

SEP 24 2018

Approved

REQUEST FOR AGENDA PLACEMENT FORM

Submission Deadline - Tuesday, 12:00 PM before Court Dates

SUBMITTED BY: Patty Bourgeois

TODAY'S DATE: 9-17-18

DEPARTMENT:

X Elections

SIGNATURE OF DEPARTMENT HEAD:

X _____

REQUESTED AGENDA DATE:

X 9-24-18

SPECIFIC AGENDA WORDING: Consideration to approve the Contracted Election Agreement including Exhibit A, B, & C between Johnson County & City of Cresson for the November 6, 2018 Election.

PERSON(S) TO PRESENT ITEM: Patty Bourgeois

SUPPORT MATERIAL: (Must enclose supporting documentation)

TIME: 2

ACTION ITEM: _____

WORKSHOP: _____

(Anticipated number of minutes needed to discuss item) **CONSENT:** _____

EXECUTIVE: _____

STAFF NOTICE:

COUNTY ATTORNEY: X _____ **ISS DEPARTMENT:** _____

AUDITOR: _____ **PURCHASING DEPARTMENT:** _____

PERSONNEL: _____ **PUBLIC WORKS:** _____

BUDGET COORDINATOR: _____ **OTHER:** _____

*****This Section to be Completed by County Judge's Office*****

ASSIGNED AGENDA DATE: _____

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE _____

COURT MEMBER APPROVAL _____ Date _____

**ELECTION AGREEMENT
FOR JOHNSON COUNTY AND CITY OF CRESSON
NOVEMBER 6, 2018**

THIS AGREEMENT is made and entered into this 10th day of September 2018, by and between the COUNTY OF JOHNSON, TEXAS, acting by and through the JOHNSON COUNTY ELECTIONS ADMINISTRATOR (hereinafter referred to as "COUNTY") and CITY OF CRESSON, acting by and through its Mayor or his designee (hereinafter referred to as "CITY").

WHEREAS, the COUNTY will be conducting the "CITY" General Election on November 6, 2018 for registered voters of Johnson County, Texas residing within CITY; and

WHEREAS, pursuant to Sec. 31.093, Texas Elections Code, the County Elections Administrator is required to enter into a contract with CITY to conduct and furnish election services for this November 6, 2018 General Election of CITY: and

WHEREAS, CITY desires that the Johnson County Elections Administrator conduct and coordinate this election; NOW THEREFORE,

FOR AND IN CONSIDERATION of the mutual project referenced herein, the parties hereto agree to hold an election on November 6, 2018 from 7:00 a.m. until 7:00 p.m., in accordance with Section 271.002, Texas Election Code, and that said election to be conducted pursuant to the terms of this agreement.

I. AGREEMENT

GENERAL TERMS:

- 1.01 On November 6, 2018, the election shall be held from 7:00 AM until 7:00 PM, that day, at the location listed on Exhibit B.
- 1.02 The political subdivision participating in the election on November 6, 2018, shall have and use the election Judges and ES&S AutoMark voting equipment.

II. JOHNSON COUNTY

2.01 The COUNTY agrees to coordinate, supervise, and conduct the Election, pursuant to the provisions of the Texas Election Code unless specifically provided otherwise in this Agreement with the understanding that the Election is only for the registered voters of Johnson County, Texas residing within the CITY.

2.02 The Elections Administrator shall perform the following duties:

- a. Designate voting locations and contact the owners or custodians of public (or if unavailable, private) buildings and arrange for their use. Such voting locations shall be furnished to CITY as soon as possible.
- b. Appoint, notify, and train the presiding judges and alternate judges and clerks. The names and addresses of each judge and alternate judge and clerk shall be furnished to the CITY at a later date.
- c. Compensate election judges, alternate judges and clerks.
- d. Transport voting equipment to and from each polling location.
- e. Rent, if necessary, voting locations.
- f. Provide lists of registered voters to the election judges.
- g. Preparation of programs and test materials for tabulation of the ballots to be used with electronic voting equipment in accordance with the provisions of the Texas Election Code and of this Agreement.
- h. Publish notice of the date, time, and place of the testing of the electronic tabulation equipment and conduct such testing.

