

RESOLUTION NUMBER R125.20.07.23.F1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, ORDERING AND CALLING THE CITY OF CEDAR PARK, TEXAS, GENERAL FOR NOVEMBER 3, 2020; FOR THE PURPOSE OF ELECTING THE MAYOR, COUNCIL PLACE TWO, COUNCIL PLACE FOUR, AND COUNCIL PLACE SIX; MAKING PROVISIONS FOR CONDUCTING THE ELECTION; AND RESOLVING OTHER MATTERS RELATED TO SUCH ELECTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, on January 23, 2020 the City Council of the City of Cedar Park (“City”) ordered a general election be held in the City on May 2, 2020 for the purpose of electing the Mayor, Council Place Two, Council Place Four, and Council Place Six in Resolution Number R046.20.01.23.F1; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, on Wednesday, March 18, 2020 the Governor of the State of Texas issued a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions that would otherwise hold elections on May 2, 2020 to move their elections to the next uniform election date, occurring on November 3, 2020 (“Proclamation”); and

WHEREAS, the President of the United States, the Governor of the State of Texas, the County Judges of Travis and Williamson Counties, and the Mayor of the City of Cedar Park issued disaster declarations at the federal, state, county, and municipal level regarding the imminent threat to public health posed by the novel coronavirus disease (“COVID-19”) pandemic; and

WHEREAS, in accordance with the Governor’s Proclamation and all applicable disaster declarations, on March 26, 2020, the City of Cedar Park postponed the City’s May 2, 2020 general election to the November 3, 2020 uniform election date in the interest of the public health, safety and welfare; and

WHEREAS, pursuant to the provisions of the Cedar Park Charter, the Texas Election Code, as amended, and other related statutes the City Council of the City of Cedar Park, Texas (“City”) is authorized to call a General Election for the purpose of electing the following positions: Mayor, Council Place Two, Council Place Four, And Council Place Six, all of which are official positions of the City of Cedar Park; and

WHEREAS, pursuant to the Governor’s Proclamation, Disaster Declarations, Secretary of State’s Election Advisory 2020-12, and state law, these four (4) positions are for the remainder of the unexpired two (2) year terms that would have commenced in May of 2020, if not for the pandemic; and

WHEREAS, Section 41.001 of the Texas Election Code establishes Tuesday, November 3, 2020 as a uniform election date for the purposes of conducting an election; and

WHEREAS, the City will conduct a joint election with the Williamson and Travis County Elections Administrators and Participating Entities; and

WHEREAS, pursuant to Section 31.092 (a), Texas Election Code, and Chapter 791, Texas Government Code, the City has made provisions with the Williamson County Elections Department and the Travis County Elections Department to perform and conduct election services in connection with said election with respect to registered City of Cedar Park voters in their respective Counties; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution is being adopted was open to the public, and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Government Code, as amended; and

WHEREAS, that said election shall be held in accordance with the Texas Election Code and only resident, qualified voters of said City shall be eligible to vote at said election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. General Election Ordered

It is hereby ordered, pursuant to the laws of the State of Texas and the Charter of the City of Cedar Park that the postponed General Election to be held May 2, 2020 (Exhibit A) is hereby ordered and called for November 3, 2020 at which all resident qualified voters of the City of Cedar Park, shall be entitled to vote for the purpose of electing the Mayor, Council Place Two, Council Place Four, And Council Place Six. Pursuant to the Governor's March 18, 2020 Proclamation, federal, state and local disaster declarations, Secretary of State's Election Advisory 2020-12, and state law, these four (4) positions are for the remainder of the unexpired two (2) year terms that would have commenced in May of 2020, if not for the pandemic.

SECTION 2. Applications For Place On Ballot

That the candidate filings for the May 2, 2020 election 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.

The Candidates filed applications for a place on the election ballot in accordance with Chapter 143 of the Texas Election Code commencing on January 15, 2020. Application shall be filed with the City Secretary, located in City Hall, 450 Cypress Creek Road,

Building One, Cedar Park, Texas. The last day for filing such applications was February 14, 2020, at 5:00 p.m.

SECTION 3. Official Ballot

The official ballot for the election shall be prepared in accordance with Texas Election Code, Chapter 52, with the order of offices on the ballot as follows:

a. General Election:

Mayor
Council Place Two
Council Place Four
Council Place Six

Where applicable, the ballot will include all participating entities and elections of which Cedar Park citizens are eligible to vote. The official ballot shall be printed both in English and Spanish languages and shall contain such provisions, markings, and language as required by law.

SECTION 4. Drawing For Places On The Ballot

The drawing for places on the ballot was conducted in accordance with Texas Election Code Chapter 52, and was held on February 19, 2020.

SECTION 5. Conduct Of Election

The City of Cedar Park is located in Williamson and Travis Counties. As authorized under Section 31.092 of the Texas Election Code, the City will make provisions with Williamson County and Travis County Elections Departments to perform and conduct election services in connection with said election. The Williamson County Elections Administrator and the Travis County Election Manager and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election for the entire City pursuant to the contracts for election services between the City and Williamson and Travis County Elections. The election shall be held as a joint election pursuant to Chapter 271 of the Texas Election Code in accordance with joint election agreements to be entered into between the City and the other participating entities. The election shall be held and conducted by the Williamson County Elections Administrator and the Travis County Elections Manager in compliance with all state laws and the Election Services Agreements.

SECTION 6. Election Precincts, Polling Places And Election Judges.

The Election Day precincts for the election shall be the election precincts as established by Williamson and Travis Counties and shall contain and include geographic area within the City. The precincts and polling places within the City designated for holding the election are identified in Exhibit B and Exhibit C to this Resolution and these exhibits are

incorporated by reference for all purposes. Election judges and clerks shall be appointed in accordance with the Texas Election Code and the Joint Election Agreements executed by Williamson County and/or Travis County. The exhibits may be revised as necessary to conform to final county polling locations as amended and finalized by Williamson County Elections and Travis County Elections.

