

**TAYLOR COUNTY GUIDELINES REGARDING  
MARRIAGE CEREMONIES PURSUANT TO EXECUTIVE  
ORDER GA-29**

**(Relating to the use of face coverings during the COVID-19 disaster)**

**DISCLAIMER**

This document is designed to help citizens negotiate the myriad of rules being generated to address COVID-19. If there is a caveat to these directives, it is simply this. There is no formal training available for officials to use in interpreting those rules. All we can really do is look at the rules and do our best to answer questions from our citizens. We would ask for your patience as we do this. This document is not authoritative and does not provide legal advice. Taylor County is not liable or responsible for any consequences which may result from any misapplication of the Governor's Executive Orders.

On July 2, 2020, Texas Governor Greg Abbott, issued Executive Order GA-29 as part of his on-going efforts to address the COVID-19 pandemic that poses an imminent threat of disaster to all counties in the State of Texas. GA-29 specifically relates to the use of face-coverings during the pandemic. Texas Government Code, Section 418 (more commonly known as the Texas Disaster Act of 1975) addresses the authority of the Executive Branch of government as it relates to emergency management. Sec. 418.011. RESPONSIBILITY OF GOVERNOR states: "The governor is responsible for meeting the dangers to the state and people presented by disasters ..." . Sec. 418.012. EXECUTIVE ORDERS further stipulates that under this chapter, "the governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations have the force and effect of law."

Governor Abbott Executive Order 29 (GA-29) targets three specific areas: the mandatory use of face-coverings in public settings, mass gatherings, and specifically protests and demonstrations. There are some exceptions to those requirements and consequences for violating the Governor's directives. Violating GA-29 carries a verbal or written warning for first-time violations, but imposes a fine of up to \$250 per each subsequent violation, but no law enforcement or other official may detain, arrest, or

confine in jail any person for violating this executive order, nor for related non-violent, non-felony offenses that are predicated on a violation of this executive order.

According to GA-29: "Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public; or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that the face-covering requirement does not apply to the following:

1. Any person younger than 10 years of age;
2. Any person with a medical condition or disability that prevents wearing a face covering;
3. Any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
4. Any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
5. Any person while the person is driving alone or with passengers who are part of the same household as the driver;
6. Any person obtaining service that requires temporary removal of the face covering for security surveillance, screening, or need for specific access to the face, such as visiting a bank or while obtaining personal-care service involving the face, but only to the extent necessary for the temporary removal;
7. Any person while the person is in a swimming pool, lake, or similar body of water;
8. Any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
9. Any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
10. Any person while the person is giving a speech for a broadcast or to an audience; or
11. Any person in a county (a) that meets the requisite criteria promulgated by the Texas Division of Emergency Management (TDEM) regarding minimal cases of COVID-19, and (b) whose county judge has affirmatively opted-out

of this face-covering requirement by filing with the TDEM the required face-covering attestation form – provided, however, that wearing a face covering is highly recommended, and every county is strongly encouraged to follow these face-covering standards.

Not excepted from this face-covering requirement is any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not of the same household.

Weddings are special events. They mark a great moment in the couple’s life and are often shared with and include family, relatives, and friends. They are also among the groups most likely to be impacted by the actions that impact the spread of the COVID-19 virus. It is my hope that the following guidelines can offer some assistance to families and couples still attempting to navigate the intricacies of life in the shadow of COVID-19.

### **BASIC INFORMATION REGARDING THE THREAT OF COVID-19**

COVID-19 appears to be spread in a variety of ways, but most commonly through:

- 1) Travel;
- 2) Contact with a confirmed case of covid-19;
- 3) Close proximity to someone in the community who is ill; or
- 4) Other unknown or undetermined means.

When a person shows signs of COVID-19 or tests positive for the virus, depending on the symptoms, they are often asked to self-isolate, but may be hospitalized if the symptoms are bad enough. The elderly, infirmed, or those with compromised immune systems appear to be at the greatest risk, but COVID-19 can and does spread across all ages. Most people exposed either don’t get sick or recover at home if they do.

At the very least, the following steps are encouraged and should be followed:

- Face-coverings (or masks);
- Social distancing (six-foot separation between unrelated persons);

- Avoiding large gatherings;
- Frequent hand washing;
- Use of hand-sanitizers.

Nearly everything you are asked or required to do is based on accomplishing one goal: Stopping exposure to and the spreading of the COVID-19 virus.

