

RESOLUTION NO. 74-12

A RESOLUTION OF THE VILLAGE OF THE HILLS, TEXAS, MAKING THE FOLLOWING CHANGES TO THE VILLAGE'S GENERAL ELECTION PURSUANT TO THE MOVE ACT, EIGHTY-SECOND REGULAR LEGISLATURE: SENATE BILL 100:

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 Village of The Hills 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 The Hills 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 Board of Aldermen of the Village of The Hills believes it is to the advantage of the Village, its citizens, and the pursuit of democracy to pass such a resolution because of the MOVE Act of 2011 with the passage of Senate Bill 100.

NOW THEREFORE; BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF THE HILLS, TEXAS:

1. The Board of Aldermen of the Village of The Hills does hereby change the General Election date to the November uniform election date pursuant to Section 41.0052 in SB100, which provides that "a governing body of a political subdivision, other than a county, that holds its general election for officers on a date other than the November uniform election may, not later than December 31, 2012, change the date on which it holds its general election for officers to the November uniform election date.
2. The terms of City Councilmembers elected in May 2011 (Mayor Doug Lindgren, Rick Zehrer, and J.R. Smith) shall be extended until the candidates for the respective offices

are duly elected at the November 2013 uniform election and qualify for office. Thereafter, terms of office shall be two years in accordance with state law.

3. 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 13th day of December, 2012

Doug Lindgren
Mayor

ATTEST:

Chris Redd
City, Secretary

APPROVED AS TO FORM:

[Signature]
City, Attorney