

JUL 25 2022

Approved

**REQUEST FOR AGENDA PLACEMENT FORM**

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

**SUBMITTED BY:** Patty Bourgeois

**TODAY'S DATE:** 7-18-22

**DEPARTMENT:**

X Elections

**SIGNATURE OF DEPARTMENT HEAD:**

X *Patty Bourgeois*

**REQUESTED AGENDA DATE:**

X 7-25-22

**SPECIFIC AGENDA WORDING:**

Consideration to approve the Election Agreement between the, Burleson ISD for Johnson County to conduct the August 20, 2022 Special 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 BURLESON INDEPENDENT SCHOOL DISTRICT  
AUGUST 20, 2022**

THIS AGREEMENT is made and entered into this 14<sup>th</sup> day of July 2022, by and between the COUNTY OF JOHNSON, TEXAS, acting by and through the JOHNSON COUNTY ELECTIONS ADMINISTRATOR (hereinafter referred to as "COUNTY") and BURLESON INDEPENDENT SCHOOL DISTRICT, acting by and through its Superintendent or his designee (hereinafter referred to as "ISD").

WHEREAS, the COUNTY will be conducting the "ISD" Special Election on August 20, 2022 for registered voters of Johnson County, Texas residing within ISD; and

WHEREAS, pursuant to Sec. 31.093, Texas Elections Code, the County Elections Administrator is required to enter into a contract with ISD to conduct and furnish election services for this August 20, 2022, Special Election of ISD: and

WHEREAS, ISD 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 August 20, 2022 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 August 20, 2022, 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 August 20, 2022, 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 ISD.
- 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 ISD 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 ISD 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 ISD Special Election and other Head Clerks 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 ISD of Burleson may vote early at the Burleson Independent School District; 1160 SW Wilshire Blvd., Burleson, Texas 76028.
- c. Early Voting by personal appearance will begin on August 3, 2022 and will end on August 16, 2022. There will be no 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. ISD 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 ISD 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. (7<sup>th</sup> 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. ISD

ISD shall have the following responsibilities in conducting this election on August 20, 2022

- 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 3<sup>rd</sup> and 11<sup>th</sup> 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 ISD and COUNTY agree to continue to perform their respective responsibilities as set forth in this Agreement as are applicable to a run-off election. ISD 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 ISD will be invoiced by COUNTY and ISD 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 ISD agree that this Agreement will be terminated and ISD will owe a cancellation fee of \$75.00 to be paid by ISD 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 14<sup>th</sup> day of July, 2022.

  
Patty Bourgeois  
Elections Administrator  
Johnson County, Texas

On behalf of Burleson Independent School District, I hereby accept the terms of this Agreement.

Signed the 14 day of July, 2022.

  
Dr. Bret Jimerson, Burleson  
Superintendent

IN WITNESS WHEREOF, the above Agreement was adopted at a meeting of the Commissioner's Court of Johnson County on the 25<sup>th</sup> day of July, 2022

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

Dr. Bret Jimerson, Burleson  
Superintendent  
1160 SW Wilshire Blvd.  
Burleson, Texas 76028

**EXHIBIT A/B**  
**(ANEXO A/B)**

**EARLY VOTING/ ELECTION DAY**  
**POLLING LOCATION**  
**BURLESON ISD**  
**AUGUST 20, 2022**  
**SPECIAL ELECTION**  
**(VOTACIÓN ADELANTADA/DÍA DE ELECCIONES**  
**CENTRO DE VOTACIÓN**  
**BURLESON ISD**  
**20 DE AGOSTA DEL 2022**  
**ELECCIÓN ESPECIAL)**

August 3, 2022 through August 16, 2022 is the period for early voting by personal appearance (Sec. 85.001). Any voter qualified to vote in the August 20, 2022, Burleson ISD Special Election is eligible for early voting by personal appearance.

