consider an alternate uniform date for the election. Please be advised that a postponement of the City's election does not happen automatically; the governing body of the political subdivision **MUST** take an official action for such a change to be effective.

At this time, the City Council of Missouri City has not considered or approved the joint election contract with Fort Bend County for election services. Should City Council recommend that an ordinance be placed on a future regular City Council meeting agenda to move the City's special election from May to November, the City Council need not consider approval of the joint election contract for the May 2020 election as the Fort Bend County Elections Administrator confirmed that costs for the November 2020 election would incorporate a special election.

No action is needed by City Council should Council choose to stay with the May 2, 2020 election date. City Council should be made aware that at this time, Fort Bend ISD, Meadows Place, Rosenberg, and a few other entities have moved their May election to November. As such, the City would need to anticipate election costs to at least double, if the City moves forward with the May special election.

As of the week of March 23, 2020, the Fort Bend County Elections Administrator stated mailed ballots should have gone out to voters who have applied for them. Once they know of the City's decision, it will take several days to redesign the ballot, code, test and mail ballots. And, they will also have to find workers who are willing to man the Early Voting and Election Day sites and train them on new equipment, since they have cancelled all of their assembled poll worker classes due the health crises. Right now, the County is under as stay at home order, so they cannot bring workers in for training. Assuming the order is lifted on April 3, they could begin training that week, if workers are willing to come in for training.

BUDGET/FISCAL ANALYSIS

| Funding Source | Account Number | Project Code/Name | FY 2020 Funds Budgeted | FY 2020 Funds Available | Amount Requested |
|----------------|------------------|-------------------|------------------------|-------------------------|------------------|
| General Fund | 101-53511-10-102 | Election Expense | \$60,200 | \$43,704 | \$25,739* |

*Estimated costs

*The City should anticipate election costs to (at least) double, if the City moves forward with the May special election.

Purchasing Review: N/A

Financial/Budget Review: Bertha P. Alexander, Budget & Financial Reporting Manager

SUPPORTING MATERIALS

1. Ordinance No. O-20-03: Calling for A Special Election on May 2, 2020
2. March 18, 2020: MASS EMAIL ADVISORY - (CSO-3492) - Advisory 2020-12- Actions for May 2, 2020 Uniform Election (COVID-19)
 - Proclamation
 - Advisory 2020-12 – Actions for May 2, 2020 Uniform Election Date
3. March 18, 2020: Texas Ethics Commission Letter
4. March 19, 2020: MASS EMAIL ADVISORY - (CC/EA/VR -700) - Questions regarding Advisory 2020-12- Actions for May 2, 2020
5. March 24, 2020: Mass Email Advisory - Update to COVID-19 Election Procedures

STAFF'S RECOMMENDATION

Consider and discuss the postponement of the May 2, 2020 election date to the November 3, 2020 uniform election date, as provided for by a Proclamation issued by the Governor of Texas suspending certain provisions of the Texas Election Code as a result of the Coronavirus Disease 2019 (COVID-19) Pandemic.

ORDINANCE NO. O-20-03

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MISSOURI CITY A PROPOSITION PROVIDING FOR OR AGAINST THE ADOPTION OF THE FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE LAW; PROVIDING FOR A JOINT ELECTION ON MAY 2, 2020, WITH OTHER ENTITIES CONTRACTING WITH FORT BEND COUNTY FOR SUCH JOINT ELECTION; PROVIDING FOR ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, Section 143.004 of the Texas Local Government Code requires the governing body of a municipality to order an election submitting to the voters the question of whether Chapter 143 of the Texas Local Government Code, the firefighter' and police officers' civil service law ("Chapter 143"), should be adopted if the governing body of the municipality receives a petition on said matter that is signed by at least 10 percent of the qualified voters who voted in the most recent municipal election; and

WHEREAS, on or about January 21, 2020, the City Secretary of the City of Missouri City ("City Secretary") received a petition requesting the adoption of Chapter 143 (the "Petition"); and

WHEREAS, on or about January 28, 2020, the City Secretary notified the petitioner as to the sufficiency of the Petition in accordance with Section 277.0023 of the Texas Election Code; and

