

MAR - 8 2021

REQUEST FOR AGENDA PLACEMENT FORM

Approved

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

SUBMITTED BY: Patty Bourgeois

TODAY'S DATE: 2-24-21

DEPARTMENT:

X Elections

SIGNATURE OF DEPARTMENT HEAD:

X *Patty Bourgeois*

REQUESTED AGENDA DATE:

X 3-08-2021

SPECIFIC AGENDA WORDING: Consideration to approve the Election Agreement between Johnson County ESD No.1 and Johnson County to conduct the May 1, 2021 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 JOHNSON COUNTY EMERGENCY SERVICES
DISTRICT No. 1
MAY 1, 2021

THIS AGREEMENT is made and entered into this 12th day of February 2021, by and between the COUNTY OF JOHNSON, TEXAS, acting by and through the JOHNSON COUNTY ELECTIONS ADMINISTRATOR (hereinafter referred to as "COUNTY") and JOHNSON COUNTY EMERGENCY SERVICES DISTRICT NO.1, acting by and through its Executive Director or his designee (hereinafter referred to as "ESD No.1").

WHEREAS, the COUNTY will be conducting the "ESD No.1" Special Election on May 1, 2021 for registered voters of Johnson County, Texas residing within ESD No.1; and

WHEREAS, pursuant to Sec. 31.093, Texas Elections Code, the County Elections Administrator is required to enter into a contract with ESD No.1 to conduct and furnish election services for this May 1, 2021 Special Election of ESD No.1: and

WHEREAS, ESD No.1 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 May 1, 2021 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 May 1, 2021, 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 May 1, 2021, 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 ESD No.1
- 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 ESD No.1 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 ESD No.1 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 ESD No.1 Special 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 the ESD No.1 of Johnson County may vote early at the Burleson Sub-Courthouse; 247 Elk Dr., Burleson, Texas 76028. Commissioner Pct.3; 10420 E. FM 917, Alvarado, Texas 76009. Commissioner Pct.4; 4300 E. FM 4, Cleburne, Texas 76031 and Johnson County Elections; 103 S. Walnut St., Cleburne, Texas 76033.
- c. Early Voting by personal appearance will begin on April 19, 2021, and will end on April 27, 2021. There will be no early voting on Saturday, 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. ESD#1 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 ESD#1 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 22 months.

IV. ESD No. 1

ESD No.1 shall have the following responsibilities in conducting this election on May 1, 2021

- 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. All documents must be delivered to the County Elections office by the 23rd day of February 2021. If the documents are not received by the above date this Election Agreement will be terminated and County will have no obligations regarding the above referenced election.
- 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 Assist the Election Administrator with providing Election Personnel.
- 4.08 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 ESD No.1 and COUNTY agree to continue to perform their respective responsibilities as set forth in this Agreement as are applicable to a run-off election. ESD No.1 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 ESD No.1 will be invoiced by COUNTY and ESD No.1 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 ESD No.1 agree that this Agreement will be terminated and ESD No.1 will owe a cancellation fee of \$75.00 to be paid by ESD No.1 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 12th day of February, 2021.


Patty Bourgeois
Elections Administrator
Johnson County, Texas

On behalf of Johnson County ESD No.1, I hereby accept the terms of this Agreement.

Signed the 21st day of JANUARY, 2021.


Gerald Miller, Johnson County ESD No.1
Board President

IN WITNESS WHEREOF, the above Agreement was adopted at a meeting of the Commissioner's Court of Johnson County on the 8th day of March, 2021.

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

Gerald Miller, Johnson County
ESD No.1
Board President
2451 Service Dr.
Cleburne, Texas 76033

EXHIBIT A

**MAY 1, 2021
SPECIAL ELECTION
JOHNSON COUNTY ESD NO.1 ELECTION
(Ide mayo del 2021 eleccion especial eleccion
No. 1 de ESD del condado de Johnson.)**

April 19, 2021 through April 27, 2021 is the period for early voting by personal appearance. (Sec. 85.001). Any voter qualified to vote in the May 1, 2021, Special Election is eligible for early voting by personal appearance. Early voting by personal appearance will be conducted at all following locations:

Monday, April 19, 2021 - Friday, April 23, 2021 hours: 8:00 am until 5:00 pm

Monday, April 26, 2021 - Tuesday, April 27, 2021 hours: 7:00 am until 7:00 pm

(El 19 de Abril del 2021 hasta el 27 de Abril del 2021 es el periodo para la votación anticipada en persona. (Sec. 85.001). Cualquier votante cualificado para votar en la Elección Especial del 1 de Mayo del 2021, es elegible para la votación anticipada en persona se llevara a cabo en los siguientes lugares:

lunes, 19 de Abril del 2021 – viernes, 23 de Abril del 2021; horas: 8:00 am hasta 5:00 pm

lunes, 26 de Abril del 2021 - martes, 27 de Abril del 2021; horas: 7:00 am hasta 7:00 pm

Voters may choose to vote in any one of the below locations regardless of where they reside in Johnson County.

Hours for additional weekend early voting will be extended at all four early voting locations to include:

Saturday April 24, 2021, 7:00 am to 7:00 pm.

(Los votantes pueden elegir votar en cualquiera de los lugares a continuación, independientemente de donde residan en el condado de Johnson.