III. EARLY VOTING AND ELECTION DAY VOTING

3.01 Early Voting by Personal Appearance

- a. The Elections Administrator, Patty Bourgeois shall serve as Early Voting Judge for the CITY General Election and other judges and clerks shall be appointed by her as needed.
- b. Early Voting by personal appearance shall be conducted at the location listed on Exhibit A. All eligible voters in CITY of Cresson may vote early at the Elections Office; 103 S Walnut St., Cleburne, Texas 76033.
- c. Early Voting by personal appearance will begin on October 22, 2018, and will end on November 2, 2018. There will be early voting on Saturdays, Sundays, or legal holidays, unless otherwise agreed to by the parties.
- d. Temporary extended hours at those sites listed as in sec: 85.005 of the Election Code.

3.02 Early Voting By Mail:

- a. The COUNTY shall be responsible for early voting ballot requests by mail.
- b. CITY shall forward any requests by mail applications to the COUNTY.
- c. The COUNTY shall be responsible for all preparation of mail ballots including mailing ballot to voter.

3.03 The Ballot Board Judge for the CITY shall be as designated by the COUNTY. The Early Voting Ballot Board's duties will include:

- (1) Serve as Signature Verification Committee
- (2) Prepare the mail ballots for tabulation.
- (3) Convene to count provisional ballots and late ballots from out of the country, if any. (7th day or earlier after Election Day).

3.04 Election Day Voting:

The COUNTY shall be responsible for the following:

- a. Procure, prepare, and distribute supplies and the ES&S AutoMark and other election equipment for personal appearance on Election Day.

- b. Procure, prepare, and distribute Election Day supplies, tables, chairs if needed, and equipment, including ballots.
 - c. Supervise the handling and disposition of election returns, tabulate unofficial returns, and assist in preparing the tabulation for the official canvass.
 - d. Prepare the canvass report after all precincts have been counted and make available a copy of the appropriate part of the tabulation report.
 - e. Conduct the manual count.
- 3.05 Serve as custodian of election records and store election records as provided by Section 66.058 of the Texas Election Code for a period of 6 months.

IV. CITY

CITY shall have the following responsibilities in conducting this election on November 06, 2018;

- 4.01 Prepare any election orders, resolutions, notices, writ of election, and other pertinent documents for adoption for execution by the appropriate officer; and take all actions required by law for calling the election, handling contests, canvassing the returns, and declaring the results of the election.
- 4.02 Prepare and publish information for the required election notice.
- 4.03 Deliver to the Elections Administrator the official wording, including Spanish translation, to be printed on the optical scan ballot.
- 4.04 Approve final optical scan ballot wording for content, form, and spelling.
- 4.05 Prepare and publish the Notice of Election, which is the required and described method of giving notice in accordance to Texas Election Code (Sec 4.003(a) (1).
- 4.06 Provide maps and other reference guides.
- 4.07 Pursuant to Texas Election Code Sec. 67.003, canvass the official results between the 3rd and 11th day following the election.

V. PAYMENT FOR SERVICES

- 5.01 In consideration for the services and expenses provided by the County for conducting this election, the County shall be reimbursed for the optical scan ballots, ballot layout, media, coding the ES&S AutoMark equipment, M650 optical scan equipment, voting supplies, Election Judges, Clerks, Central Count, Ballot board, a 10 % administration fee, and any other expenses listed on Exhibit C.
- 5.02 Should a recount be required, those costs associated with the recount, if any, shall be in accordance with the provisions of the Texas Election Code.
- 5.03 The official for parties to contact for all purposes shall be listed at the end of the Agreement. All notices and other deliveries under the Agreement shall be delivered to said individual so listed.

VI. RUN-OFF ELECTION

- 6.01 In the event there is a run-off election, this Agreement shall be extended for the time necessary to conduct the run-off election and the CITY and COUNTY agree to continue to perform their respective responsibilities as set forth in this Agreement as are applicable to a run-off election. CITY will be responsible for any and all additional costs associated with the run-off election incurred by COUNTY. Any additional costs owed to COUNTY by CITY will be invoiced by COUNTY and CITY agrees to pay said invoiced amount within thirty (30) days of receipt of the invoice from COUNTY.