WHEREAS, pursuant to Chapter 143, the Petition has been signed by at least 10 percent of the qualified voters who voted in the most recent municipal election; and

WHEREAS, pursuant to Chapter 143, the City Council of the City of Missouri City, Texas (the "City") is required to hold an election in the City for the purpose of submitting to the qualified voters of the City a proposition providing for or against the adoption of Chapter 143; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. *Election order.* A special municipal election is hereby called and ordered for the 2nd day of May, 2020 ("Election Day"), at which election shall be

submitted to the qualified voters of the City of Missouri City, Texas, for their action thereon, a proposition for or against the adoption of the fire fighters' and police officers' civil service law. Said election shall be held in accordance with the Texas Election Code.

Section 2. *Ballot language.* That the ballot of said election shall conform to the requirements of the Texas Local Government Code, as such code may be amended, and the Texas Election Code, as such code may be amended, with the provision on such ballot allowing voters to vote "FOR" or "AGAINST" the proposition. Such proposition, lettered, in accordance with Section 52.095 of the Texas Election Code, shall provide as follows:

CITY OF MISSOURI CITY, TEXAS, PROPOSITION A

Adoption of the fire fighters' and police officers' civil service law.

Section 3. *Election administrators.* For the special election called and ordered for the purpose of submitting to the qualified voters of the City of Missouri City, Texas, a proposition for or against the adoption of the fire fighters' and police officers' civil service law, the Fort Bend County Elections Administrator shall act as Contracting Officer. The election officials in Fort Bend County shall be designated by the Elections Administrator of Fort Bend County; and such election officials shall conduct the City's special election in accordance with the "Fort Bend County Joint Election Agreement and Contract." The Elections Administrator of Fort Bend County is hereby authorized and instructed to provide and furnish all necessary election supplies for all City of Missouri City precincts. The official mailing address of the Elections Administrator is 301 Jackson Street, Richmond, Texas 77469; and the physical address is 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471.

Section 4. *Election Day polling places and precincts.* The polling places for voting on Election Day for each City election precinct shall be at the locations designated by Fort Bend County as countywide polling places and as set forth in Exhibit A, attached hereto and made a part hereof. Exhibit A may be modified to include additional or different locations designated by the Fort Bend County Elections Administrator and to conform to the Fort Bend County Joint Election Agreement and Contract.

Section 5. *Election Day schedule.* Each polling place on Election Day shall be open from 7:00 a.m. to 7:00 p.m.

Section 6. *Early voting polling places and schedule.* Early voting by personal appearance for each City election precinct shall be at the locations, dates, and times as set forth in Exhibit B, attached hereto and made a part hereof. Exhibit B may be modified to include additional or different early voting locations, dates, and times designated by the Fort Bend County Elections Administrator and to conform to the Fort Bend County Joint Election Agreement and Contract.

Section 7. *Method of voting.* Voting at the election, including early voting by personal appearance, shall be by use of the electronic voting system designated by the contracting entity and approved by the Texas Secretary of State. Early voting by mail shall be by paper ballot processed by an Early Voting Ballot Board through an electronic voting system designated by the contracting entity and approved by the Texas Secretary of State.

Section 8. *Early voting.* The Fort Bend County Elections Administrator is hereby designated as the Early Voting Clerk. An application for a voting ballot to be voted by mail shall be mailed to: Fort Bend County Elections Administrator, 301 Jackson Street, Richmond, Texas 77469; personally delivered to: 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471; faxed to: 281-341-4418 or emailed to: vote@fortbendcountytexas.gov. If mailed, faxed, or sent by email or common carrier, an application for a voting ballot to be voted by mail must be received no later than Monday, April 20, 2020.

Section 9. *Notice of changes.* The City Secretary shall provide notice of the election in accordance with state law and shall provide notice of any modifications to Exhibits A and B on the City's internet website.

Section 10. *Canvassing.* The results of the election shall be canvassed and the returns shall be declared in accordance with state law.

