

ORDENANZA N.º O-20-14

UNA ORDENANZA DE LA CIUDAD DE MISSOURI CITY, TEXAS, SEGÚN FUE AUTORIZADO POR EL GOBERNADOR DEL ESTADO DE TEXAS, QUE POSPONE LA ELECCIÓN ESPECIAL PROGRAMADA PARA EL 2 DE MAYO DE 2020, PARA EL 3 DE NOVIEMBRE DE 2020, CON EL PROPÓSITO DE PRESENTAR A LOS VOTANTES CALIFICADOS DE LA CIUDAD DE MISSOURI CITY, UNA PROPUESTA A FAVOR O EN CONTRA DE LA ADOPCIÓN DE LA LEY DE SERVICIO CIVIL DE BOMBEROS Y POLICÍAS; PREVÉ LA SEPARABILIDAD; Y QUE CONTIENE OTRAS DISPOSICIONES RELACIONADAS CON EL TEMA.

* * * * *

CONSIDERANDO QUE, la Sección 143.004 del Código de Gobierno Local de Texas exige que el órgano de gobierno de una municipalidad ordene unas elecciones sometiendo a los votantes la cuestión de si el Capítulo 143 del Código de Gobierno Local de Texas, la ley de servicio civil para bomberos y oficiales de policía (“Capítulo 143”), debe adoptarse si el órgano de gobierno de la municipalidad recibe una petición sobre dicho asunto que sea firmada por al menos el 10 por ciento de los votantes calificados que votaron en las elecciones municipales más recientes; y

CONSIDERANDO QUE, en o alrededor del 21 de enero de 2020, la Secretaria Municipal de la Ciudad de Missouri City (“Secretaria Municipal”) recibió una petición solicitando la adopción del Capítulo 143 (la “Petición”); y

CONSIDERANDO QUE, en o alrededor del 28 de enero de 2020, la Secretaria Municipal notificó al peticionario sobre la suficiencia de la Petición de acuerdo con la Sección 277.0023 del Código Electoral de Texas; y

CONSIDERANDO QUE, de conformidad con el Capítulo 143, la Petición ha sido firmada por al menos el 10 por ciento de los votantes calificados que votaron en las elecciones municipales más recientes; y

CONSIDERANDO QUE, conforme al Capítulo 143, se exige al Concejo Municipal de la Ciudad de Missouri City, Texas (la “Ciudad”) celebrar unas elecciones en la Ciudad para el propósito de someter a los votantes calificados de la Ciudad una propuesta que dispone a favor o en contra la adopción del Capítulo 143; y

CONSIDERANDO QUE, en o alrededor del 3 de febrero de 2020, la Ciudad adoptó la Ordenanza No. O-20-03 que ordena una elección especial en la próxima fecha uniforme de elección, 2 de mayo de 2020, como lo requiere el Capítulo 143; y

CONSIDERANDO QUE, en o alrededor del 13 de marzo de 2020, el Gobernador del Estado de Texas certificó que la enfermedad por el nuevo coronavirus 2019 (COVID-19) representa una amenaza inminente de desastre y, bajo la autoridad otorgada al Gobernador por la Sección 418.014 del Código de Gobierno de Texas, declaró un estado de desastre en todos los condados del estado de Texas; y

CONSIDERANDO QUE, en o alrededor del 18 de marzo de 2020, el Gobernador emitió una proclamación suspendiendo ciertas secciones del Código Electoral de Texas y autorizó a las subdivisiones políticas que de otro modo celebrarían elecciones el 2 de mayo de 2020, para cambiar sus elecciones generales y especiales a la próxima fecha uniforme de elección, el 3 de noviembre de 2020 (la "Proclamación"); y

CONSIDERANDO QUE, en o alrededor del 18 de marzo de 2020, de conformidad con la Sección 31.004 del Código Electoral de Texas, el Secretario de Estado de Texas emitió el Aviso Electoral No. 2020-12, que contiene pautas para las entidades que eligen ejercer la autoridad provista por la Proclamación; y

CONSIDERANDO QUE, la ciudad de Missouri City, Texas, es un municipio autónomo y una subdivisión política del estado de Texas; y

