

ORDINANCE NO 1226

AN ORDINANCE OF THE CITY OF CLEVELAND, TEXAS AMENDING ORDINANCE 1225 ORDERING AND CALLING A GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, AS ALLOWED BY PROCLAMATION OF THE GOVERNOR ISSUED ON MARCH 18, 2020; THE CALLED ELECTION BEING FOR THE PURPOSE OF ELECTING THREE COUNCILMEMBERS (POSITION NOS. 3, 4, 5); CHANGING THE EARLY VOTING DATES PER THE PROCLAMATION BY THE GOVERNOR DATED JULY 27, 2020; PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

* * * * *

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

Section 1. In accordance with the City’s Charter, the general laws and Constitution of the State of Texas, a General Municipal Election was ordered for May 2, 2020 by ordinance of the City Council on January 21, 2020, however due to the outbreak of COVID-19, the Governor of the State of Texas issued a declaration of disaster on March 13, 2020. The Governor issued a proclamation on March 18, 2020 allowing municipalities in the State to postpone their general elections scheduled for May 2, 2020 to November 3, 2020. On March 17, 2020, the City Council of Cleveland approved an ordinance declaring a disaster in the City and on March 19, 2020 City Council of Cleveland approved an ordinance postponing the May 2, 2020 election till November 3, 2020. On June 16, 2020, City Council passed the ordinance calling for the November 3, 2020 election due to the postponement as above noted. On July 27, 2020, Governor Abbot signed a proclamation that extends early voting for the November 3, 2020 election.

Thereby a General Election is called and ordered for Tuesday, Nov 3, 2020, at which election all qualified voters of the City may vote for the purpose of electing the following officials of the City:

- Councilmember, Place 3
- Councilmember, Place 4
- Councilmember, Place 5

Section 2. The candidate filings for the May 2, 2020 election will remain the same for the November 3, 2020 election. The candidate filing period will not be reopened for the November 3, 2020 election.

Section 3. The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place. As ordered for the May 2, 2020, general election, this ordinance will reappoint Klint D Bush, Liberty County Elections Administrator/Voter Registrar (the "Contracting Officer") to hire the election officers to conduct the above described regular and runoff election (collectively called the "election") at said polling place:

POLLING PLACE
CLEVELAND CIVIC CENTER
210 PEACH STREET
CLEVELAND, TEXAS 77327

The City entered into a Joint Election Agreement on January 21, 2020, with Liberty County Elections Administrator/Voter Registrar's office and the Cleveland ISD to hold the joint election, so the Contracting Officer is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment as required by Section 32.009 of the Texas Election Code. The Presiding Judge shall have the authority to appoint no more than five (5) clerks to assist in the holding of said election, but in no event shall the presiding Judge appoint less than two (2) clerks.

Section 4. The Contracting Officer is hereby appointed clerk for early voting. The appointment of a deputy clerk or clerks for early voting by the Contracting Officer shall be in accordance with Section 83.031 *et seq.* of the Texas Election Code.

CLEVELAND CIVIC CENTER
210 PEACH STREET
CLEVELAND, TEXAS 77327

is hereby designated as the place for early voting for said election. Said clerks shall keep said office open during the hours that the main office is regularly open for business, that is, from eight o'clock (8:00) a.m. until five o'clock (5:00) p.m. on each day for early voting which is not a Saturday, a Sunday, or an official state or federal holiday, beginning October 13, 2020, the same being the twenty-first (21st) day and continuing through October 30, 2020, the same being the fourth (4th) day preceding the date of the

said election. Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office; unless otherwise properly noticed by the Elections Administrator's Office for Liberty County in their capacity of Early Voting Clerk, and under no circumstances shall they permit anyone to vote early by personal appearance at any time which such office is not open to the public; provided that early voting by personal appearance shall be conducted for 12 hours on two weekdays as designed in the notice of election. The mailing address to which ballot applications and ballots voted by mail may be sent is Liberty County Courthouse, Attn: Liberty County Elections Administrator/Voter Registrar, 1923 Sam Houston, RM 217, Liberty, TX 77575. The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing of each person who votes by personal appearance and each person to whom a ballot to be voted by mail is sent.

Section 5. The Contracting Officer will appoint a Presiding Judge of the Early Voting Ballot Board. In accordance with Section 87.001, *et seq.* Texas Election Code, said Presiding Judge shall appoint at least two (2) other members to said Board, and shall process early voting results in accordance with said Texas Election Code.

Section 6. All ballots shall be prepared in accordance with the Texas Election Code. The Contracting Officer shall use the Verity Voting system which includes Verity Print device for on-demand ballot printing, Verity Touch and Verity Touch Writer with Verity Access interface for electronic ballot marking assistance, the precinct tally system using Verity Scan, and the mail ballot system purchased by Liberty County from Hart InterCivic, Inc. ("Hart") for the election. Each Election Day polling location will have at least one Verity Touch with Verity Access interface that is accessible to disabled voters. The Contracting Officer or designee shall prepare the Verity Voting system for each polling location during Early Voting and on Election Day. All expenditures necessary for the conduct of the election and the purchase of materials therefore are hereby authorized. Compensation of all election officials is hereby established at the maximum amounts permitted under Section 32.091 *et seq.*, Texas Election Code and as stated in the Joint Election Agreement.