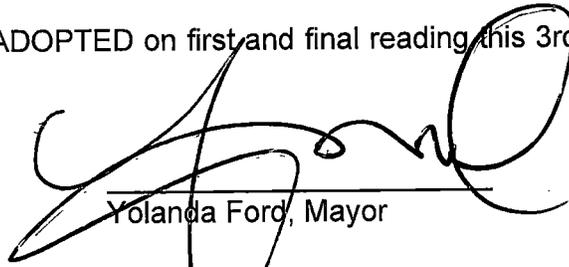
Section 11. *Open meeting.* It is further found and determined that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 12. *Repeal.* Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 13. *Severability.* That if any section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid or adjudged unconstitutional

by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various portions and provisions of this ordinance are declared to be severable; and the City Council of the City of Missouri City, Texas, declares it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

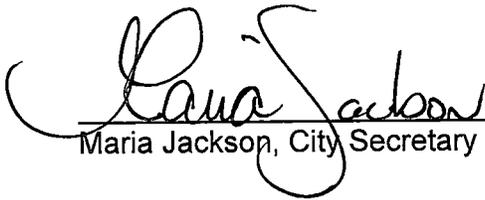
PASSED, APPROVED, AND ADOPTED on first and final reading this 3rd day of February, 2020.



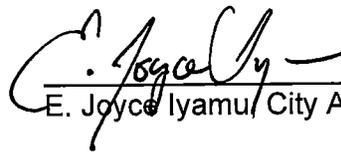
Yolanda Ford, Mayor

ATTEST:

Approved as to form:



Maria Jackson, City Secretary



E. Joyce Iyamu, City Attorney



Election Day Vote Centers May 2, 2020 Joint Election

Eligible Missouri City voters residing in Fort Bend County:

Missouri City Precinct No. 1: Those portions of Fort Bend County election Precinct Nos. 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065, and 4127 located within the City.

Those portions of Fort Bend County Precincts Nos. 1097, 1118, 2088, and 4044 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

Eligible Missouri City voters residing in Harris County:

Missouri City Precinct No. 2: That portion of Harris County election Precinct No. 506 located within the City.

The portion of Harris County Precinct No. 0337 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

Precinct 1 and Precinct 2 polling places shall be the polling places set forth in the agreement to be entered into between the City of Missouri City and Fort Bend County for election services.

Early Voting Schedule May 2, 2020 Joint Election

Eligible Missouri City voters residing in Fort Bend County:

Missouri City Precinct No. 1: Those portions of Fort Bend County election Precinct Nos. 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065, and 4127 located within the City.

Those portions of Fort Bend County Precincts Nos. 1097, 1118, 2088, and 4044 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

Eligible Missouri City voters residing in Harris County:

Missouri City Precinct No. 2: That portion of Harris County election Precinct No. 506 located within the City.

The portion of Harris County Precinct No. 0337 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

Precinct 1 and Precinct 2 polling places shall be the polling places set forth in the agreement to be entered into between the City of Missouri City and Fort Bend County for election services.

From: [Elections Internet](#)
To: [Elections Internet](#)
Subject: MASS EMAIL ADVISORY - (CSO-3492) - Advisory 2020-12- Actions for May 2, 2020 Uniform Election (COVID-19)
Date: Wednesday, March 18, 2020 11:13:23 AM
Attachments: [image001.png](#)
Sensitivity: Personal

CAUTION: This email originated from outside of the City of Missouri City organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Election Officials:

Pursuant to a [proclamation](#) issued earlier today, Governor Greg Abbott has authorized all political subdivisions holding general or special elections on May 2, 2020 to postpone their election to the November 3, 2020 uniform election date. Please be advised that a postponement of your election does not happen automatically; the governing body of the political subdivision **MUST** take an official action for such a change to be effective.

Today, our office has issued [Advisory 2020-12 – Actions for May 2, 2020 Uniform Election Date](#), providing guidance to political subdivisions seeking to move their May 2, 2020 election date in accordance with the Governor’s proclamation.