CONSIDERANDO QUE, de conformidad con la declaración de desastre del Gobernador del 13 de marzo de 2020 y la Proclamación, el Concejo Municipal conviene que es en el mejor interés de la salud y la seguridad pública posponer las elecciones especiales de la Ciudad del sábado 2 de mayo de 2020 hasta el martes de 3 de noviembre de 2020; ahora, por lo tanto,

SEA ORDENADO POR EL CONCEJO MUNICIPAL DE LA CIUDAD DE MISSOURI CITY, TEXAS:

Sección 1. Los hechos y recitaciones contenidos en el preámbulo de esta Ordenanza se encuentran y declaran verdaderos y correctos.

Sección 2: *Elección aplazada.* La elección especial programada para el 2 de mayo de 2020, en la cual una propuesta a favor o en contra de la adopción de la ley de servicio civil de los bomberos y policías se presentaría a los votantes calificados de la Ciudad de Missouri City, Texas, para su acción al respecto, se pospone hasta el martes 3 de noviembre de 2020, de conformidad con la declaración de desastre del 13 de marzo de 2020 y la proclamación del Gobernador del Estado de Texas del 18 de marzo de 2020, adjunto al presente como Anexo "A" e incorporado al presente para fines de referencia. Dichas elecciones del 3 de noviembre de 2020 quedan ordenadas por el presente. Dichas elecciones se celebrarán de acuerdo con el Código Electoral de Texas. Los lugares de votación y los recintos deberán establecerse por ordenanza a más tardar el 17 de agosto de 2020.

Sección 3. *Autoridad.* De conformidad con el Aviso electoral No. 2020-12, emitido por la Oficina del Secretario de Estado de Texas el 18 de marzo de 2020, adjunto al presente como Anexo "B" e incorporado al presente para fines de referencia, esta Ordenanza conviene los siguientes hechos, y los incorpora por referencia a esta Ordenanza: (1) la petición verificada en o alrededor del 28 de enero de 2020, sigue siendo válida y suficiente para requerir una elección a favor o en contra de la adopción de la ley de servicio civil de bomberos y policías; (2) todas las solicitudes de votación por correo para los votantes que voten por correo por ser mayores de 65 años o por discapacidad seguirán siendo válidas para la elección aplazada; (3) todas las solicitudes de boleta por correo basadas en la ausencia esperada de un votante del condado correspondiente no serán válidas para la elección pospuesta; y (4) las principales fechas relevantes para las elecciones generales del 3 de noviembre de 2020 son las siguientes: (a) 5 de octubre de 2020, la fecha límite de inscripción de votantes; (b) 23 de octubre de 2020, fecha límite para presentar una solicitud de boleta por correo; y (c) 19 de octubre de 2020, hasta el 30 de octubre de 2020, período de votación anticipada.

Sección 4. *Reunión abierta.* De manera adicional, se determina que se publicó una notificación adecuada por escrito con la fecha, hora, lugar y asunto de esta reunión del Concejo Municipal en una ubicación del Ayuntamiento accesible al público, en el plazo previo a esta reunión dispuesto por la Ley de Reuniones Abiertas, Capítulo 551, Código de Gobierno de Texas, y que esta reunión ha estado abierta al público según lo requerido por la ley en todo momento durante esta Ordenanza, y que el asunto de discusión al respecto se ha debatido, considerado, y que se ha actuado formalmente en consecuencia. El Concejo Municipal vuelve a ratificar, aprobar y confirmar esta notificación por escrito, sus contenidos y su publicación.

Sección 5. *Separabilidad.* Que si cualquier sección, subsección, oración, cláusula o frase de esta ordenanza, o su aplicación a un grupo determinado de personas o circunstancias, llegara a ser considerada inválida por cualquier motivo, o juzgada inconstitucional por un tribunal de jurisdicción competente, esta invalidez no afectará las porciones restantes de esta ordenanza, y a tal fin las distintas porciones y disposiciones de esta ordenanza se declaran separables; y el Concejo Municipal de la Ciudad de Missouri City, Texas, declara que hubiera aprobado todas y cada una de sus partes a pesar de la omisión de cualquiera de esas partes que pueda ser declarada inválida o inconstitucional, se trate bien sea de una o varias partes.

