

**Ordinance No. 20-034**

**An ordinance amending Ordinance No. 20-005, which ordered a General Election and a Runoff Election, should the same be required, by making necessary revisions to the order of election for the postponed election to be held on November 3, 2020; prescribing the form of ballots; providing for notices; providing this ordinance be cumulative; providing for severability; providing for governmental immunity and providing for injunctions**

WHEREAS, on February 11, 2020, the City Council passed Ordinance No. 20-005 ordering a General Election to be held on May 2, 2020, and a Runoff Election, should the same be required, on June 13, 2020, for the purpose of electing Council single-member districts 1 and 2, and Council at-large districts 6 and 7; and

WHEREAS, on March 13, 2020, due to concerns related to the novel coronavirus (COVID-19) pandemic, President Donald Trump declared a State of National Emergency for the United States of America; Governor Greg Abbott issued a State of Disaster for all Texas counties; County Judge Glen Whitley issued a Declaration of Disaster for Tarrant County; and Mayor W. Jeff Williams declared a local state of disaster for the City of Arlington; and

WHEREAS, on March 18, 2020, Governor Greg Abbott issued a proclamation allowing political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 to the next uniform election date, November 3, 2020; and

WHEREAS, on March 24, 2020, due to concerns related to the COVID-19 pandemic, the City Council passed Ordinance No. 20-012 ordering that the General Election and Runoff Election be postponed to November 3, 2020, pursuant to Governor Abbott's proclamation; and

WHEREAS, on July 27, 2020, Governor Greg Abbott issued a proclamation extending the time period for early voting by personal appearance by requiring that the period begin on October 13, 2020 and continue through October 30, 2020 for any elections ordered or authorized to occur on November 3, 2020; and

WHEREAS, by August 17, 2020, the City of Arlington must make necessary revisions to the original order of election, including: (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; and (5) any changes to branch early voting locations;

as provided by Texas Secretary of State Election Advisory Nos. 2020-12 and 2020-17; NOW THEREFORE

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

1.

That Ordinance No. 20-005 is hereby amended by replacing Section 1 with the following so that it shall hereafter be read as follows:

“That an election be held in the City of Arlington, Texas, on Tuesday, the 3rd day of November, 2020, (hereinafter the “November Election”) for the purpose of electing Council single-member districts 1 and 2, and Council at-large districts 6 and 7. The November Election shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. on said date; and in the event a runoff is required, such election shall be held in the City of Arlington, Texas, on Tuesday, the 8th day of December, 2020, (hereinafter the “Runoff Election”) for such purposes and between said hours on said date.”

2.

That Ordinance No. 20-005 is hereby amended by replacing Section 2 with the following so that it shall hereafter be read as follows:

“The November Election and Runoff Election shall be held under the provisions of the Charter of the City of Arlington, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and amendments thereof, insofar as same may be applicable.”

3.

That Ordinance No. 20-005 is hereby amended by replacing Section 3 with the following so that it shall hereafter be read as follows:

“This ordinance shall constitute the Order of the November Election and the Runoff Election.”

4.

That Ordinance No. 20-005 is hereby amended by replacing Section 4 with the following so that it shall hereafter be read as follows:

“The form of ballots to be used in the November Election shall be substantially as follows, except that the names of each of the candidates filing for City Council Member districts shall be inserted on the blank lines, and the ballots shall be numbered serially.

**OFFICIAL BALLOT**

**BOLETA OFICIAL**

**LÁ PHIẾU CHÍNH THỨC**

Vote for the candidate of your choice in each race by completing the arrow to the right of the candidate's name, using a #2 pencil or marker provided.

Votar por el candidato de su preferencia en cada puesto llenando la flecha a la derecha del nombre del candidato, usando un lápiz #2 o marcador.

Bỏ phiếu cho ứng cử viên theo sự lựa chọn của quý vị trong mỗi cuộc tranh cử bằng cách nối liền mũi tên phía bên phải tên của ứng cử viên, sử dụng bút chì số #2 hoặc bút đánh dấu được cung cấp.

For Council Member, District #1  
Para Concejales, Distrito #1  
THUẬN Ủy viên Hội đồng Quận 1

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For Council Member, District #2  
Para Concejales, Distrito #2  
THUẬN Ủy viên Hội đồng Quận 2

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For Council Member, District #6  
Para Concejales, Distrito #6  
THUẬN Ủy viên Hội đồng Quận 6

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For Council Member, District #7  
Para Concejales, Distrito #7  
THUẬN Ủy viên Hội đồng Quận 7

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5.

That Ordinance No. 20-005 Section 5, which reads as follows, shall remain unchanged:

“The form of ballots to be used in the Runoff Election shall be substantially as follows, except that the names of the candidates eligible for City Council Member districts shall be inserted on the blank lines. Only those places will appear on the ballot for which a runoff is required. The ballots shall be numbered serially.

**OFFICIAL BALLOT**

**BOLETA OFICIAL**

**LÁ PHIẾU CHÍNH THỨC**

Vote for the candidate of your choice in each race by completing the arrow to the right of the candidate's name, using a #2 pencil or marker provided.