SECTION 7. Election Clerks

The Presiding Election Judge is hereby authorized to appoint the number of election clerks necessary to assist in the proper conduct of the election and such election clerks shall be qualified electors of the City. However, if the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. The appointment of such clerks must include a person fluent in the Spanish language to serve as a clerk or render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election. In the absence of the Presiding Judge named above, the Alternate Judge shall perform the duties of the Presiding Judge.

SECTION 8. Early Voting

Early Voting shall be conducted by Williamson County Elections Administrator and Travis County Elections Manager, who are hereby designated and appointed as the Early Voting Clerks for the called election and shall perform such duties in accordance with all laws in the Texas Elections Code. Early voting shall be conducted at the branch and part-time early voting polling places identified in Exhibit D and Exhibit E to this Resolution and this exhibit is incorporated by reference for all purposes. These offices or places shall remain open on the dates and at times set forth hereto as authorized by Williamson County Elections Administrator and/or Travis County Elections Manager. Early voting shall commence on the 12th day before the election and continue through the 4th day preceding the date of the election all as provided by the provisions of the Texas Election Code and attached hereto. The exhibits may be revised as necessary to conform to final county polling locations as amended and finalized by Williamson County Elections and Travis County Elections.

The Early Voting Clerk's mailing address to which ballot applications and ballots to be voted by mail may be sent to:

Christopher Davis, Elections Administrator
Williamson County Elections
P.O. Box 209
Georgetown TX 78627

Dana DeBeauvoir, Travis County Clerk
Travis County Elections
P.O. Box 14932
Austin, TX 78714-9325

SECTION 9. Early Voting Ballot Board

An early voting ballot board is hereby created to process early voting results and the Presiding Judge will be appointed by the Williamson County Elections Administrator and/or Travis County Elections Manager. The Presiding Judge shall appoint not less than two (2) nor more than eighteen (18) qualified electors to serve as members of the Early Voting Ballot Board.

SECTION 10. Voters

All resident, qualified electors of the City shall be entitled to vote at the election.

SECTION 11. Notice

Pursuant to and in accordance with Chapter 4 of the Texas Election Code, the Mayor shall cause the notice of said election to be given, that the Mayor shall cause to have such notice posted and/or published; that the Mayor shall cause a copy of this resolution to be served on the Presiding Judge as notice of said election; and that immediately after said election is held, the officers holding the same shall make returns of the results thereof to the Mayor. The attached Exhibit F shall serve as order of said election.

Notice of the Election: shall include a Spanish translation thereof, shall be posted not later than the twenty-first (21st) day before the election on the bulletin board used for posting notices of meetings of the city council and shall be published at least once, not early than the thirtieth (30th) day nor later than the tenth (10th) day before the election in a newspaper published and or general circulation in the City of Cedar Park.

SECTION 12. Adoption Of Voting Systems

An electronic voting system, as defined by the Texas Election Code, may be used for voting at the polling places for said election and the tabulation of the results. The conduct of the election and the use of the electronic voting systems shall be accordance with the Texas Election Code. In accordance with the Texas Election Code, Chapter 123, the City of Cedar Park hereby adopts the voting systems utilized by Williamson and Travis County Elections for Early Voting and Election Day, as certified by the Secretary of State.

SECTION 13. Voting Devices

The City of Cedar Park adopted the voting systems for City elections and the use of Direct Recording Electronic Voting Machines (“DRE’s”) by Resolution Number R069.20.03.12.F3 for Williamson County and Travis County. Electronic Optical scan voting devices may also be used in conducting the election. Williamson County and Travis County may also utilize a central counting station as provided by Section 127.000 *et. seq.*, as amended, of the Texas Election Code.

SECTION 14. Texas Election Code

In all respects the election shall be conducted in accordance with the Texas Election Code, and all other applicable statutes, and the City of Cedar Park Home Rule Charter.

SECTION 15. Results

The Williamson County Elections Administrator and the Travis County Elections Manager shall conduct an unofficial tabulation of results after the closing of the polls on November 3, 2020. The official canvass and tabulation of the results of the election shall be conducted by the City Council at a Special or Regular Called Council Meeting in accordance with the Texas Election Code.

SECTION 16. Custodian Of Election Records

Pursuant to the Election Code and the application Election Services Contract, the Williamson County Elections Administrator and the Travis County Elections Manager shall serve as the Custodian of Election Records for the conduct of the election and voted ballots in their respective counties, and the City Secretary shall serve as custodian of all other election records as maintained by the City.

SECTION 17. Other Action

The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all action necessary to comply with provisions of the Texas Election Code or state and federal statutes and constitutions in carrying out the conduct of the election, whether or not expressly authorized therein.

SECTION 18. Provisions

The provisions of this Resolution are severable; and in case any one or more the provisions of this Resolution of the application thereof to any person or circumstances should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, the remainder of this Resolution nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SECTION 19.

That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 23rd day of July, 2020.

CITY OF CEDAR PARK, TEXAS



Corbin Van Arsdale, Mayor

ATTEST:



LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:



J.P. LeCompte, City Attorney



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EXHIBITS

- A Resolution Postponing The May 2, 2020 City of Cedar Park General Election To November 3, 2020
- B Williamson County Polling Locations – Election Day
To Be Finalized by Williamson County
- C Travis County Polling Locations – Election Day
To Be Finalized by Travis County
- D Williamson County Polling Locations – Early Voting
To Be Finalized by Williamson County
- E Travis County Polling Locations – Early Voting
To Be Finalized by Travis County
- F Order Of Election
Pending finalization of polling locations