We are in the middle of a public health crisis that is rapidly changing. Through this crisis, our primary concern is the health and safety of voters, election workers, and our local election officials. As the situation progresses, we stand ready to provide additional guidance regarding the upcoming elections. In the meantime, please continue to send us your questions so that we can revise and update our materials and guidance as necessary.

Please let us know if you have any additional questions or concerns. This advisory and other resources can be found on your [Conducting Elections](#) pages.

Thank you for all that you do for Texas elections.

Christina Worrell Adkins

Legal Director – Elections Division

Office of the Texas Secretary of State

1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701

1.800.252.VOTE (8683)

elections@sos.texas.gov | www.sos.texas.gov

For Voter Related Information, please visit:



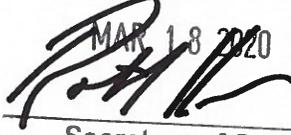
The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.



GOVERNOR GREG ABBOTT

March 18, 2020

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM 'CLOCK
MAR 18 2020

Secretary of State

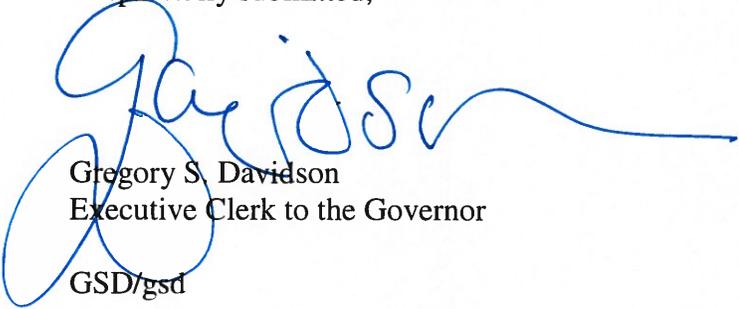
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, Section 41.001(a)(2) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on May 2, 2020; and

WHEREAS, Section 49.103 of the Texas Water Code provides that certain districts governed by this provision are required to hold director elections in May of each even-numbered year; and

WHEREAS, Section 41.0052 of the Texas Election Code prescribes a procedure for a political subdivision to change a general election date, but the time for making such a change has expired; and

WHEREAS, Section 31.093 of the Texas Election Code requires a county elections administrator to enter into a contract to furnish election services upon request of a political subdivision; and

WHEREAS, Section 42.0621(c) of the Texas Election Code does not require a political subdivision to enter into a contract with a county or hold a joint election with a county on the November uniform election date; 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.

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby suspend Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office. I further suspend Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

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 this proclamation.

Current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution.

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00AM O'CLOCK

MAR 18 2020



IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 18th day of March, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor of Texas

ATTESTED BY:

A handwritten signature in black ink that reads "Ruth R. Hughs".

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00AM O'CLOCK

MAR 18 2020

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov



Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Ruth R. Hughs
Secretary of State

ELECTION ADVISORY

NO. 2020-12

TO: Election Officials

FROM: Keith Ingram, Director of Elections 

DATE: March 18, 2020

RE: Actions for May 2, 2020 Uniform Election Date

The purpose of this advisory is to provide guidance to local political subdivisions regarding their options for any general or special elections that have been ordered for the May 2, 2020 uniform election date. Pursuant to Section 418.016 of the Texas Government Code, the Governor has issued 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 election to the November 3, 2020 uniform election date. Pursuant to Texas Election Code 31.003 and 31.004, our office has issued the following guidelines for entities that choose to exercise this authority and postpone their election to the November uniform election date.

Effect of Postponement of Election

- **Candidate Filings:** By postponing their election date, the political subdivision is preserving all candidate filings and ballot order actions that have already been taken. The postponement does **not** have the effect of reopening candidate filings.
 - **Deadlines related to Candidate Filings, Declarations of Ineligibility, Withdrawals or Death:** The deadlines that apply to the November 3, 2020 election would apply to all candidates who are currently on the ballot for the May 2, 2020 election.
- **Ballot By Mail Requests:** All applications for a ballot by mail (ABBM) that were filed for the May 2, 2020 election that are marked annual would apply for the November 3, 2020 election. All single use ABBMs that were submitted for reasons of age or disability would still be valid for the November 3, 2020 election. If a single use ABBM was submitted and indicated the reason for voting by mail was due to absence from the county, this ABBM would not be valid as the applicable election date has changed. However, we would recommend that the political subdivision send a letter to these voters along with a new ABBM in case the circumstances

surrounding their absence from the county are still valid or the voter is otherwise eligible to vote by mail.