VII. TERMINATION IF ELECTION IS CANCELED

- 7.01 In the event that the election is canceled due to all candidates being unopposed, County and CITY agree that this Agreement will be terminated and CITY will owe a cancellation fee of \$75.00 to be paid by CITY within thirty (30) days of said cancellation.

ACCEPTANCE:

On behalf of Johnson County Elections Administration, I hereby accept the terms of the Agreement.


Signed the 6th day of September, 2018.



Patty Bourgeois
Elections Administrator
Johnson County, Texas

On behalf of the City of Cresson, I hereby accept the terms of this Agreement.


Signed the 10th day of September, 2018.



W. R. Cornett, Mayor City of Cresson

IN WITNESS WHEREOF, the above Agreement was adopted at a meeting of the Commissioner's Court of Johnson County on the 24 day of September, 2018.

COUNTY OF JOHNSON



County Judge
Johnson County Commissioners
Court

Officials for notice:
Patty Bourgeois
Elections Administrator
Johnson County
P.O. Box 895
Cleburne, Texas 76033

W. R. Cornett, Mayor
City of Cresson
8901 E. HWY 377
Cresson, Texas 76035

**EXHIBIT A/B
(ANEXO A/B)
EARLY VOTING/ ELECTION DAY
POLLING LOCATION
CITY OF CRESSON
NOVEMBER 06, 2018
GENERAL ELECTION
(VOTACIÓN ADELANTADA/DÍA DE ELECCIONES
CENTRO DE VOTACIÓN
CITY OF CRESSON
06 DE NOVIEMBRE DEL 2018
ELECCIÓN GENERAL)**

**Exhibit A
(Anexo A)**

October 22, 2018 through November 2, 2018 is the period for early voting by personal appearance (Sec. 85.001). Any voter qualified to vote in the November 6, 2018, General Election is eligible for early voting by personal appearance.

Early voting by personal appearance will be conducted at all following locations:

Monday, October 22, 2018 – Friday, October 26, 2018 hours: 8:00 am until 5:00 pm

Monday, October 29, 2018 - Friday, November 2, 2018 hours: 7:00 am until 7:00 pm

(El plazo para la votación adelantada en persona es desde el 22 de octubre hasta el 2 de noviembre del 2018 (Sec. 85.001). Cualquier votante cualificado para votar en la Elección General del 6 de noviembre del 2018, es elegible para la votación adelantada en persona.

La votación adelantada en persona se llevará a cabo en todas las siguientes ubicaciones:

Lunes, 22 de octubre del 2018 – viernes, 26 de octubre del 2018; horas: 8:00 am hasta 5:00 pm

Lunes, 29 de octubre del 2018 - viernes, 2 de noviembre del 2018; horas: 7:00 am hasta 7:00 pm)

Hours for additional weekend early voting will be extended:

(Se extenderán las horas para la votación anticipada de fin de semana adicional)

Saturday October 27, 2018, 7:00 am to 7:00 pm

Sunday October 28, 2018, 11:00 am to 4:00 pm

(Sábado 27 de octubre de 2018, de 7:00 am 7:00 pm

Domingo 28 de octubre de 2018, de 11:00 am 4:00 pm)

**CITY OF CRESSON
EARLY VOTING LOCATION
(CITY OF CRESSON CENTRO DE VOTACIÓN
ADELANTADA)**

Johnson County Elections
103 S. Walnut St.
Cleburne, Texas 76033

Exhibit B
(Anexo B)

CITY OF CRESSON
ELECTION DAY LOCATION
(CITY OF CRESSON Dia De Eleccione)

November 6, 2018 Hours for
Election Day are 7:00 am until 7:00 pm
(El 6 de noviembre de 2018 horas para el
día de las elecciones son las 7:00 am hasta las 7:00 pm)

1

Reece Prairie Baptist Church
(Iglesia Bautista Reece Prairie)
9705 CR 1016
Burlison, Texas 76028

Sec. 85.062 Texas Election Code

(2) The Commissioners court of a county with a population of 120,000 or more but less than 400,000 shall establish one or more early voting polling places other than the main early voting polling place in each Commissioners precinct containing territory covered by the election.

