

ORDER BY THE BOARD OF TRUSTEES OF MCMULLEN COUNTY
INDEPENDENT SCHOOL DISTRICT AUTHORIZING THE
POSTPONEMENT OF ITS BOND ELECTION TO BE HELD WITHIN SAID
DISTRICT

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

WHEREAS, on March 13, 2020, pursuant to the authority vested in the Governor of the State (the “Governor”) by Section 418.014 of the Texas Government Code, the Governor certified that the novel coronavirus posed an imminent threat of disaster and declared a state of disaster for all counties in the State; and

WHEREAS, pursuant to the authority vested in the Governor by 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 the 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; and

WHEREAS, on March 18, 2020, pursuant to the authority vested in the Governor by the Constitution and the laws of the State, the Governor issued a proclamation (the “Proclamation”), attached hereto as Exhibit A, to (i) 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 of November 3, 2020, without otherwise adjusting the term of office for the directors, and (ii) to 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 its election to November 3, 2020; and

WHEREAS, the Governor further proclaimed in his Proclamation that pursuant to Section 3.004 of the Texas Election Code, a political subdivision has the authority to make the decision to postpone its election until November 3, 2020; and

WHEREAS, on March 19, 2020, the Governor issued an Executive Order prohibiting social gatherings in groups of more than 10 people; and

WHEREAS, State and local health officials have strongly recommended that people avoid mass gatherings and attempt to stay distant to avoid the spread of the virus; and

WHEREAS, the McMullen County Independent School District (the “District”) is impacted by this state of emergency and is concerned that the emergency will impact students, parents, staff, the community and the May 2, 2020 Election; and

WHEREAS, the Board of Trustees (the “Board”) of the District adopted an order on February 5, 2020 calling for a bond election to be held within the District on May 2, 2020; and

WHEREAS, in light of the Governor's March 13, 2020 declaration of disaster, the Proclamation and the Governor's March 19, 2020 Executive Order, the Board has found and determined that it is necessary and in the best interest of the District and its citizens that it authorize by this Order the postponement of its May 2, 2020 bond election until November 3, 2020 (the "Postponed Election"); and

WHEREAS, the Board hereby finds and declares that the meeting at which this Order is considered is open to the public, and that the public notice of the time, place and purpose of the meeting was given, as required by Chapter 551, Texas Government Code, as amended;

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF TRUSTEES OF MCMULLEN COUNTY INDEPENDENT SCHOOL DISTRICT:

Findings. The statements contained in the preamble of this Order are true and correct and are hereby adopted as findings of fact and as a part of the operative provisions hereof.

Election Date. The Board hereby authorizes the postponement of the District's May 2, 2020 bond election until November 3, 2020.

Notice of Postponement of Election. Notice of the District's postponement of its May 2, 2020 bond election shall be given by (i) a copy of this Order to the voter registrar and county clerk of McMullen County, Texas (the "County"), (ii) posting a copy of this Order, in English and Spanish, on the District's website, prominently, not later than the twenty-first (21st) day prior to May 2, 2020, the date on which the Bond Election would have originally been held, through May 2, 2020, and (iii) posting a copy of this Order, in English and Spanish on the websites for McMullen County, Texas (the "County"), not later than the twenty-first (21st) day prior to May 2, 2020 through May 2, 2020.

All Applications for Ballots by Mail.

All Applications for Ballots by Mail ("ABM") for voters that are voting by mail due to being over the age of 65 or due to disability remain valid for the Postponed Election.

All ABMs for voters who submitted ABMs based on expected absence from the County are NOT valid for the Postponed Election.

Deadlines for Postponed Election. All relevant deadlines and timelines for the November 3, 2020 uniform election date shall apply to the Postponed Election, including, but not limited to, the following:

October 5, 2020 - Voter registration deadline.

October 23, 2020 - Deadline to submit an ABM.

October 19, 2020 through October 30, 2020 – Days for early voting by personal appearance.

Future Election Order. On or before August 17, 2020, the Board will consider for adoption an Amended Order of Election reflecting any changes to polling places and/or election officials, as necessary, for the Postponed Election, and such other amendments or modifications as may be deemed necessary or desirable by the Board.

Necessary Actions. The President of the Board, the Superintendent of the District, or their designee, acting on behalf of the Board, in consultation with the District's attorney and bond counsel, is hereby authorized and directed to take any and all actions necessary to comply with the provisions of Section 41.001(a) of the Texas Election Code and the Federal Voting Rights Act in carrying out and conducting the Election.

Effective Date. This Order shall take effect immediately upon its approval.

[Signature Page Follows]

PASSED AND APPROVED the 24th day of March, 2020.

/s/ Walt Franklin

President, Board of Trustees
McMullen County Independent School District

ATTEST:

/s/ Michael Gunter

Secretary, Board of Trustees
McMullen County Independent School District