- **Ballots by Mail:** If a political subdivision has already sent out mail ballots, those mail ballots that are returned would still be valid for the November 3, 2020 postponed election date.
- **Election Records:** All records, including candidate filings, applications to vote by mail, ballot proofs, and printed ballots shall be retained and preserved.
 - **Printed Ballots:** If your ballots have already been printed up, you may be able to reuse them for November. However, if you must change your ballot to reflect any corrections or changes that occur between now and November, you would treat the original ballots as you would in a traditional ballot correction and those ballots should be destroyed in accordance with Section 52.0064 of the Texas Election Code.
- **Requirement to use County Election Precincts in November 2020:** Per Section 42.002 of the Texas Election Code, county election precincts are required for all elections occurring in November 2020. You will need to work with your county election officer to determine whether you need to make any modifications to your ballot in light of this requirement.
- **Requirement for County Election Officer to contract with Local Political Subdivisions:** All county election officers are required to contract with local political subdivisions that postponed their May 2, 2020 election and that request a contract for election services or a joint election agreement with their county election officer pursuant to the Governor's suspension of certain Texas Election Code provisions.
- **Office Hours:** The relevant dates for maintaining office hours for election purposes will be based on the November uniform election date rather than the May election date. Under Section 31.122 of the Texas Election Code, those office hours will need to be maintained for at least three hours each day, during regular office hours, on regular business days between September 14, 2020 and December 13, 2020. However, these entities should post contact information for individuals to contact their office about election-related issues during the timeframe that those offices may be closed over the coming months.
- **Holdovers in Public Office:** Under Art. XVI, Sec. 17 of the Texas Constitution, the individuals who currently hold public offices that are scheduled to be on the ballot on the May uniform election date will continue to exercise the duties of those offices until the new officers take their oaths of office, following the November uniform election date.
- **Campaign Finance Filings:** Please contact the Texas Ethics Commission for further guidance on how these modified timelines will affect any campaign finance reporting requirements. Their office can be reached at (512) 463-5800.
- **Candidates on the ballot in both May and November:** For candidates that may be running for two offices (one normally occurring in May and one normally occurring in November), these candidates will not be removed from the ballot as they are separate elections that are normally not occurring on the same date.

Required Action by Governing Body to Move Election Date

In order to utilize this move, the governing body of the political subdivisions holding the elections must **order** the postponement of their election to the November 3, 2020 uniform election date. The order for this official action should contain the following items:

1. A reference to the proclamation that authorizes the entity to postpone their election date, and the fact that the political subdivision is exercising this authority.
2. Confirmation that the candidate filings for the election will remain valid for the election held on the November date and that the filing period will not be re-opened for the November election date.
3. Confirmation that all ABBMs 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 postponed election, and that ABBMs for voters who submitted ABBMs based on expected absence from the county would not be valid for the postponed election.
4. The major relevant dates for the November election, including the voter registration deadline (October 5, 2020), the deadline to submit an ABBM (October 23, 2020), and the dates for early voting (October 19, 2020 – October 30, 2020).

Necessary Revisions to Order of Election

In addition, the entity will need to meet by August 17, 2020 to make any necessary revisions to the entity's original order of election. Those revisions may include:

1. The change to the date of the election;
2. Any change in location of the main early voting location;
3. Any changes to early voting dates and hours, including weekend early voting;
4. Any changes to the identity of the early voting clerk and their contact information; or
5. Any changes to branch early voting locations.

If you are holding a bond election, you may need to make additional revisions to your order of election for that bond election. If this is the case, we recommend reaching out to your bond counsel for additional guidance.

