

REVISED ORDER TO CONDUCT POSTPONED GENERAL AND SPECIAL TRUSTEE ELECTIONS ON NOVEMBER 3, 2020; EXTENDING TRUSTEE TERMS OF OFFICE UNDER THE HOLDOVER PROVISION OF THE TEXAS CONSTITUTION; AND ORDERING OTHER MATTERS INCIDENT AND RELATED TO THE POSTPONED ELECTIONS

WHEREAS, on January 21, 2020, the Board of Trustees (the “Board”) of the Alamo Community College District (the “District”) ordered a general election to be held on May 2, 2020 to elect trustees to serve six-year terms for single-member Districts Four (4), Eight (8), and Nine (9) and a special election on the same day to fill an unexpired term for trustee single-member District Two (2) (collectively the “Elections”); and

WHEREAS, on January 21, 2020, the Board also approved an order designating San Antonio College, Northwest Vista College, and Palo Alto College as early voting sites for the Elections; and

WHEREAS, on March 17, 2020, the Board approved an Order (1) accepting the certification of the agent to the Board Secretary that William Clint Kingsbery became an unopposed candidate for trustee position for District 8, (2) cancelling the general election on May 2, 2020 as to District 8; and (3) declaring William Clint Kingsbery for duly elected as of May 2, 2020 to the position of trustee for District 8; 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, 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, on March 18, 2020, the Governor of the State of Texas issued a proclamation, suspending Section 41.0052(a) and (b) of the Texas Election 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 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 the Governor; and

WHEREAS, on March 18, 2020, the Texas Secretary of State issued Election Advisory No. 2020-12, requiring entities which postponed their May 2, 2020 elections pursuant to the Governor's Proclamation to meet by August 17, 2020 to make necessary revisions to the entity's original order of election because of the change of the election date.

WHEREAS, the Governor of the State of Texas declared in his proclamation of March 18, 2020 that 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 the proclamation; and

WHEREAS, Article XVI, Section 17 of the Texas Constitution requires all officers of the State of Texas to hold over, that is, to continue to perform the duties of their offices until their successors shall be duly qualified; and

WHEREAS, on April 7, 2020, the Board voted to postpone the Elections for single-member Districts Two (2), Four (4), and Nine (9) to a future date but not November 3, 2020; and

WHEREAS, the Governor's proclamation allowed the postponement of the May 2, 2020 trustee elections only to November 3, 2020, a uniform election date; and

WHEREAS, the Board is authorized pursuant to Chapter 85 of the Texas Election Code to designate dates for early voting by personal appearance; and

WHEREAS, on July 27, 2020, the Governor of Texas issued a Proclamation suspending Section 85.001(a) of the Texas Election Code to expand the early voting period for the November 3, 2020 election and ordering that the early voting period shall begin on Tuesday, October 13, 2020; and

WHEREAS, on July 28, 2020, the Texas Secretary of State issued a notice to remind entities that the Texas Election Code allows flexibility to offer voters extended early voting hours; and

WHEREAS, the Board of Trustees at a Special Meeting on August 11, 2020 adopted an Order Confirming Postponement of the General Election for Single-Member Districts 4 and 9 and Special Election for Single-Member District 2 to Fill an Unexpired Term and Declining to Hold the Postponed Election on November 3, 2020; Declaring the Intent to Reschedule the Postponed Election by Issuing a Future Order for an Election for Single-Member Districts 2, 4 and 9 to Be Held at a Later Date ("August 11, 2020 Order"); and

WHEREAS, the Board of Trustees has reconsidered its adoption of the August 11, 2020 Order; and

WHEREAS, the Board finds that it is in the public interest to conduct the postponed Elections on November 3, 2020, a uniform election date.

IT IS, **THEREFORE**, ORDERED BY THE BOARD OF TRUSTEES OF THE ALAMO COMMUNITY COLLEGE DISTRICT THAT:

Section 1. Moving and Change of Election Date. Having exercised the authority granted by the Governor’s Proclamation to postpone the general and special trustee elections scheduled for May 2, 2020, the Board hereby exercises its authority granted by the Governor’s Proclamation to conduct the postponed trustee elections for Districts 2, 4, and 9 on Tuesday, November 3, 2020, a uniform election date. The Order approved on January 21, 2020, calling for the Elections, and the Order approved on April 7, 2020, postponing the Elections to a future date, are hereby amended to change the date for the Elections to November 3, 2020.

