



# ***Wharton County Junior College***

## **RESOLUTION POSTPONING THE MAY 2, 2020 TRUSTEE ELECTION AND CONTAINING OTHER PROVISIONS RELATING THERETO**

STATE OF TEXAS       §  
                                  §  
COUNTY OF WHARTON §

Whereas, on January 30, 2020, the World Health Organization declared the outbreak and spread of the novel coronavirus that causes COVID-19 a public health emergency of international concern, and on March 11, 2020 publicly characterized the spread of COVID-19 as a pandemic;

Whereas, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in the United States, and on March 13, 2020, the President of the United States declared the outbreak and spread of COVID-19 in the United States a national emergency;

Whereas, on March 13, 2020, Texas Governor Greg Abbott declared a state of disaster for all counties in Texas due to the eminent threat posed by COVID-19;

Whereas, on March 18, 2020, Governor Abbott issued a proclamation suspending Sections 41.0052 (a) and (b), 31.093, 42.0621(c) of the Texas Education Code and Section 49.103 of the Texas Water Code to allow governmental entities utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020 uniform election date (**Exhibit A, attached**);

Whereas, on March 23, 2020, the Board of Trustees of the Wharton County Junior College ("Board") approved a resolution calling a general election of trustees to be held on May 2, 2020, for the purpose of electing three trustees for regular terms;

Whereas, the Board chooses to exercise the authority granted by Governor Abbott's proclamation to postpone its May 2020 election; and

Whereas, the Board finds that it is in the public interest to postpone its May 2020 election in order to limit the spread of COVID-19; comply with federal, state and local recommendations concerning the size of public gatherings; and promote conscientious health choices, including individual quarantines as may be necessary.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:**

1. All the above referenced paragraphs are incorporated into and made a part of this Order.

2. The Wharton County Junior College's May 2, 2020 election is hereby postponed until November 3, 2020. This Order effectuates a one-time postponement of the College's May 2020 general trustee election and does not authorize a permanent change to the College's regular trustee election date.

3. The Administration will present an amended election order to the Board for adoption on or before August 17, 2020, reflecting any amended timelines, locations, and/or other modifications required for conducting an election on the November 2020 uniform election date.

4. Current Wharton County Junior College trustees with terms expiring in May 2020 shall hold over until the November 3, 2020 election, pursuant to Article XVI, Section 17 of the Texas Constitution.

5. Applications for a place on the ballot submitted on or before February 14, 2020, will remain valid for the November 3, 2020 election; the filing period for applying for a place on the ballot will not be re-opened for the November election date.

6. Applications for a ballot by mail (ABBM) timely filed for the May 2, 2020 election that were marked "annual" will remain valid for the November 3, 2020 election.

7. Single-use ABBMs that were timely filed for the May 2, 2020 election and based on being over the age of 65 or disability will remain valid for the November 3, 2020 election.

8. Single-use ABBMs submitted for the May 2, 2020 election based on expected absence from the county will not be valid for the November 3, 2020 election.

9. Major relevant deadlines for the November 3, 2020 election include:

- |    |                                     |   |
|----|-------------------------------------|---|
| a. | <b>Voter Registration Deadline:</b> | <b>October 5, 2020</b>                    |
| b. | <b>Deadline to file an ABBM</b>     | <b>October 23, 2020</b>                   |
| c. | <b>Early Voting</b>                 | <b>October 19, 2020– October 30, 2020</b> |
| d. | <b>Election Day</b>                 | <b>November 3, 2020</b>                   |

This Order was passed, adopted and approved on this the 23rd day of March, 2020.

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President  
Board of Trustees,  
Wharton County Junior College

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Secretary  
Board of Trustees,  
Wharton County Junior College



GOVERNOR GREG ABBOTT

March 18, 2020

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:00 AM 'CLOCK

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

MAR 18 2020  
*[Signature]*  
Secretary of State

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,

*[Signature]*  
Gregory S. Davidson  
Executive Clerk to the Governor  
GSD/gsd

Attachment



**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, Section 41.001(a)(2) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on May 2, 2020; and

WHEREAS, Section 49.103 of the Texas Water Code provides that certain districts governed by this provision are required to hold director elections in May of each even-numbered year; and

WHEREAS, Section 41.0052 of the Texas Election Code prescribes a procedure for a political subdivision to change a general election date, but the time for making such a change has expired; and

WHEREAS, Section 31.093 of the Texas Election Code requires a county elections administrator to enter into a contract to furnish election services upon request of a political subdivision; and

WHEREAS, Section 42.0621(c) of the Texas Election Code does not require a political subdivision to enter into a contract with a county or hold a joint election with a county on the November uniform election date; and

WHEREAS, on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby suspend Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office. I further suspend Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The authority ordering the election under Section 3.004 of the Texas Election Code is the authority authorized to make the decision to postpone its election in accordance with this proclamation.

Current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution.

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:00AM O'CLOCK

MAR 18 2020



IN TESTIMONY WHEREOF, I  
have hereto signed my name and  
have officially caused the Seal of  
State to be affixed at my office in the  
City of Austin, Texas, this the 18th  
day of March, 2020.

  
\_\_\_\_\_  
GREG ABBOTT  
Governor of Texas

ATTESTED BY:

  
\_\_\_\_\_  
RUTH R. HUGHS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:00AM O'CLOCK  
MAR 18 2020