AUTORIZADO, APROBADO Y ADOPTADO en primera y última lecturas este día 6 de abril de 2020.

/s/Yolanda Ford, Alcaldesa

DOY FE:

/s/Maria Jackson, Secretaria Municipal

Aprobado en cuanto a la forma:

/s/E. Joyce Iyamu, Procurador Municipal



ORDER NO. O-20-01

PROCLAMATION DECLARING A LOCAL DISASTER

* * * * *

WHEREAS, in December, 2019, a novel coronavirus, Coronavirus Disease 2019, now designated "COVID-19," was detected in China, and has since spread throughout the world; and

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath; and

WHEREAS, in some cases, COVID 19 has led to death; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

WHEREAS, according to the Center for Disease Control, to date, 1,629 cases and 41 deaths have been reported by 46 states and the District of Columbia in the United States of America; and

WHEREAS, according to the Texas Department of State Health Services, as of March 12, 2020, Fort Bend County had 6 cases of COVID-19 and Harris County had 8 cases of COVID-19, which constitutes over half of the reported cases of COVID-19 in Texas; and

WHEREAS, Missouri City is located in both Fort Bend County and Harris County; and

WHEREAS, the City of Missouri City, Texas, on this day, Friday, the 13th day of March, 2020, is in imminent threat of widespread or severe damage, injury, or loss of life or property resulting from the COVID-19 pandemic; and

WHEREAS, pursuant to Section 418.108(a) of the Texas Government Code, the mayor of the City of Missouri City, Texas, has determined that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout Missouri City, Texas; and

WHEREAS, such measures may include closing certain venues, the cancellation of certain events and, pursuant to Chapter 122 of the Texas Health and Safety Code, the quarantine of individuals and the compelling of individuals to undergo certain health measures that prevent or control the spread of the disease; now, therefore,



BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. A local state of disaster is declared in Missouri City, Texas.

Section 2. Pursuant to Section 418.108(d) of the Texas Government Code, the City of Missouri City Emergency Management Plan is hereby implemented.

Section 3. Pursuant to Section 122.006 of the Texas Health and Safety Code, the City of Missouri City may adopt rules to protect the health of persons in the city, including quarantine rules to protect residents against communicable diseases and to provide for the establishment of quarantine stations and emergency hospitals.

Section 4. Pursuant to this Order and the Missouri City Charter, the officers and employees of the City of Missouri City are hereby authorized and directed to execute such instruments and take such actions as are consistent with the provisions of this Order.

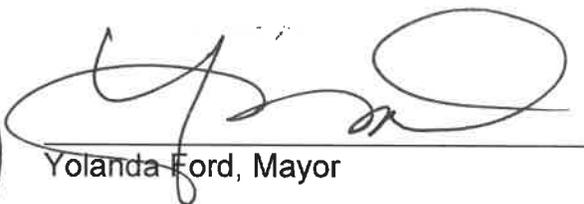
Section 5. Pursuant to Section 418.108(b) of the Texas Government Code, this Order shall continue for a period of not more than seven (7) days from the date hereof, unless the same is continued by consent of the City Council of the City of Missouri City, Texas.

Section 6. That this proclamation shall take effect immediately from and after its issuance.

ORDERED this 13th day of March, 2020.

Time: 1:03 p.m.

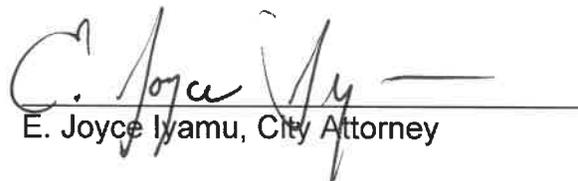



Yolanda Ford, Mayor

ATTEST:


Maria Jackson, City Secretary

APPROVED AS TO FORM:


E. Joyce Iyamu, City Attorney



GOVERNOR GREG ABBOTT

March 18, 2020

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

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

MAR 18 2020
[Signature]
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,

[Signature]
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

Governor Greg Abbott
March 18, 2020

Proclamation
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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.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT
Governor of Texas

ATTESTED BY:

Handwritten signature of Ruth R. Hughs in black ink.

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

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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