

**AN ORDER POSTPONING THE ELECTION OF TRUSTEES
FOR THE DUNCANVILLE INDEPENDENT SCHOOL DISTRICT
FROM MAY 2, 2020 TO NOVEMBER 3, 2020**

WHEREAS, pursuant to an order passed by the Board of Trustees (“Board”) of the Duncanville Independent School District (“District”), an election for trustee places 4 and 5 was ordered to be held in the District on May 2, 2020 (“Election”), being a uniform election date prescribed by Section 41.001 of the Texas Election Code; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas (“Governor”) 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 (“Disaster Proclamation”); and

WHEREAS, in furtherance of the Disaster Proclamation, the Governor issued an order on March 16, 2020 (“Open Meetings Order”) temporarily suspending certain provisions of the Open Meetings Act, Chapter 551 of the Texas Government Code; and

WHEREAS, in furtherance of the Disaster Proclamation, the Governor issued a proclamation on March 18, 2020 (“Election Proclamation”) suspending Sections 41.0052(a) and (b) of the Texas Election Code to the extent necessary to allow political subdivisions to move their previously ordered special elections from May 2, 2020 to the next uniform election date, which occurs on November 3, 2020; and

WHEREAS, the Board finds that Sections 41.0052(a) and (b) of the Texas Election Code are regulatory statutes prescribing the procedures for the conduct of state business and are properly subject to the Governor’s authority under Section 418.016 of the Texas Government Code; and

WHEREAS, the Board desires to exercise its authority under the Election Proclamation; and

WHEREAS, the early voting period for the Election has not begun, although applications for ballots by mail may have been received; and

WHEREAS, the Board hereby finds and determines that all proceedings and actions to date with respect to the Election have been proper and appropriate; and

WHEREAS, the Board hereby finds and determines that postponing the Election from May 2, 2020 to November 3, 2020 is in the best interests of the residents of the District; now, therefore

IT IS ORDERED BY THE BOARD OF TRUSTEES OF THE DUNCANVILLE INDEPENDENT SCHOOL DISTRICT TEXAS THAT:

SECTION 1. The Election is hereby postponed from May 2, 2020 to November 3, 2020.

SECTION 2. The candidate filings for the Election will remain valid for the election held on the November date, and the filing period will not be re-opened for the November election date.

SECTION 3. All applications for ballots by mail that were submitted for the May 2, 2020 election for reasons of age or disability will remain valid for the November 3, 2020 election.

SECTION 4. Applications for ballots by mail that were submitted based on expected absence from the country will not be valid for the November 3, 2020 election.

SECTION 5. The Secretary of the Board will post notice or cause to be posted a copy of this order during early voting by personal appearance and on election day at each polling place that would have been used for the Election in compliance with Section 2.081 of the Election Code, as amended.

SECTION 6. The Board will meet no later than August 17, 2020 to make any necessary or desirable revisions to its original order of election, including but not limited to identifying the voter registration deadline (October 5, 2020), the deadline to submit annual applications for ballots by mail (October 23, 2020), and the dates for early voting (October 19, 2020 through October 30, 2020).

SECTION 7. 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 8. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this 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 ordained herein.

SECTION 9. This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10. It is officially found, determined, and declared that the meeting at which this Order is adopted was open to the public, and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Order, was given, all as required by Chapter 551, as amended, Texas Government Code, and as modified by the Open Meetings Order.

SECTION 11. 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 this Board hereby declares that this Order would have been enacted without such invalid provision.

SECTION 12. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Order shall be effective immediately upon adoption.

SECTION 13. If governmental authorities issue waivers, authorize emergency action, and/or take action permitting the Election to occur on a different date before November 3, 2020, the Board reserves the right to amend this Order or issue another election order, pursuant to such authority.

PASSED AND APPROVED on the 20 day of April, 2020.

DUNCANVILLE INDEPENDENT SCHOOL
DISTRICT

Carla Fahey
President, Board of Trustees

ATTEST:

Phil McNeely
Secretary, Board of Trustees