

**EMERGENCY ORDINANCE NO. 20-04**

**"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMIT, TEXAS, AMENDING ITS ORDER OF ELECTION ISSUED ON FEBRUARY 3, 2020 BY POSTPONING, ORDERING AND PROVIDING NOTICE OF A GENERAL ELECTION FOR THE CITY OF KERMIT, TEXAS, TO BE HELD ON THE 3RD DAY OF NOVEMBER 2020, PROVIDING FOR THE ELECTION OF A MAYOR, COUNCIL MEMBER FOR DISTRICT PLACE 4 AND COUNCIL MEMBER FOR DISTRICT PLACE 5; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; PROVIDING FOR PREAMBLE INCORPORATION; CONFLICTING PROVISIONS; SEVERABILITY; PROPER NOTICE AND MEETING; AND AN EFFECTIVE DATE."**

**WHEREAS**, the COVID-19 pandemic creates an emergency affecting life, property, the public peace, and safe election procedure; thus, authorizing an emergency ordinance pursuant to Kermit Home Rule Charter, Article III, Section 24; and

**WHEREAS**, pursuant to Kermit Home Rule Charter, Article III, Section 24, the passage of an emergency ordinance is allowed after only one reading; and

**WHEREAS**, the City Council of Kermit, Texas (the "City Council") ordered an election for the office of Mayor, Council Member District Place 4 and Council Member District Place 5 to be held on May 2, 2020; and

**WHEREAS**, pursuant to Section 418.016 of the Texas Government Code, on March 18, 2020, the Governor of the State of Texas signed 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 elections to the November 3, 2020, uniform election date; and

**WHEREAS**, pursuant to the Governor's proclamation authorizing the City of Kermit to postpone the May 2, 2020 election date, the City Council does by this Ordinance exercise its authority to postpone the General Election ordered for May 2, 2020, for the purpose of electing a Mayor, Council Member District Place 4 and Council Member District Place 5 to November 3, 2020.

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

**SECTION 1:** That the General election previously ordered for May 2, 2020, for the City of Kermit, Texas, for the purpose of electing a Mayor, Council Member District Place 4 and Council Member District Place 5 is hereby postponed to November 3, 2020.

**SECTION 2:** That the candidate filings for the General election for May 2, 2020, for the City of Kermit, Texas, shall remain valid for the election to be held on November 3, 2020, and that the filing period for candidates will not be re-opened for the election to be held on November 3, 2020.

**SECTION 3:** That all annual applications ballot by mail (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 November 3, 2020, election; and that ABBMs for voters who submitted ABBMs based on expected absence from the county shall not be valid for the postponed November 3, 2020 election.

**SECTION 4:** That 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.

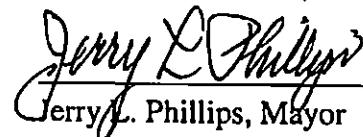
**SECTION 5:** That the City Manager is authorized to negotiate and execute an election contract with Winkler County for the purpose of conducting the postponed election on November 3, 2020.

**SECTION 6:** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance, which shall remain in full force and effect.

**SECTION 7:** This Ordinance shall take effect immediately from and after the date of its passage.

APPROVED, PASSED AND ADOPTED on first reading this the 16th day of April, 2020.

CITY OF KERMIT, TEXAS

  
\_\_\_\_\_  
Jerry L. Phillips, Mayor

ATTEST:

  
\_\_\_\_\_  
Diana Franco, City Secretary

APPROVED AS TO FORM AND SUBSTANCE:

  
\_\_\_\_\_  
Thomas Duckworth, Jr., City Attorney

# NOTICE OF CITY ELECTION (AVISO DE ELECCIÓN)

To the Registered Voters of Kermit, Winkler County, Texas  
(A los votantes registrados de Kermit, Winkler County, Texas)

Notice is hereby given that the polling place listed below will be open from 7:00 a.m. to 7:00 p.m., on May 2, 2020, for voting in a City Officer's Election, to elect the following: Council Member Council Member District Place 4 and Council Member District Place 5.