Securing Election Records

All election records should be stored and secured during the postponement period. This may require your entity to use preservation methods that are similar to the methods you would use during the preservation period after the election has occurred. This includes:

- Storing returned ballots by mail in locked, sealed ballot boxes.
- Securely storing any unused ballots.
- Securely retaining any relevant election records, including candidate applications and ABBMs.

Voting System Equipment

If you are leasing voting system equipment from the county or directly from the vendor, then you may need to contact your vendor or your county regarding any necessary modifications to those lease agreements or to modify your procedures and timelines for receiving that equipment.

Open Meeting Requirements

The Governor has suspended and modified certain open meeting requirements pursuant to his disaster declaration. These changes include allowing the entity to establish procedures for telephonic or videoconferenced meetings of governmental bodies that are accessible to the public.

These procedures must include a process for members of the public to participate and address the governmental body in those meetings, notice to the public on the means of participating remotely, and access to the public for recordings of those meetings.

For more information, please review the applicable [documentation](#) from the Governor's Office or contact the Office of the Attorney General.

Update Official Websites and Notify Media

Any entities that are exercising this authority to postpone their election date must post notice on the entity's website and should alert any local media organizations regarding this change to their election date.

The entity must also provide notice to their county election officer regarding this change, as the county is required to post the entity's notice of election on the county's website no later than the 60th day before the date of the election under Election Code 4.008. If that election date will be changing due to the entity's decision to postpone the election then the entity must provide a revised notice to the county for posting on the county's website.

If you have any questions regarding this advisory, please contact the Elections Division at 1-800-252-2216.

KI:CA:CP

TEXAS ETHICS COMMISSION

P.O. Box 12070, Capitol Station
Austin, Texas 78711-2070

Chad M. Craycraft
Chair

Mary K. "Katie" Kennedy
Vice Chair

Anne Temple Peters
Executive Director



Commissioners

Randall H. Erben
Chris Flood
Patrick W. Mizell
Richard S. Schmidt
Joseph O. Slovacek
Steven D. Wolens

March 18, 2020

To local filing authorities and local filers:

This notice is to provide general guidance to local filing authorities and local filers about campaign finance filings while communities deal with office closures and other disruptions caused by COVID-19.

On March 18, 2020, Governor Greg Abbott issued a proclamation suspending provisions of the Texas Election Code to allow political subdivisions to postpone their 2020 local elections. This means local governments now have the ability to postpone their May 2, 2020, elections to November 3, 2020.

Governor Abbott is encouraging local election officials to take advantage of these waivers and postpone their elections until November. If an election is postponed to November, it will also postpone Texas Ethics Commission filing deadlines associated with that election.

All candidates and political committees (PACs) should verify the election date with the authority holding the election.

If a political subdivision opts to hold local elections on May 2, 2020, the deadlines for campaign finance reports filed by candidates, officeholders, and PACs for races and/or measures on the May 2, 2020, ballots remain the same. The Commission does not have the statutory authority to extend these types of filing deadlines. The 30-day pre-election report for the May 2, 2020, uniform election is due by April 2, 2020. The 8-day pre-election report is due by April 24, 2020. A complete filing schedule for the May 2, 2020, uniform election and the November 3, 2020, uniform election can be found at

<https://www.ethics.state.tx.us/data/filinginfo/schedules/s20uniform.pdf>. The filing schedule for candidates and officeholders at the county-level can be found at <https://www.ethics.state.tx.us/data/filinginfo/schedules/s20county.pdf>.

If your office is closed, it should still be possible for candidates and officeholders to file reports. Even when personal delivery is impossible, a campaign finance report may still be filed by mail, fax, or email. If a filer emails a report, you should retain the email transmitting the report to verify the filing date.

