

RESOLUTION NO. 2011-10-10-R-01

A RESOLUTION OF THE CITY OF PRINCETON, TEXAS, MAKING THE FOLLOWING CHANGES TO THE CITY'S GENERAL ELECTION PURSUANT TO SENATE BILL 100, EIGHTY-SECOND REGULAR LEGISLATURE: TO CHANGE THE CITY'S UNIFORM ELECTION DATE FROM MAY TO NOVEMBER COMMENCING NOVEMBER OF 2012, TO PROVIDE FOR HOLDOVER OF PLACES AFFECTED BY THE CHANGE IN UNIFORM ELECTION DATE; PROVIDING FOR SEVERABILITY.

WHEREAS, the federal Help America Vote Act of 2002 (HAVA), found in 42 U.S.C. § 15481(a)(3), mandates that for elections in which a federal office is on the ballot – each polling place must be equipped with an electronic voting machine to facilitate voting by those with disabilities; and

WHEREAS, the Texas Legislature implemented HAVA in the 2003 regular session with the passage of House Bill 1549, but expanded the scope of the electronic voting machine requirement to apply to any election held in the state, with limited exceptions; and

WHEREAS, the federal Military and Overseas Voter Act of 2009 (MOVE Act), found in 42 U.S.C. § 1973ff-1, provides for an extended timetable in which absentee ballots be transmitted to uniformed and overseas citizens at least 45 days prior to an election; and

WHEREAS, the Texas Legislature implemented the MOVE Act in 2011 with the passage of Senate Bill 100, which overlaid the period between the state's primary and primary runoff election upon the most commonly-used uniform election date for the municipal general election, which is the second Saturday in May; and

WHEREAS, many counties in Texas have concluded that, in even-numbered years (the years in which the state's primary and primary runoff elections are held), they will be unable to provide to their cities – through sharing, lease, or other means – the electronic voting machines that are required by the aforementioned federal and state laws; and

WHEREAS, City Council has determined that without the economic benefit of the shared cost of the elections with Collin County or the School District, bearing the sole cost of the election is cost preclusive; and

WHEREAS, the City of Princeton currently holds its general election on the uniform election date on the second Saturday in May; and

WHEREAS, pursuant to Senate Bill 100 and other statutory and state constitutional provisions, the City of Princeton is through the adoption of this resolution and any other necessary means making best efforts to modify its election procedures to be in compliance with the bill and other federal and state laws; and

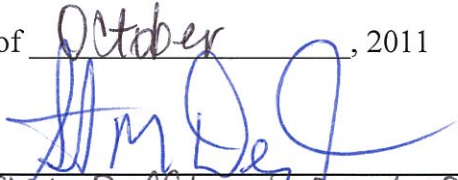
WHEREAS, Section 5 of Senate Bill 100, amends Section 41.0052 of the Texas Election Code to provide that the holdover of members of a governing body of a city to conform to a new election date constitutes a holdover and not a vacancy under the Texas Constitution; and

WHEREAS, the City Council of the City of Princeton believes it is to the advantage of the City, its citizens, and the pursuit of democracy to pass such a resolution because it affords its citizens just one uniform election date under which all joint elections with the County will be conducted.

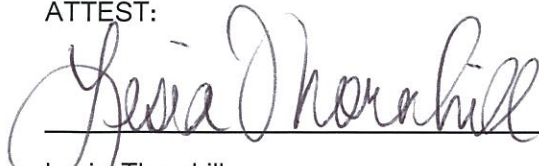
NOW THEREFORE; BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF Princeton, TEXAS:

1. The City of Princeton, Texas is hereby establishing a Uniform Election date of November and shall hereby adjust the terms of office to conform to the new election date. The places whose term of office currently expire in May of 2012 shall extend as a holdover from May 2012 to November 2012 and for those places whose term of office currently expire in May of 2013, shall extend as a holdover until November 2013, Thereafter, the terms of office shall run from November to November, each year.
2. Should any section or part of this resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair, or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this resolution are declared to be severable.

PASSED AND APPROVED this 10 day of October, 2011


Steve Deftibaugh, Deputy Mayor Pro Tempore
~~Mayor, Ken Bowers~~

ATTEST:



Lesia Thornhill

