

RESOLUTION NO: 10-2011

**A RESOLUTION OF THE CITY OF EAST TAWAKONI, TEXAS, MAKING THE FOLLOWING CHANGES TO THE CITY'S GENERAL ELECTION PRUSUANT TO SENATE BILL 100, EIGHTY-SECOND REGULAR LEGISLAUTRE: UNSTAGGERING OF TERMS AND HOLDING MAY ELECTIONS IN ODD NUMBERED YEARS ONLY.**

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. 1973 ff-1, provided 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 East Tawakoni 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 East Tawakoni 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 East Tawakoni believes it is to the advantage of the City, its citizens and the pursuit of democracy to pass such a resolution because most of our citizens are elderly retired people who do not want to drive to the County to vote. The City cannot afford to buy its own equipment so; the only other option that would work is to stay with May elections in odd numbered years. The County would be able to lease us machines without a problem.

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

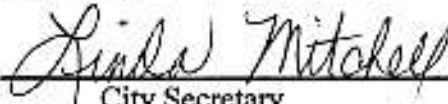
1. THE City of East Tawakoni requested DOJ clearance to keep the May election date but hold elections in odd-numbered years only.
2. Un-stagger the city council and Mayor's terms of office so that the entire city council and Mayor will come up for election at the same time in odd-numbered years. They would keep two (2) year terms.

Mayor and Council Place 3 and 5 would extend their term by 1 additional year to bring all places to odd-numbered year election.

PASSED AND APPROVED this 18th day of October, 2011.

  
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Mayor

ATTEST:

  
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City Secretary