## WHAT IS THE COUNTY JUDGE'S AUTHORITY?

Under Sec. 418.108 of the Texas Government Code, the presiding officer of the governing body of a political subdivision (either the mayor of a city or the county judge of a county) may declare a local state of disaster. A declaration of local disaster activates the appropriate recovery and rehabilitation aspects of all applicable local or inter-jurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the declaration. The appropriate preparedness and response aspects of the plans are activated as provided in the plans and take effect immediately after the local state of disaster is declared. Taylor County declared such a disaster on March 26, 2020.

The county judge or the mayor of a municipality may order the evacuation of all or part of the population from a stricken or threatened area under the jurisdiction and authority of the county judge or mayor if the county judge or mayor considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery.

The county judge or the mayor of a municipality may control ingress to and egress from a disaster area under the jurisdiction and authority of the county judge or mayor and control the movement of persons and the occupancy of premises in that area. The jurisdiction and authority of the county judge includes the incorporated and unincorporated areas of the county; and to the extent of a conflict between decisions of the county judge and the mayor, the decision of the county judge prevails. **An executive order of the Governor supersedes the authority of both the county judge and the mayor.**

Taylor County's Disaster Declaration incorporates all of the Governor's requirements, but also makes the following specific point regarding its citizens: *"Personal responsibility is of paramount importance in attempting to prevent the spread of COVID-19."*

As you move through the interpretations of the governor order and how it will be viewed, remember that there is no substitute for good, sound judgment.

### **INTERPRETING THE GOVERNOR'S ORDER**

1. Safety of guests and wedding participants is of paramount concern. You should try to accomplish the following: (a) protecting against community spread by social distancing by six feet, and (b) requiring the wearing of masks, even if you are in an outdoor setting. Note that the mask or face-covering should be properly worn: that is, covering the nose and mouth. GA-29 clearly says that every person shall wear a face-covering when **“inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain a social distance of six feet.”** I interpret that to mean shared “public” spaces. If the wedding is taking place out of doors and you cannot separate unrelated guests by a distance of six feet, you should “mask” up. If your wedding is going to take place in a public park, wear masks. Private businesses can set their own masking requirement so be sure to confer with them regarding your specific concerns and how those can be addressed.
2. Large gatherings have always been an issue in COVID-19. Mass gatherings are discouraged because of the risk they present to those attending. Can you have a wedding with 100 people in attendance? For the answer to that, we must look back at the Governor’s Executive Order GA-28. Paragraph 5 of GA-28 provides that “[f]or any outdoor gathering in excess of 100 people, other than those set forth in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order.” I interpret this provision to mean that having an outdoor wedding with more than 100 people in attendance is subject to my approval as County Judge or the mayor’s approval if inside the City Limits of Abilene. If given approval, the parties would still have to comply with GA-29’s masking requirements.

3. Having an indoor wedding with more than 100 people in attendance would also depend on the listed occupancy of the establishment. GA-28 states that “[e]very business establishment in Texas shall operate at no more than 50 percent of the total listed occupancy of the establishment,” with certain exceptions. You should check with the venue to be sure that you are compliant with occupancy restrictions.

In short, GA-29 applies to all indoor and outdoor weddings, no matter how many people are in attendance. If proper social distancing cannot be maintained, you should “mask” up.

4. EXCEPTIONS: GA-29 does not supersede GA-28 as amended; it works in tandem with the preceding executive orders. While there are exceptions, those listed by the Governor are pretty specific. Even then, he is clearly urging the use of face-coverings when social distancing is not possible.

### CDC GUIDELINES AND ADDITIONAL RESOURCES

The Centers for Disease Control and Prevention and the Governor’s Strike Force on Opening Texas have released guidelines for events and gatherings. I have included a link to those agencies and their guidelines below as well as an article from *Brides* magazine with some planning tips:

CDC: <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>

TEXAS STRIKE FORCE:

<https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Employers.pdf>

BRIDES MAGAZINE: <https://www.brides.com/what-to-know-about-coronavirus-and-wedding-planning-4799160>

COVID-19 is having some significant impacts on life as we use to know it, but out of chaos comes order. Wedding planners are getting creative in how they address these concerns and we encourage them to continue doing so. Some couples are

choosing to do a smaller ceremony, then hosting a reception after the wedding. Some are spreading out and doing the masks and social distancing with a “wedding” theme.

Best of luck to the bride and groom and take lots of pictures. It will be a time to be remembered. Stay well; stay safe; and, make good decisions.

DOWNING A. BOLLS, JR.  
Taylor County Judge