We understand that filers and local filing authorities may encounter difficulties filing and processing campaign finance reports due to COVID-19. If a filer has difficulty meeting the filing deadline, they should document this, and be able to provide that documentation if necessary. The Commission will consider all factors in the event of a sworn complaint.

www.ethics.state.tx.us

(512) 463-5800 • TDD (800) 735-2989
Promoting Public Confidence in Government

From: [Elections Internet](#)
To: [Elections Internet](#)
Subject: MASS EMAIL ADVISORY - (CC/EA/VR -700) - Questions regarding Advisory 2020-12- Actions for May 2, 2020 Uniform Election (COVID-19)
Date: Thursday, March 19, 2020 4:03:38 PM
Attachments: [image001.png](#)
Sensitivity: Personal

CAUTION: This email originated from outside of the City of Missouri City organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Election Officials:

We've received a number of questions related to the Governor's proclamation and Advisory 2020-12 (see email below). We appreciate the questions and would like to provide a few clarifications.

- 1. This is NOT a permanent move.** The Governor's proclamation has the effect of postponing an election, but it is not a permanent move. The result is that your current office holders will be holdovers until the next election occurs. Your newly elected office holders in November will have a shorter term. Their next election will return back to the May date.
- 2. Elections that have been properly cancelled:** If your entity cancelled their May 2, 2020 election, your new officers will still be able to take office after the May 2, 2020 election date. If you cancelled part of your election, you will still let the candidates that were declared elected be sworn in and the remainder of your election will occur in November if you choose to postpone your May election. For those officers that took the oath of office after the May 2, 2020 date, you would not have to place their names in the "unopposed candidates declared elected" box on your ballot in November as these candidates will have already taken office.
- 3. Multi-County Territories:** If your entity is in more than one county, you will be required to use each county's polling places for the November 2020 election. You will also be required to share at least one early voting location in accordance with Section 85.010 of the Texas Election Code.
- 4. Countywide Polling Places (Vote Centers):** If your county utilizes countywide polling places for November 2020, then you will be required to use all polling locations within each county that contains territory for your entity.
- 5. Contracting Issues:** If a contract hasn't been executed between the county elections officer and the local political subdivision, the county does NOT have an obligation to contract in May 2020. If a contract has been executed, then both parties would need to consult with their attorney regarding options for modifying the terms of the contract. Additionally, when you contract with your county in November, this allows you to use a joint ballot, shared election workers, and shared voting system equipment. Political subdivisions will most likely not be required to obtain their own separate voting system equipment or e-pollbooks.

Thank you all for the very thoughtful questions. We appreciate your patience in allowing us time to work through some of your questions. Please let us know if there's anything else you need from us.

Thank you,

Christina Worrell Adkins

Legal Director – Elections Division

Office of the Texas Secretary of State

1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701

1.800.252.VOTE (8683)

elections@sos.texas.gov | www.sos.texas.gov

For Voter Related Information, please visit:



The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

From: Elections Internet

Sent: Wednesday, March 18, 2020 11:16 AM

To: Elections Internet <Elections@sos.texas.gov>

Subject: MASS EMAIL ADVISORY - (CC/EA/VR -700) - Advisory 2020-12- Actions for May 2, 2020 Uniform Election (COVID-19)

Sensitivity: Personal

Dear Election Officials:

Pursuant to a [proclamation](#) issued earlier today, Governor Greg Abbott has authorized all political subdivisions holding general or special elections on May 2, 2020 to postpone their election to the November 3, 2020 uniform election date. Please be advised that a postponement of your election does not happen automatically; the governing body of the political subdivision **MUST** take an official action for such a change to be effective.

Today, our office has issued the attached [Advisory 2020-12 – Actions for May 2, 2020 Uniform Election Date](#), providing guidance to political subdivisions seeking to move their May 2, 2020 election date in accordance with the Governor’s proclamation.

We are in the middle of a public health crisis that is rapidly changing. Through this crisis, our primary concern is the health and safety of voters, election workers, and our local election officials. As the situation progresses, we stand ready to provide additional guidance regarding the upcoming

elections. In the meantime, please continue to send us your questions so that we can revise and update our materials and guidance as necessary.

Please let us know if you have any additional questions or concerns. When posted, the attached advisory will be available on your [Conducting Elections](#) pages.

Thank you for all that you do for Texas elections.