*(Notifíquese, por lo presente, que las casillas electorales sitados arriba se abrirán desde las 7:00 a.m. - 7:00 p.m. el 2 de Mayo de 2020 para votar en la Elección para Miembros Del Ayuntamiento: Miembro del Concilio Puesto Numero 4 y Miembro del Concilio Puesto Numero 5*

## LOCATION OF POLLING PLACES:

Kermit Junior High School located at 550 South East Ave, Kermit, Texas.

## (DIRECCION DE LAS CASILLAS ELECTORALES:

*Kermit Junior High School localizada en 550 South East Ave Kermit, Texas).*

**EARLY VOTING** by personal appearance will be conducted each weekday at **LOCATION:**  
City Hall, 110 S. Tornillo, Kermit, Tx.

Beginning Monday April 20, through Friday, April 24, 2020 from 8:00 a.m.  
– 12:00 and 1:00 - 5:00 p.m. and

Monday and Tuesday April 27th & 28th, 2020 from 7:00 a.m. - 7:00 p.m.

*La votación adelantada en persona se llevará a cabo entre semana en DIRECCION:*

*110 S. Tornillo, Kermit, Texas.*

*Empezando el Lunes 20 de Abril hasta Viernes 24 de Abril, 2020 Entre las 8:00a.m. - 12:00 and 1:00 - 5:00p.m. y Lunes y Martes 27 y 28 de Abril, 2020 de las 7:00 a.m. - 7:00p.m.*

Applications for ballot by mail shall be mailed to Early Voting Clerk by 5:00 p.m. on April 17, 2020:

*(Las solicitudes para boletas que se votarán en ausencia deberán recibirse para el fin de las horas de negocio 5:00 p.m. el 17 de Abril, 2020):*

*Diana Franco (Early Voting Clerk) (Nombre de Secretaria de la Votación En Adelantada)*

*110 S Tornillo (Address) (Dirección)*

*Kermit, Texas (City) (Ciudad)*

*79745 (Zip Code) (Zona Postal)*

## ORDER OF ELECTION ORDEN DE ELECCIÓN

An election is hereby ordered to be held on May 2, 2020 for the purpose of:  
*Por la presente se ordena que se llevará acabo el 2 de Mayo, 2020 con el propósito de*

Mayor, At Large  
Council Member, District Place 4  
Council Member, District Place 5

Early voting by personal appearance will be conducted each weekday at  
*La votación adelantada en persona se llevará acabo de lunes a viernes en*

City Hall, 110 S Tornillo  
(location) (sitio)

Recommended but not required (Recomendado pero no requerido)

Between the hours of 8:00 a.m. – 12:00 pm and 1:00 p.m. – 5:00 p.m. beginning on Monday, April 20, 2020 through Friday April 24, 2020 and from 7:00 a.m. and 7:00 p.m. on Monday, April 27 and Tuesday, April 28, 2020.

*(Entre las 8:00 a.m.-12:00 p.m. y de la 1:00 p.m.-5:00p.m. de la tarde empezando el Lunes 20 de Abril, 2020 hasta el Viernes 24 de Abril, 2020 y Entre las 7:00 de la mañana y las 7:00 de la tarde el Lunes y Martes, Abril 27 y 28 de Abril 2020).*

Applications for ballot by mail shall be mailed to:

*(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a):*

Diana Franco  
110 S Tornillo  
Kermit, Texas 79745

Application for ballot by mail must be received no later than the close of business on April 17, 2020 at 5:00 p.m.

*(Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de negocio el 17 de Abril, 2020 a las 5:00 de la tarde).*

Issued this the 3rd day of February, 2020  
(Emitida este dia el 3 de Febrero, 2020).

  
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Mayor Jerry L Phillips