

ORDINANCE NUMBER 20-08-1168

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING ORDINANCE NUMBER 20-01-1149 BY POSTPONING, ORDERING AND PROVIDING NOTICE OF A GENERAL ELECTION TO BE HELD ON THE THIRD OF NOVEMBER 2020 FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCIL MEMBERS FOR PLACE 3 AND PLACE 5 TO A THREE (3) YEAR TERM OF OFFICE; PROVIDING FOR ELECTION OFFICERS; DESIGNATING THE PLACE AND MANNER OF HOLDING SAID ELECTION; DESIGNATING THE EARLY VOTING POLLING PLACE; DESIGNATING THE EARLY VOTING CLERK; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Texas Election Code establishes May 2, 2020, as the uniform election date for the City of Murphy, Texas (the “City”) general election; and

WHEREAS, the Section 3.01(2) of the Home-Rule Charter provides that a general municipal election for the position of Mayor and Council Member Places 3 and 5 shall be elected at large on the May 2, 2020, uniform election date and that Council Members elected shall serve for three (3) year terms of office; and

WHEREAS, the City Council of the City of Murphy, Texas (“City Council”) has previously ordered an election for Saturday, May 2, 2020; and

WHEREAS, Governor Abbott postponed all May elections until November 3, 2020 due to the epidemic conditions surrounding the COVID-19 virus; and

WHEREAS, Ordinance Number 20- of the Mayor’s Disaster Declaration stated that the Murphy May 2, 2020, City Election was postponed to November 3, 2020; and

WHEREAS, the City Council finds that the epidemic created unreasonable risks to Murphy voters in a May 2nd election; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code.

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

Section 1. Election Order; Election Date. That a General Election of the City of Murphy, prescribed by City of Murphy Home-Rule Charter shall be held between the hours of seven o’clock a.m. (7:00 a.m.) and seven o’clock p.m. (7:00 p.m.) on the 3rd day of November, 2020.

Section 2. Purpose of Election. For the purpose of a General Election for Mayor and Council Member Places 3 and 5 with the elected Mayor and Council Members serving a three (3)

year term of office. The candidate for each such office receiving a majority of all votes cast for the office shall be elected to serve such term.

Section 3. Candidate Filings. Candidate filings for the November 3, 2020, Election will remain valid for the November date and the filing period will not be re-opened for the November date. The withdrawal deadline is extended to Saturday, August 29, 2020.

Section 4. Voting System. That voting on the date of the Election, and early voting therefore, shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the Election shall conform to the Texas Election Code, as amended, so as to permit the electors to vote for the Mayor and two (2) City Council Members. Said ballots shall have printed therein such provisions, markings, and language as may be required by law and the Candidates shall be set forth on said ballots in substantially the following form and language:

GENERAL ELECTION
ELECCION GENERAL
City of Murphy, Texas
Ciudad de Murphy, Texas
November 3, 2020
3 de noviembre de 2020

OFFICIAL BALLOT
BOLETA OFICIAL

Mayor
Alcalde

Council Member, Place 3
Miembro del Consejo, Lugar 3

Council Member, Place 5
Miembro del Consejo, Lugar 5

Section 5. Election Precincts; Polling Places. That the City hereby designates the Election Day polling location for the voters in five (5) Collin County Election Precincts located wholly or partially within the City of Murphy (Precinct Numbers 25, 144, 153, 166, and 210). The Election Day polling place for Precinct Numbers 25, 144, 153, 166 and 210 shall be the Murphy Community Center, 205 North Murphy Road, Murphy, Texas 75094 and any other Election Day Vote Center location designated in the contract for services with the Collin County Elections Administration. The Election Day election officials shall be named by the Collin County Elections Administrator.

Section 6. Early Voting; Early Voting Polling Place. The election shall be conducted by Collin County pursuant to a contract for election services between the City of Murphy and Collin County, and Collin County election officials shall serve as officials for said election.

Collin County Election Administrator Bruce Sherbet, Collin County Elections Administration Office, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069, is hereby appointed as the Early Voting Clerk, and Susie Quinn, City Secretary for the City of Murphy, is

hereby appointed as Deputy Early Voting Clerk.

