

RESOLUTION No. 2012-1-3-1

A RESOLUTION OF THE VILLAGE OF VINTON, TEXAS MAKING THE FOLLOWING CHANGES TO THE CITY'S GENERAL ELECTION PURSUANT TO SENATE BILL 100, EIGHTY-SECOND LEGISLATURE; CHANGING THE VILLAGE OF VINTON'S GENERAL ELECTION DATE FROM THE UNIFORM DATE ESTABLISHED BY LAW IN MAY TO THE NOVEMBER UNIFORM ELECTION DATE ESTABLISHED BY LAW PROVIDING FOR THE HOLDOVER MEMBERS OF THE CITY COUNCIL TO CONFORM TO THE NOVEMBER 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 exception; 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 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 Village of Vinton 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 Village of Vinton is , through the adoption of this resolution and any other necessary means- making the best effort in compliance with the bill and other federal and state laws; and

WHEREAS, the City Council of the Village of Vinton believes it is to the best advantage of the City, its citizens, and the pursuit of democracy to pass such a resolution to become in compliance with HB 1575 and SB 100 and to provide for the holdover in office for the current members to conform to the new election date.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF VINTON, TEXAS, THAT:

SECTION 1. The general election for the City Council members shall be held on the November uniform election date established by state law. The Members of the City Council elected as Mayor, Place 1 and Place 2 shall be holdover members until the respective candidates for the positions are duly elected at the November 2012 uniform election date and qualify for office for the term provided by the Local government Code. The city Council members elected to the positions of place 3, 4 and 5 shall be holdover members until the candidates for the respective places are duly elected at the November 2013 uniform election date and qualify for office.

SECTION 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 be 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, APPROVED AND ADOPTED this the 3rd of January, 2012, BY THE CITY COUNCIL OF THE VILLAGE OF VINTON, TEXAS.

VILLAGE OF VINTON, TEXAS


MADELEINE PRAINO, MAYOR

ATTEST:


JESSICA GARZA, VILLAGE CLERK

APPROVED


SHANE ENGLISH, CITY ATTORNEY