

RESOLUTION NO. 05-2020

A RESOLUTION OF THE CITY OF WEIMAR, TEXAS ORDERING A GENERAL ELECTION BE HELD ON THE 3RD DAY OF NOVEMBER, 2020 IN THE CITY OF WEIMAR FOR THE PURPOSE OF ELECTING MAYOR, COUNCIL MEMBER PLACE #2, AND COUNCIL MEMBER PLACE #4, DESIGNATING POLLING PLACES; ADOPTING THE USE OF THE EXPRESS VOTE SYSTEM; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with general laws of the City of Weimar and the Constitution of the State of Texas, and pursuant to Resolution No. 01-2020, a General Election was ordered to be held on May 2, 2020, for the purpose of electing Mayor, Council Member Place #2 and Council Member Place #4. In accordance with State law, the filing period for this General Election began on January 15, 2020, and ended on February 14, 2020; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, and in response to the COVID-19 pandemic, on March 18, 2020, the Governor of the State of Texas signed a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020 uniform election date; and

WHEREAS, in response to the Governor's proclamation, on March 26, 2020 the City passed Resolution No. 04-2020 postponing the May 2, 2020 General Election; and

WHEREAS, in accordance with the general laws and Constitution of the State of Texas, the City Council is now ordering the General Election to be held on the November 3, 2020 uniform election date; and

WHEREAS, the City Council, pursuant to Chapter 271, Texas Election Code, desires to enter into a Joint Election Agreement and Election Services Contract with Colorado County Election Administrator and other political subdivisions to conduct a Joint Election for the benefit of the City and its citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEIMAR, TEXAS THAT:

SECTION 1. There is hereby called a General Election to be participated in by the qualified voters of the City of Weimar, Texas, to be held on November 3, 2020, for the purpose of electing a Mayor, Council Member Place #2 and Council Member Place #4. The candidate for each such office, receiving a majority of all votes cast for all the candidates for an office, shall be elected to serve such term.

SECTION 2. The City Secretary is hereby directed to cause notice to be given of said election by publication in the official newspaper of the City of Weimar, Texas, not earlier than the 30th day or later than the 10th day before Election Day. A copy of the published notice that contains the name of the newspaper and the date of the publication shall be retained as a record of such notice. Notice shall be posted on the bulletin board to post notice of City Council meetings no later than the 21st day before election day in accordance with Texas Election Code Section 4.003 and the person posting the notice shall make a record at the time of posting and the date and place of posting in accordance with the Texas Election Code. Notice shall also be posted to the City's website in accordance with the Texas Government Code.

SECTION 3. The City is hereby authorized to execute the Election Services Contract, for the conduct of a Joint Election to be held on Tuesday, November 3, 2020. The City shall have further authority to approve any minor modifications as may be necessary in the best interest of the city.

SECTION 4. The City Council hereby adopts for use in early and election day voting the Express Vote system which has been certified in compliance with all federal standards and the Texas Election Code. The City will use one (1) Express Vote system from Colorado County for use during early voting by personal appearance and on election day.

SECTION 5. The City will contract with the County to conduct and supervise their elections and further will split the fee charged by the County in an equitable manner.

SECTION 6. Pursuant to the Election Services Contract, the Colorado County Elections Administrator shall serve as Election Administrator for the election. Presiding Judge and Alternate Presiding Judge appointed to serve at said polling places shall be those election officials furnished by the Elections Administrator.

SECTION 7. In compliance with Section 271.006 of the Texas Election Code, Rebecka Lacourse will serve as the Early Voting Clerk. Deputy Early Voting Clerks shall be appointed as needed to process early voting mail and to conduct early voting by personal appearance at branch locations.

SECTION 8. An Early Voting Ballot Board shall be created to process early voting results in accordance with Section 87.001 of the Texas Election Code. The Early Voting Ballot Board shall be members appointed by the Election Administrator using the procedures outlined in the Election Law for acquisition of election judges, alternate judges, and clerks.

SECTION 9. The early voting by personal appearance shall be conducted in the Weimar City Hall – Council Chamber, located at 106 East Main Street, Weimar, Texas 78962.

Early Voting Dates and Times:

October 13 – 17	Tuesday-Friday	8:00 am to 5:00 pm
October 19 – 23	Monday-Friday	7:30 am to 5:30 pm
October 26 -- 30	Monday-Friday	7:00 am to 7:00 pm

SECTION 10. The election precinct for the Election shall be the Colorado County Election Precincts wholly or partially within the territorial limits of the City. The Election Day polling place will be in the Weimar City Hall – Council Chamber, located at 106 East Main Street, Weimar, Texas 78962. On election day, the polls shall be open from 7:00 a.m. to 7:00 p.m.

SECTION 11. Should a run-off election become necessary, the Colorado County Elections Administrator will conduct the run-off election. In the event any candidate for any one of said offices fails to receive a majority of all votes cast for all the candidates for such office, a run-off election shall be called as provided for by the agreement.

SECTION 12. The official canvass of the election returns shall be conducted between the period of November 6, 2020 and November 17, 2020. During this period, the early voting ballot board shall meet to count ballots received from outside the United States and complete the count of provisional ballots. The early voting clerk shall certify that all ballots mailed from outside the United States have been received and counted and the provisional ballots have been counted. Upon receipt of final counts from Colorado County Elections Administrator, the City Secretary shall present the official results to the City Council and the canvass of said election shall take place in accordance with the Texas Election Code.

SECTION 13. All resolutions or parts of resolutions in force when the provisions of this Resolution become effective which are inconsistent or in conflict with the terms and provisions contained in this Resolution are hereby repealed only to the extent of such conflict.

SECTION 14. Should any part, sentence or phrase of this Resolution be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Resolution shall not be adversely affected. No portion of this Resolution shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Resolution are declared to be severable.

SECTION 15. This Resolution shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEIMAR,
TEXAS ON THIS THE 13TH DAY OF AUGUST, 2020.



ATTES

Dolores Stoever, City Secretary

APPROVED:

Milton Koller, Mayor