Early voting shall take place during the following dates and times:

October 13 – October 16	8:00 a.m. – 5:00 p.m.;
October 17	7:00 a.m. – 7:00 p.m.;
October 18	1:00 p.m. – 6:00 p.m.
October 19 – October 24	7:00 a.m. – 7:00 p.m.
October 25	1:00 p.m. – 6:00 p.m.
October 26 – October 30	7:00 a.m. – 7:00 p.m.

All Absentee Ballot By Mail (ABBM) 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 postponed election, and that ABBMs for voters who submitted ABBMs based on expected absence from the county would not be valid for the postponed election.

The deadline to submit an ABBM is October 23, 2020.

Section 7. Election Compliance. This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. In all City elections, the Mayor, City Secretary or City Council shall perform each act as is required to be performed, in connection with the holding and consummation of such election, and to give effect to the intent of this Ordinance.

Section 8. Voting Qualification; Voting Materials. All registered, qualified voters of the City shall be permitted to vote at the election. In addition, the election materials enumerated in the Texas Election Code, as amended, shall be printed in English and Spanish for use at the polling places and for early voting for the Election.

Section 9. Compensation for Services. The Presiding Judge of the regular election shall be paid the sum of \$12.00 per hour, or in an amount specified in the Contract for Election Services with the Collin County Election Administrator, for services provided in conducting the election. The Alternate Judge and each election clerk of the regular election shall be paid the sum of \$10.00 per hour, or in an amount specified in the Contract for Election Services with the Collin County Election Administrator, for services provided in conducting the election. Additionally, the Presiding Judge shall be paid \$25.00 for the delivery of the election supplies and results after the polls close.

Section 10. Election Returns. The Collin County Election Administrator shall deliver election returns to the City Secretary. The ballot boxes will be retained by the Collin County Election Administrator and will be available for inspection by the City Council in compliance with the applicable laws of the State of Texas; and the ballots that are properly marked in conformance with the provisions of the Texas Election Code, as amended, for votes cast both during the period of early voting and on the day of the Election shall be counted in the manner required by law.

Section 11. Notice. The Mayor and City Secretary are hereby directed to give notice of the election by:

- (a) Publishing the notice of the election at least once, not more than thirty (30) days nor less than ten (10) days before the election in at least the official newspaper and the official City website;
- (b) Filing with the City Secretary, a copy of the notice of the election; and
- (c) Posting a copy of the notice on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the Election.

The Mayor or City Secretary shall file with the City Secretary a copy of the Publisher's Affidavit, which complies with the Texas Election Code, as amended, that the notice was published, with the name of the newspaper and the dates of publication.

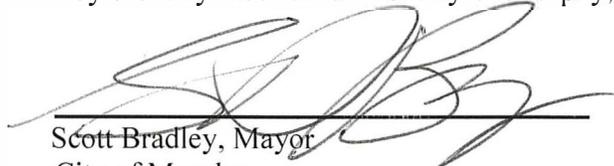
Section 12. Voter Registration. Voter registration deadline is Monday, October 5, 2020.

Section 13. Run-Off Election. If a run-off election becomes necessary, the Collin County Election Administrator's office 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 such office (a tie), a run-off election is hereby ordered to be held on Saturday, December 8, 2020, as provided for by the Charter of the City and the Texas Election Code.

Section 14. Savings/Severability Clause. All other provisions of Ordinance Number 20-01-1149 shall remain in full force and effect with the exception that early voting shall be in accordance with the dates provided by state law for the November 3, 2020 election. If any word, section, article, phrase, paragraph, sentence, clause, or portion of this ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity which remaining portions shall remain in full force and effect.

Section 15. Effective Date. This Ordinance shall take effect from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Murphy, Texas on this the 4th day of August 2020.



 Scott Bradley, Mayor
 City of Murphy

ATTEST:



 Susie Quinn, City Secretary
 City of Murphy

APPROVED AS TO FORM:



 Wm. Andrew Messer, City Attorney
 City of Murphy

