CITY OF FRISCO, TEXAS **ORDINANCE NO. 2020-03-14**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, COLLIN AND DENTON COUNTIES, TEXAS, MOVING TO NOVEMBER 3, 2020, THE GENERAL ELECTION, PREVIOUSLY ORDERED TO BE HELD ON MAY 2, 2020, FOR THE PURPOSE OF ELECTING THREE MEMBERS OF THE FRISCO CITY COUNCIL (MAYOR AND PLACE NOS. 5 AND 6) TO FILL EXPIRING TERMS IN RESPONSE TO THE COVID-19 PANDEMIC AND PUBLIC HEALTH EMERGENCY; AUTHORIZING THE MAYOR AND CITY SECRETARY TO TAKE ALL ACTIONS NECESSARY TO COMPLY WITH APPLICABLE ELECTION LAWS; AND PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of Frisco, Texas ("Frisco"), and pursuant to Ordinance No. 2020-02-04, the City Council of the City of Frisco, Texas ("City Council") ordered a general election to be held within Frisco on May 2, 2020, for the purpose of electing three members of the Frisco City Council (Mayor and Place Nos. 5 and 6), with each such term being for a period of three years; and

WHEREAS, on March 18, 2020, and in response to the COVID-19 pandemic, the Governor of the State of Texas issued a proclamation suspending certain provisions of the Texas Election Code pursuant to Section 418.016 of the Texas Government Code to allow all local political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections to the November 3, 2020, uniform election date without otherwise adjusting the terms of office; and

WHEREAS, the City Council finds that the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

WHEREAS, pursuant to the Governor's proclamation authorizing Frisco to move the May 2, 2020, election, the City Council desires to exercise its authority to move to November 3, 2020, the general election previously ordered for May 2, 2020, to help abate the public health threat associated with the COVID-19 pandemic.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: General Election Moved. The City Council hereby moves to November 3, 2020, the general election for the purpose of electing three members of the Frisco City Council (Mayor and Place Nos. 5 and 6) to fill expiring terms. The candidate filings for the election shall remain valid for the election to be held on November 3, 2020, and the filing period for candidates will not be re-opened.

SECTION 3: Applications for Ballots by Mail. All annual applications for ballots by mail ("ABBMs") for voters who are voting by mail due to being over the age of 65 or due to disability will still

be valid for the November 3, 2020, election. ABBMs for voters who submitted ABBMs based on expected absence from the county shall not be valid for the November 3, 2020, election.

SECTION 4: Deadlines; Key Dates. The voter registration deadline for the November 3, 2020, election is October 5, 2020, the deadline to submit an ABBM is October 23, 2020, and the dates for early voting are October 19, 2020, through October 30, 2020. The City Council shall meet by August 17, 2020, to make any necessary amendments to the original order of election.

SECTION 5: Election to Comply with Applicable Laws. The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of the election. The election and notice of the election shall be conducted in accordance with the Texas Election Code and other applicable law, and all qualified and registered voters of Frisco shall be eligible to vote at the election.

SECTION 6: Authority of Mayor and City Secretary. The Mayor and the City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the election, whether or not expressly authorized herein, including negotiating and executing an amendment to each existing election contract with Collin and Denton Counties, as necessary, for the purposes of conducting the election on November 3, 2020.

SECTION 7: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause and phrase thereof regardless of whether any one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional and/or invalid.

SECTION 8: Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 9: Effective Date. This order for an election becomes effective immediately upon its passage.

[*The remainder of this page intentionally left blank.*]

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this 27th day of March, 2020.

Jeff Cheney, Mayor

ATTESTED AND CORRECTLY RECORDED:

Kristi Morrow, City Secretary

APPROVED AS TO FORM:

Abernathy, Roeder, Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

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