

RESOLUTION NO. 2011-10-18

A RESOLUTION OF THE CITY OF PAYNE SPRINGS, TEXAS, TO PERMANENTLY MOVE THE CITY'S GENERAL ELECTIONS FROM THE MONTH OF MAY TO THE MONTH OF NOVEMBER BEGINNING IN THE YEAR 2012 AND MAKING THE NECESSARY ADJUSTMENTS TO THE EXISTING OFFICE HOLDER TERMS IN OFFICE OF IMPLEMENT THIS OBJECTIVE PURSUANT TO SENATE BILL 100, EIGHTY-SECOND REGULAR LEGISLATURE.

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, the City of Payne Springs 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 Payne Springs 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, the City Council of the City of Payne Springs believes it is to the advantage of the City, its citizens, and the pursuit of democracy to pass such a resolution because the City would save substantial costs associated with renting or buying Election equipment needed to continue to hold City Elections in the Month of May. Furthermore, since November is both a standard election time for both State & Federal Elections, this should have a positive impact on voter turnout over the traditionally low voter turnout for City Elections held in May.

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

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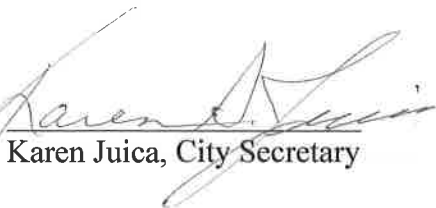
1. Beginning in the year 2012 the City of Payne Springs will move its annual City Elections from May to November to coincide with the State and Federal November Election date. Since the City currently holds elections in even years for the Office of Mayor and two City Council Seats and odd years for the other three City Council Seats. The process of moving to the new November election period will entail the following steps:
 - a. The terms for the Mayor and the two City Council positions currently scheduled to end in May 2012 will be extended to November 6, 2012, the Federal/State Election date. The election for the Office of Mayor and the two City Council Seats whose terms are currently scheduled to end in May 2012 will be held on November 6, 2012 and then every two years going forward thus re-establishing the traditional two year terms for these elected positions.
 - b. The terms for the three City Council positions currently scheduled to end in May 2013 will be extended to November 5, 2013, the Federal/State Election date. The election for the three City Council Seats whose terms are currently scheduled to end in May 2013 will be held on November 5, 2013 and then every two years going forward thus re-establishing the traditional two year terms for these elected positions.
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 18th day of October, 2011



Rodney Renberg, Mayor

ATTEST:



Karen Juica, City Secretary

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/s/ Rodney Renberg, Mayor

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/s/ Karen Juica, City Secretary
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