Las horas para la votación anticipada de fin de semana adicional se extenderán en los cuatro lugares de votación anticipada para incluir:

Sábado, 24 de Abril del 2021, 7:00 am hasta 7:00 pm

Comm. Pct. 1: Johnson County Elections
Main: 103 S Walnut St.
(Comm. Pct. 1: Cleburne, Texas 76033
Principal:) (817)556-6197

Comm. Pct. 2: Burleson Sub-Courthouse
(Comm. Pct. 2) 247 Elk Dr. Rm. 104
Burleson, Texas 76028

Comm. Pct. 3: Pct. 3 Maintenance Facility
(Comm. Pct. 3) 10420 E FM 917
Alvarado, Texas 76009

Comm. Pct. 4: Pct. 4 Maintenance Facility
(Comm. Pct. 4) 4300 E FM 4
Cleburne, Texas 76031

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 B

**MAY 1, 2021
SPECIAL ELECTION
JOHNSON COUNTY ESD NO. 1 ELECTION**
*(1de mayo del 2021 eleccion especial elección
No. 1 de ESD del condado de Johnson.)*

**Election Day
7:00am until 7:00pm**

**6, 14, 15, 16, 17, 18, 19,
23, 30, 33, 36**

St Mark United Methodist Church
1109 W. Henderson St.
Cleburne, Texas 76033

1, 2, 3, 4, 5, 31, 32, 34

Burleson Sub-Courthouse
247 Elk Dr. Rm. 104
Burleson, Texas 76028

7, 8, 10, 11, 35

Pct. 3 Maintenance Facility
10420 E FM 917
Alvarado, Texas 76009

**9, 12, 13, 20, 21, 22, 24,
25, 26, 27, 28, 29**

Pct. 4 Maintenance Facility
4300 E FM 4
Cleburne, Texas 76031

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.)

COST OF SERVICE. The Johnson Co. ESD No. 1 shall pay for services, supplies, and equipment in accordance with the following estimated cost schedule. The Johnson Co. ESD No. 1 will be liable to pay all the expense that have endured; and a 10% administration fee.

JOHNSON CO. ESD No.1: 2021 MAY 1ST

Pct. 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,20,21,22,23,24,25,26,27,28,29,30,31,32,33, & 35

Contracted Election with Johnson County/Separate Ballots 4 EV & 4 ED Locations.

1. VOTING EQUIPMENT, TABULATION NOTICE, AND BUILDING RENTAL	Estimated	Actual
(X) Rental M650 Optical Scanner	\$350.00	
(X) Rental ES&S Auto-Mark for HAVA Compliance. 4 @ 350.00	\$1,400.00	
(X) Programming Charges/Coding/Media/ shipping for 650 Central count & Auto-marks	\$3,350.00	
(X) Printing Ballots/Layout/Spanish Coding/ shipping	\$8,000.00	
(X) Publish Notice of Tabulation test	\$125.00	
(X) Building Rental.....	\$0.00	
 2. CENTRAL COUNT EXPENSES		
(X) CC Station Manager.....	\$75.00	
(X) Tabulation Supervisor.....	\$150.00	
(X) Assistant Tabulation Supervisor.....	\$100.00	
(X) ENR Assistant.....	\$75.00	
(X) ENR Assistant.....	\$75.00	
(X) CC Station Judges & Clerks 5 x \$11.00 x 4Hrs.....	\$220.00	
(X) Early Voting Ballot Board Judge 1 x \$13.00 x 8Hrs.....	\$104.00	
(X) Early Voting Ballot Board Personnel 5 x \$11.00 x 8Hrs.....	\$440.00	
(X) Provisional/Late Ballot Board Judge 1 x \$13.00 x 1Hrs.....	\$13.00	
(X) Provisional/Late Ballot Board Clerks 3 x \$11.00 x 1Hrs....	\$33.00	
(X) Security 1 x \$35.00 x 4Hrs.....	\$140.00	
 3. ESTIMATED EARLY VOTING AND ELECTION DAY COSTS		
(X) Judge's Kit Early Voting 4 X \$40.....	\$160.00	
(X) Ballot by Mail ESD NO.1: 500 @ \$5.00	\$2,500.00	
(X) Early Voting Judge @ 13.00 per hr for 80 hrs X 4 judge.....	\$4,160.00	
(X) Early Voting Clerks @ 11.00 per hr for 75 hrs X 12 clerks.....	\$9,900.00	
(X) Early Voting mileage reimbursement	\$100.00	
(X) Early Voting Pick up & delivery fee	\$100.00	

(X) Judge's Kit Election Day 4 X \$40.....	\$160.00
(X) Election Day Judge @ 13.00 per hr for 14hrs X 4 judge.....	\$728.00
(X) Election Day Clerks @ 11.00 per hr for 12 hrs X 12 clerks.....	\$1,584.00
(X) Election Day Pick up & delivery fee	\$100.00
(X) Supplies, toner cartridges, red seals, & etc	\$500.00
Subtotal.....	\$34,642.00
 (X) CONTRACT ADMINISTRATIVE FEE COST	
10% of subtotal	\$3,465.00
TOTAL COST ...	\$38,107.00

*** Per section: 7.01**

If the Election is canceled there will be a fee of \$75.00 to be paid by ESD No. 1 within (30) days of said cancellation.

*** Reference to:**