GOVERNOR GREG ABBOTT

March 20, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:35pm O'CLOCK
MAR 20 2020
Secretary of State

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

Dear Secretary Hughs:

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

> A proclamation that: suspends Section 41.007(b) of the Texas Election Code to the extent necessary to postpone the runoff primary election date until Tuesday, July 14, 2020; suspends Section 41.007(d) of the Texas Election Code to the extent necessary to allow for the runoff primary election to be held on the same date as the special election for Texas State Senate District No. 14, which has already been ordered for Tuesday, July 14, 2020; and suspends Section 41.008 of the Texas Election Code to the extent it would preclude holding the runoff primary election on July 14, 2020.

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

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, Texas held its general primary election on March 3, 2020, and in multiple races, no candidate received a majority of the total number of votes cast; and

WHEREAS, Section 2.021 of the Texas Election Code requires that a runoff election be held if no candidate receives the votes necessary to be elected; and

WHEREAS, Section 41.007(b) of the Texas Election Code requires that the runoff primary election date is the fourth Tuesday in May following the general primary election, and for this year, that date is May 26, 2020; and

WHEREAS, Section 41.007(d) of the Texas Election Code provides that no other election may be held on the date of a primary election; and

WHEREAS, Section 41.008 of the Texas Election Code provides that an election held on a date not permitted is void; 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, the Commissioner of the Texas Department of State Health Services has now determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, also on March 19, 2020, the Governor issued an executive order in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention, and mandated certain obligations for Texans that are aimed at slowing the spread of COVID-19; and

WHEREAS, Texas law provides that eligible voters have a right to cast a vote in person on the day of the election; and

WHEREAS, holding the runoff primary election on May 26, 2020, would cause the congregation of large gatherings of people in confined spaces and force numerous election workers to come into close proximity with others, thereby threatening the health and safety of many Texans and literally exposing them to risk of death due to COVID-19; and

WHEREAS, holding the runoff primary election on May 26, 2020, would therefore prevent, hinder, or delay necessary action in containing the COVID-19 disaster; and

WHEREAS, there is precedent in Texas for moving a runoff primary election to a later date, such as in 2012 when a runoff primary election was held in July; and

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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 Section 41.007(b) of the Texas Election Code to the extent necessary to postpone the runoff primary election date until Tuesday, July 14, 2020. I further hereby suspend Section 41.007(d) of the Texas Election Code to the extent necessary to allow for the runoff primary election to be held on the same date as the special election for Texas State Senate District No. 14, which has already been ordered for Tuesday, July 14, 2020. Finally, I hereby suspend Section 41.008 of the Texas Election Code to the extent it would preclude holding the runoff primary election on July 14, 2020.

Early voting by personal appearance shall begin on Monday, July 6, 2020, in accordance with Section 85.001(b) of the Texas Election Code.

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 20th day of March, 2020.

GREG ABBOTT
Governor of Texas

ATTESTED BY:

RUTH R. HUGHS
Secretary of State

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