Christina Worrell Adkins

Legal Director – Elections Division

Office of the Texas Secretary of State

1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701

1.800.252.VOTE (8683)

elections@sos.texas.gov | www.sos.texas.gov

For Voter Related Information, please visit:



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From: [Elections Internet](#)
To: [Elections Internet](#)
Subject: MASS EMAIL (CSO -3492) - March 24, 2020 Update to COVID-19 Election Procedures
Date: Tuesday, March 24, 2020 2:01:03 PM
Attachments: [image001.png](#)
Sensitivity: Personal

CAUTION: This email originated from outside of the City of Missouri City organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Election Officials:

We've continued to receive questions regarding the recent proclamations issued by the Governor related to both the May 2, 2020 uniform election date and the postponement of the primary runoff election to July 14, 2020. Below are some issues we'd like to address:

1. **Authorized Postponement of May 2, 2020 Election:** On March 18, 2020, the Governor issued a [proclamation](#) that authorized local political subdivisions to postpone their elections scheduled on May 2, 2020 to November 3, 2020. There are a few key issues that we wanted to address:
 - a. **Make the decision as quickly as possible while complying with open meetings laws:** While the Governor's proclamation doesn't prescribe a deadline for a local entity to make a decision on postponement, we STRONGLY advise that the decision be made this week. Election equipment must be programmed and tested and mail ballots must be sent immediately if the election will be taking place May 2, 2020. Delaying the decision could subject your election to a contest if mail ballots are sent out significantly later than the law requires.
 - b. **Shelter-in-Place Orders:** As many local political subdivisions are enacting shelter-in-place orders, this has a significant impact on elections. If your entity or your county has issued such an order, you need to move your election; otherwise you are putting your election at risk of an election contest due to voters not being able to exercise their right to vote. Additionally, some political subdivisions have enacted fines for violating their local ordinances; if your order does so and there is no specific exemption for voting or conducting elections, you put your voters at risk of criminal penalty for leaving their homes to vote.
 - c. **Article XI, Section 11, Texas Constitution:** If your city is holding a special election to fill a vacancy due to the requirements prescribed in Article XI, Section 11 of the Texas Constitution, the Governor's proclamation does NOT apply to your election. You must hold your election within 120 days of the vacancy occurring. The Governor's proclamation does not suspend this requirement in the Texas Constitution. However, given that many political subdivisions are enacting shelter-in-place orders, it is imperative that some action be taken to move your election dates. If you opt to move your election in response to this public health crisis, and to do so safely would result in ordering the election to occur outside of the constitutionally prescribed 120 day period, you should consult with your attorney regarding Attorney General Opinion No. [JC-0318](#), as you may be required to hold

your election on the November 2020 uniform election date.

- d. **Certain Types of Special Elections:** We have heard from a number of entities that have special elections resulting from the expiration of a sales tax and that the November 3, 2020 uniform election date occurs after their expiration date. For these elections, we recommend consulting with the Comptroller's office, as they may be able to provide certain assistance with expiring taxes. Additionally, if you need to have an election prior to November 3, 2020, you may have to seek permission from the Governor in accordance with Section 41.0011 of the Texas Election Code to hold your election on a nonuniform election date.
- e. **Options Other Than November 3, 2020:** The Governor's proclamation only authorized a move to November 3, 2020. There is no authority for a local political subdivision, on its own order, to move an election to any other date. If an entity would like to move to a date other than November 3, 2020, there are likely only two ways to do so:
 - i. **Emergency Election under Section 41.0011(b) of the Texas Election Code:** A local political subdivision can request permission from the Governor to allow the political subdivision to order a special election on a nonuniform election date. Please note that this only applies to special elections and not general elections
 - ii. **Court Order for Nonuniform Election Date:** As there are no other options outside of the Governor's authorization to postpone the election and the option under Section 41.0011 of the Texas Election Code, a political subdivision that wishes to hold its election on a date other than the November 3, 2020 could try to seek court order for an alternative date.

Thank you all for your continued questions and all of your hard work. Please let us know if you have any additional questions or concerns.

Christina Worrell Adkins

Legal Director – Elections Division

Office of the Texas Secretary of State

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