

SPECIAL ELECTION

A Special Municipal Election is necessary for a Mayoral vacancy having occurred on the City Council of the City of Diamondhead, Mississippi by virtue of the untimely passing of Mayor Thomas E. Schafer, IV on July 31, 2020; and

WHEREAS, the City Council previously ordered a Special Election to be held September 15, 2020, and the special election was postponed by necessity for the safety of the poll workers and the electorate due to a Proclamation Declaring a State of Emergency issued by Governor Tate Reeves, effective 8:00 a.m. September 13, 2020 for Tropical Storm/Hurricane Sally and further that effective 8:00 a.m. September 14, 2020 the Hancock County Emergency Management Agency issued a mandatory evacuation encompassing the areas south of Interstate 10 in the City of Diamondhead ahead of the projected landfall. The City Council also issued a Proclamation declaring a Local Emergency for such event pursuant to MS Code Section 33-15-17 governing the emergency powers of municipalities and such emergency continues at this time; and

WHEREAS, the City Council finds it is necessary that the governing authorities amend its Order setting the Special Election to reschedule the election date pursuant to MS Code §23-15-857. In order to ensure a fair election and to fully comply with all applicable statutes the City Council has consulted the Attorney General's Office and the Secretary of State's Office for guidance and is aware that there is no governing statute or opinion that governs this particular situation.

IT IS HEREBY ORDERED THAT:

Pursuant to Mississippi Code Annotated Section 23-15-857, as amended, and pursuant to the emergency powers set forth in MCA Section 33-15-17 and Section 33-15-31, as amended, a special municipal election is hereby ordered to be held on October 20, 2020, in the City of Diamondhead, Hancock County, Mississippi, for the purpose of electing a qualified candidate to fill the position of Mayor of the City of Diamondhead, Mississippi.

IT IS FURTHER ORDERED THAT:

The qualifying period will remain unchanged and no additional time will be provided for any other candidates to qualify. The qualifying period for the special election was previously closed at 5:00 p.m. on August 26, 2020 and two candidates were duly qualified by the Municipal Election Commission. All residents of the City of Diamondhead were provided the same opportunity to qualify and there is no harm to those who failed to qualify in a timely manner.

Absentee Ballots, in-person or by mail, having previously been cast for the September 15, 2020 election in accordance with the laws governing such absentee voting and such absentee ballots shall be considered and reviewed by the Election Resolution Board as required by law. The Municipal Election Commission will include all such lawfully cast absentee ballots previously

cast in the final election results in the same manner as other absentee votes that shall be hereafter cast for the October 20, 2020 special election. It is the intention of the City of Diamondhead that all votes should be counted to ensure that each elector has their vote properly counted. In addition, all registered voters that have not previously cast an absentee vote will be allowed to continue to vote absentee in the time and manner required and allowed by law for the October 20, 2020 special election.

All other relevant State laws not in conflict with the terms of this Order shall further apply.

Further the Clerk of the City of Diamondhead is directed to publish and post proper notice of the October 20, 2020 Special Mayoral Election as provided by law to ensure that all residents are aware of the new election date.

So, **RESOLVED, ORDERED AND DIRECTED** by the City Council of the City of Diamondhead, Mississippi that the Special Mayoral Election of the City of Diamondhead, Mississippi shall be held on Tuesday, October 20, 2020.

The above and foregoing Resolution, after having been first reduced to writing, was introduced by Councilmember Morgan, seconded by Councilmember Clark, and was adopted on September 18, 2020 by the following roll call vote:

	Aye	Nay	Absent
Mayor Pro Tem Depreo	___	___	<u>Recuse</u>
Councilmember Moran	<u>✓</u>	___	___
Councilmember Morgan	<u>✓</u>	___	___
Councilmember Clark	<u>✓</u>	___	___
Councilmember L'Ecuyer	<u>✓</u>	___	___



Nancy C. Depreo
Nancy C. Depreo, Mayor Pro Tem

Attest: Jeannie Klein
Jeannie Klein, City Clerk