Section 2. Effect of Changing Election Date on Candidate Filings. The filing period for the elections will not be re-opened for the November 3, 2020 uniform election date. All accepted applications for a place on the ballot that were filed with the District by 5 pm on February 14, 2020 for Districts 2, 4, and 9 for the election that was to be held on May 2, 2020 will remain valid.

Section 3. Effect of Changing Election Date on Applications for Ballot by Mail. All applications 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 elections. Applications for a ballot by mail by voters who are not over the age of 65 or disabled and who submitted applications based on expected absence from the county will **not** be valid for the November 3, 2020 elections. Applications for a ballot by mail based on expected absence from the county and new applications by persons over the age of 65 or disabled, for the November 3, 2020 elections will need to be received by Bexar County Elections Administration by October 23, 2020. Any mail-in ballots already sent out by the early voting clerk that are returned by the voter to the early voting clerk will be valid for the November 3, 2020, elections. Voters are allowed to deliver a marked mail ballot in person to the early voting clerk’s office prior to and including on election day.

Section 4. Effect of Changing Election Date on Early Voting Locations. The November 3, 2020 elections are being conducted and coordinated by Bexar County Elections Administration, jointly with other entities. Bexar County has designated Northwest Vista College as an early voting site for the November 3, 2020 elections. The Board approves Northwest Vista College, San Antonio College, and Palo Alto College as early voting site for the postponed Elections. The Board further approves the main and other early voting locations designated or to be designated by Bexar County Elections Administration for the November 3, 2020 election.

Section 5. Effect of Changing Election Date on Election Deadlines. The change of the date of the postponed Elections to November 3, 2020 changes relevant deadlines and dates for early voting as follows:

Voter Registration Deadline:	October 5, 2020
Deadline to submit Application for a Ballot by Mail:	October 23, 2020

Dates for Early Voting:

October 13, 2020 – October
30, 2020

As stated in the Governor's Proclamation of July 27, 2020, entities may extend the hours of early voting, including on the weekends. The Board approves the regular hours of early voting and any extended hours designated by Bexar County Elections Administration.

Section 6. Effect of Changing Election Date on Early Voting Clerk. The change of the Elections date to November 3, 2020 does not change the identity of or contact information for the early voting clerk, designated in the Order of January 21, 2020 calling the Elections. The early voting clerk is Jacquelyn Callanen, Bexar County Elections Administrator, 1103 S. Frio, Suite 100, San Antonio, Texas 78207.

Section 7. Election Contracts. As permitted by Chapter 791 of the Texas Government Code and Chapter 271 Texas Election Code, the Board approves that the Trustee Elections on November 3, 2020 be conducted under the terms and conditions of an Election Services Agreement with Bexar County, Texas and a Joint Election Agreement with the other entities holding elections on the same date. The Board authorizes the execution and adoption of those agreements.

Section 8. Notice of Meeting. The Board officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Order is adopted was posted on the College District's website for at least seventy-two (72) hours preceding the scheduled time of the meeting; that a telephonic or telegraphic notice of such meeting was given to all news media who have consented to pay any and all expenses incurred by the District in connection with providing such notice, both as required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Order and the subject matter thereof was discussed, considered and formally acted upon. The Governor has suspended and modified certain open meeting requirements pursuant to his disaster declaration. These changes include allowing the entity to establish procedures for telephonic or videoconference meetings that are accessible to the public.

Section 9. Preamble Incorporation. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

Section 10. Inconsistent Provisions. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Order, including, without limitation, the August 11, 2020 Order, are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

Section 11. Governing Law. This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 12. Severability. If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Order would have been enacted without such invalid provision.

Section 13. Authorization to Execute. The Chair of the Board is authorized to execute and the Secretary of the Board is authorized to attest this Order on behalf of the Board; and the Chair of the Board is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 14. Effective Date. This Order is effective immediately upon its passage and approval.

PASSED AND APPROVED this 17th day of August, 2020.

Marcello Casillas, Chair
Alamo Community College District
Board of Trustees

ATTEST:

Anna Uriegas Bustamante, Secretary
Alamo Community College District
Board of Trustees

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