

RESOLUTION NO. 2011003

**A RESOLUTION OF THE CITY OF COFFEE CITY, TEXAS,
MAKING THE FOLLOWING CHANGES TO THE CITY'S GENERAL
ELECTION PURSUANT TO SENATE BILL 100, EIGHTY-SECOND REGULAR
LEGISLATURE: CHANGING THE CITY OF COFFEE CITY'S GENERAL ELECTION DATE FROM THE
UNIFORM DATE ESTABLISHED
BY LAW IN MAY TO THE NOVEMBER UNIFORM DATE ESTABLISHED BY
LAW AND PROVIDING FOR THE HOLDOVER OF 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 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 Coffee City 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 Coffee City 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 Coffee City believes it is to the 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.

WHEREAS, a resolution adopted under SB 100 supersedes conflicting City Charter provisions;

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

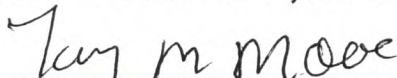
Section 1. The general election for City Council Members shall be held on the November uniform election date established by State law. The Members of the City Council elected to Places 1, 3, 5 and Mayor shall be holdover members until the respective candidates for those positions are duly elected at the November 2012 uniform election date and qualify for office for the term provided by the City Charter and taking office 2nd Monday in January.

The City Council Members elected to the position Place 2 and 4 shall be a holdover member until the candidates for the respective places are duly elected at the November 2013 uniform election date and qualify for office and taking office 2nd Monday in January. Thereafter, terms of office shall be in accordance with the City Charter.

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 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.

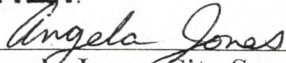
PASSED, APPROVED AND ADOPTED this the 3rd day of October, **2011 BY THE CITY COUNCIL OF THE CITY OF COFFEE CITY, TEXAS.**

CITY OF COFFEE CITY, TEXAS



Tony M. Moore, Mayor

ATTEST:



Angela Jones, City Secretary

APPROVED AS TO FORM:



Kurt Noel, City Attorney