Votar por el candidato de su preferencia en cada puesto llenando la flecha a la derecha del nombre del candidato, usando un lápiz #2 o marcador.

Bỏ phiếu cho ứng cử viên theo sự lựa chọn của quý vị trong mỗi cuộc tranh cử bằng cách nối liền mũi tên phía bên phải tên của ứng cử viên, sử dụng bút chì số #2 hoặc bút đánh dấu được cung cấp.

For Council Member, District #1  
Para Concejales, Distrito #1  
THUẬN Ủy viên Hội đồng Quận 1

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For Council Member, District #2  
Para Concejales, Distrito #2  
THUẬN Ủy viên Hội đồng Quận 2

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For Council Member, District #6  
Para Concejales, Distrito #6  
THUẬN Ủy viên Hội đồng Quận 6

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For Council Member, District #7  
Para Concejales, Distrito #7  
THUẬN Ủy viên Hội đồng Quận 7

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6.

That Ordinance No. 20-005 is hereby amended by replacing Section 6 with the following so that it shall hereafter be read as follows:

“Heider Garcia, Elections Administrator, or his successor, is hereby appointed as Early Voting Clerk for the November Election and the Runoff Election, if any. Early voting by mail shall be conducted in conformance with the requirements of the Code. The main early voting polling place is hereby designated to be the Tarrant County Elections Center, 2700 Premier, Fort Worth, Texas 76111. Ballot applications and ballots voted by mail shall be sent to: Early Voting Clerk, Tarrant County Elections Center, P.O. Box 961011, Fort Worth, TX 76161-0011.”

7.

That Ordinance No. 20-005 is hereby amended by replacing Section 7 with the following so that it shall hereafter be read as follows:

“Early voting by personal appearance in the November Election will begin October 13, 2020, and continue through October 30, 2020, with the voting dates and hours as follows:

October 13 - 17	Tuesday-Saturday	8:00 a.m. – 5:00 p.m.
October 19 - 23	Monday-Friday	8:00 a.m. – 5:00 p.m.
October 24	Saturday	7:00 a.m. – 7:00 p.m.
October 25	Sunday	11:00 a.m. – 4:00 p.m.
October 26 - 30	Monday-Friday	7:00 a.m. – 7:00 p.m.”

8.

That Ordinance No. 20-005 is hereby amended by replacing Section 8 with the following so that it shall hereafter be read as follows:

“Early voting by personal appearance in the Runoff Election, if any, will begin November 23, 2020, and continue through December 4, 2020, with the voting dates and hours as follows:

November 23 - 25	Monday-Wednesday	8:00 a.m. – 5:00 p.m.
November 28	Saturday	7:00 a.m. – 7:00 p.m.
November 29	Sunday	11:00 a.m. – 4:00 p.m.
November 30	Monday	7:00 a.m. – 7:00 p.m.
December 1 - 4	Tuesday-Friday	7:00 a.m. – 7:00 p.m.”

9.

That Ordinance No. 20-005 is hereby amended by replacing Section 9 with the following so that it shall hereafter be read as follows:

“The City Secretary shall cause official ballots to be prepared in the form of the ballot first above prescribed, being in English, Spanish and Vietnamese, and shall furnish election officials said ballots, in such form, together with any other forms or blanks, in accordance with the Charter of the City of Arlington, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and any amendments thereto, insofar as same are applicable. The Hart InterCivic Verity Voting System v. 2.3.1, a Hybrid system, shall be used for all forms of voting for the November Election and Runoff Election, including election day voting at polling locations, early voting in person, early voting by mail, and provisional voting.”

10.

That Ordinance No. 20-005 Section 10, which reads as follows, shall remain unchanged:

“Notice of the Election shall be given by posting a notice in English, Spanish and Vietnamese at the City Hall on the bulletin board used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date of the Election, and by publication of said notice at least once in a newspaper of general circulation not earlier than the 30th day nor later than the 10th day before the date of the Election, and said notices shall be posted in English, Spanish and Vietnamese.”

11.

That Ordinance No. 20-005 is hereby amended by replacing Section 11 with the following so that it shall hereafter be read as follows:

“Insofar as this ordinance pertains to a runoff election, the City Council of the City of Arlington does hereby find that the date of said election, to-wit: December 8, 2020, is not earlier than the 20th or later than the 45th day after the date the final canvass of the regular election is completed, as required by V.T.C.A., Election Code § 2.025.”

12.

That Sections 5, 10, 12, 13, 14, 15, and 16 as well as all other provisions of Ordinance No. 20-005 shall remain unchanged.

13.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

14.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

15.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

16.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

17.

This ordinance shall become effective from and after its passage upon signature of the Mayor.

PRESENTED AND GIVEN FIRST READING on the 4th day of August, 2020, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 11th day of August, 2020, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

  
W. JEFF WILLIAMS, Mayor

ATTEST:

  
ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:  
TERIS SOLIS, City Attorney

BY: 