(Sec. 85.062 Código Electoral de Texas

(2) El Tribunal de Comisarios de un condado con una población de 120.000 ó más, pero menos de 400.000, establecerá al menos un centro de votación adelantada, además del centro primario de votación adelantada, en cada recinto de los comisarios que contiene territorio incluido en la elección.)

Exhibit C

COST OF SERVICE. The City of Cresson shall pay for services , supplies, and equipment in accordance with the following estimated cost schedule. The City of Cresson will be liable to pay all the expense that have endured; and a 10% administration fee. Shared cost lines (SC) have already been divided between both entities.

THE CITY OF CRESSON: 2018 NOVEMBER 6th

Contracted Election with Johnson County/Separate Ballots 1 EV & 1 ED Location.

1. VOTING EQUIPMENT, TABULATION NOTICE, AND BUILDING RENTAL	Estimated	Actual
(X) Rental M650 Optical Scanner	\$350.00	\$0.00
(X) Rental ES&S Auto-Mark for HAVA Compliance. 1 @ 350.00	\$350.00	\$0.00
(X) Programming Charges/Coding/Media/ shipping for 650 Central count & Auto-marks	\$500.00	\$0.00
(X) Printing Ballots/Layout/Spanish Coding/ shipping	\$200.00	\$0.00
(X) Publish Notice of Tabulation test	\$56.00	\$0.00
SC (X) Building Rental.....	\$100.00	\$0.00
 2. CENTRAL COUNT EXPENSES		
SC (X) CC Station Manager.....	\$37.50	\$0.00
SC (X) Tabulation Supervisor.....	\$75.00	\$0.00
SC (X) Assistant Tabulation Supervisor.....	\$50.00	\$0.00
SC (X) ENR Assistant.....	\$37.50	\$0.00
SC (X) ENR Assistant.....	\$37.50	\$0.00
SC (X) CC Station Judges & Clerks 10 x \$8.00 x 5Hrs.....	\$200.00	\$0.00
SC (X) Early Voting Ballot Board Judge 1 x \$13.00 x 40Hrs.....	\$260.00	\$0.00
SC (X) Early Voting Ballot Board Personnel 5 x \$11.00 x 40Hrs.....	\$1,100.00	\$0.00
SC (X) Provisional/Late Ballot Board Judge 1 x \$13.00 x 8Hrs.....	\$52.00	\$0.00
SC (X) Provisional/Late Ballot Board Clerks 3 x \$11.00 x 8Hrs....	\$132.00	\$0.00
SC (X) Security 2 x \$35.00 x 6Hrs.....	\$210.00	\$0.00
 3. ESTIMATED EARLY VOTING AND ELECTION DAY COSTS		
(X) Judge's Kit Early Voting	\$35.00	\$0.00
(X) Ballot by Mail CRC: 50 @ \$5.00	\$240.00	\$0.00
(X) Early Voting Judge @ 13.00 per hr for 141 hrs X 1 judge.....	\$1,833.00	\$0.00
(X) Early Voting Clerks @ 11.00 per hr for 129 hrs X 2 clerks.....	\$2,838.00	\$0.00
(X) Early Voting mileage reimbursement	\$0.00	\$0.00
(X) Early Voting Pick up & delivery fee	\$25.00	\$0.00
(X) Judge's Kit Election Day	\$40.00	\$0.00

Exhibit C

(X) Election Day Judge @ 13.00 per hr for 15hrs X 1 judge.....	\$195.00	\$0.00
(X) Election Day Clerks @ 11.00 per hr for 13 hrs X 2 clerks.....	\$286.00	\$0.00
(X) Election Day Pick up & delivery fee	\$25.00	\$0.00
(X) Supplies, toner cartridges, red seals, & etc	\$250.00	\$0.00
Subtotal	\$9,514.50	\$0.00
(X) CONTRACT ADMINISTRATIVE FEE COST 10% of subtotal	\$951.45	\$0.00
TOTAL COST ...	\$10,465.95	\$0.00

*** Per section: 7.01**

If the Election is canceled there will be a fee of \$75.00 to be paid by CITY within (30) days of said cancellation.

*** Reference to:**