

ORDINANCE NO. 2020-03-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ORDERING THAT THE SPECIAL ELECTION SET FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MCKINNEY, TEXAS, THE RECALL AND REMOVAL OF A CITY COUNCIL MEMBER SCHEDULED TO BE HELD ON SATURDAY, MAY 2, 2020, BE POSTPONED TO TUESDAY, NOVEMBER 3, 2020; MAKING FINDINGS RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about March 13, 2020, the Governor of the State 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 in every county in the State of Texas; and

WHEREAS, on or about March 18, 2020, the Governor issued a Proclamation suspending certain sections of the Texas Election Code, among others, to allow political subdivisions of the State that would otherwise hold elections on May 2, 2020, to postpone general and special elections to the next uniform election date, November 3, 2020; and

WHEREAS, on or about January 21, 2020, the City adopted Ordinance No. 2020-01-011 which, in part, ordered a special election for Saturday, May 2, 2020, to submit to the qualified voters of the City whether a member of the City Council shall be removed from or remain in office; and

WHEREAS, it is pursuant to the authority of the Governor's March 13, 2020 disaster declaration and the Governor's March 18, 2020 proclamation that this Ordinance is adopted; *i.e.*, to postpone the City's special election from Saturday, May 2, 2020, to Tuesday, November 3, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

- Section 1. All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.
- Section 2. The special election scheduled for Saturday, May 2, 2020, for the purpose of submitting to the qualified voters of the City of McKinney, Texas whether a member of the McKinney City Council shall be removed from or remain in office is hereby postponed until Tuesday, November 3, 2020, pursuant to the authority referenced in the Preamble to this Ordinance, and it is hereby so ordered.
- Section 3. Pursuant to Election Advisory No. 2020-12, issued by the Texas Secretary of State's Office on or about March 18, 2020, the following findings are incorporated by reference into this Ordinance: (1) all applications for a ballot by mail for voters who are voting by mail due to being over the age of 65 or due to disability will remain valid for the postponed election whereas all applications for a ballot by mail based upon a voter's expected absence from the county will not be valid for the postponed election; and (2) the major relevant dates for the November 3, 2020, general election are as follows: applications for a ballot by mail—October 5, 2020; the deadline to submit an application for a ballot by mail—October 23, 2020; and early voting—October 19, 2020, through October 30, 2020.
- Section 4. This Ordinance shall become effective from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 24th DAY OF MARCH, 2020.

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary
LISA SEWELL
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney