

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS, MAKING THE FOLLOWING CHANGES TO THE CITY'S GENERAL ELECTION PURSUANT TO SENATE BILL 100, EIGHTY-SECOND REGULAR LEGISLATURE: CHANGING THE CITY'S GENERAL ELECTION DATE FROM MAY TO NOVEMBER; PROVIDING FOR THE HOLDOVER OF PLACES AFFECTED BY THE CHANGE IN THE GENERAL ELECTION DATE; AND PROVIDING FOR SEVERABILITY**

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, due to the issues that this would potentially cause cities and other entities in carrying out May elections in even-numbered years, Senate Bill 100 provided the opportunity for all political subdivisions to shift the date of their May general elections away from the period between the primary and primary runoff election dates to the November uniform election date; and

WHEREAS, the City of Pflugerville's City Charter designates that regular city elections shall be held on the uniform election day designated by the State of Texas closest to the second Saturday in May;

WHEREAS, Senate Bill 100 provides that a change of election date from May to November by resolution supersedes a city charter provision that requires a different election date; and

WHEREAS, the City Council of the City of Pflugerville believes it is to the advantage of the City, its citizens, and the pursuit of democracy to pass such a resolution moving the City's general election date to the November uniform election date in an effort to: 1.) prevent issues associated with the compressed May election calendar; 2.) reduce potential voter confusion; 3.) reduce election costs by participating with other entities in joint elections to the greatest extent possible; and 4.) increase voter participation.

**NOW THEREFORE; BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:**

1. Under the authority of Senate Bill 100, the City of Pflugerville's general elections shall be held on the state uniform election date in November.

2. Under the authority of Senate Bill 100, each current Councilmember shall holdover until a general election is held for his/her respective place, thereby extending each of the current Councilmembers' terms by six months as follows:

The terms of Councilmember Place 3 Darelle White and Councilmember Place 5 Victor Gonzales are hereby extended to the November 2012 uniform election date.

The terms of Mayor Jeff Coleman and Councilmember Place 1 Wayne Cooper are hereby extended to the November 2013 uniform election date.

The terms of Councilmember Place 2 Brad Marshall and Councilmember Place 4 Starlet Sattler are hereby extended to the November 2014 uniform election date.

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 8<sup>th</sup> day of November, 2011.

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Jeff Coleman, Mayor

ATTEST:

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Karen Thompson, City Secretary