*(Del 3 de agosto de 2022 al 16 de agosto de 2022 es el periodo para la votación anticipada en persona (Sec. 85.001). Cualquier votante calificado para votar en la Elección Especial del Distrito Escolar Independiente de Burleson del 20 de agosto de 2022 es elegible para la votación adelantada en persona.)*

Early voting by personal appearance will be conducted each weekday at the following times and location:

**Wednesday, August 3, 2022 – Friday, August 5, 2022 hours: 8:00am until 5:00pm.**

**Monday, August 8, 2022 – Friday, August 12, 2022 hours: 8:00am until 5:00pm.**

*(La votación anticipada en persona se llevará a cabo todos los días de la semana en los siguientes horarios y lugares: miércoles, 3 de agosto de 2022 – viernes, 5 de agosto de 2022 Horario: 8:00 a. m. a 5:00 p. m. Lunes, 8 de agosto de 2022– viernes, 12 de agosto de 2022 Horario: 8:00 am a 5:00pm.)*

**Hours for additional early voting will be extended;**

**Saturday, August 13, 2022, hours 7:00am until 7:00pm.**

**Monday, August 15, 2022, Tuesday, August 16, 2022, hours: 7:00am until 7:00pm.**

*(Se ampliarán los horarios para la votación anticipada adicional:*

*Sábado, 13 de agosto de 2022, horario de 7:00 am a 7:00 pm.*

*Lunes, 15 de agosto de 2022, martes, 16 de agosto de 2022, horario: 7:00 am a 7:00 pm.)*

**EXHIBIT A/B**  
**(ANEXO A/B)**

**EARLY VOTING & ELECTION DAY LOCATION**  
**(CENTRO DE VOTACIÓN ADELANTADA Y PARA EL DÍA DE ELECCIONES)**

**August 20, 2022; Hours for Election Day are 7:00am until 7:00pm**  
**(El 20 de augusta del 2022, las horas para el Día De Elecciones son 7:00am hasta 7:00pm)**

**Burleson ISD Special Election**

**Burleson Independent School District**  
**1160 SW Wilshire Blvd.**  
**Burleson, Texas 76028**



Exhibit C

COST OF SERVICE. The Burleson ISD shall pay for services , supplies, and equipment in accordance with the following estimated cost schedule. The Burleson ISD will be liable to pay all the expense that have endured; and a 10% administration fee.

**BURLESON ISD: 2022 AUGUST 20th**

**Contracted Election with Johnson County 1 EV & 1 ED Location.**

**Pct. 3, 4, 5, 7, 10, 11, 12,34, 35, 39, 40, 41**

1. VOTING EQUIPMENT, TABULATION NOTICE, AND BUILDING RENTAL	Estimated Cost
<u>(X) Rental M650 Optical Scanner</u>	\$350.00
<u>(X) Rental ES&amp;S Auto-Mark for HAVA</u>	\$350.00
<u>(X) Programming Charges/Coding/Media/ shipping for 650 Central count &amp; Auto-marks</u>	\$700.00
<u>(X) Printing Ballots/Layout/Spanish Coding/ shipping</u>	\$7,000.00
<u>(X) Publish Notice of Tabulation Test</u>	\$125.00
<u>(X) Building Rental</u>	\$0.00
<b>2. CENTRAL COUNT EXPENSES</b>	
<u>(X) CC Station Manager</u>	\$150.00
<u>(X) Tabulation Supervisor</u>	\$150.00
<u>(X) CCS Judge</u>	\$100.00
<u>(X) CCS Alt. Judge</u>	\$75.00
<u>(X) Early Voting Ballot Board Judge</u>	\$240.00
<u>(X) Early Voting Ballot Board Alt. Judge</u>	\$228.00
<u>(X) Early Voting Ballot Board Personnel</u>	\$408.00
<u>(X) Provisional/Late Ballot Board Judge</u>	\$80.00
<u>(X) Provisional/Late Ballot Board Alt. Judge</u>	\$76.00
<u>(X) Provisional/Late Ballot Board Clerks</u>	\$136.00
<u>(X) Security</u>	\$140.00
<b>3. ESTIMATED EARLY VOTING COSTS</b>	
<u>(X) Judge's Kit Early Voting</u>	\$45.00
<u>(X) Ballot by Mail BUS</u>	\$3,000.00
<u>(X) Early Voting Judge</u>	\$2,280.00
<u>(X) Early Voting Alt. Judge</u>	\$2,166.00
<u>(X) Early Voting Clerks</u>	\$3,638.00
<u>(X) Early Voting Mileage Reimbursement</u>	\$100.00
<u>(X) Early Voting Pick up &amp; delivery fee</u>	\$25.00

Exhibit C

4. ESTIMATED ELECTION DAY COSTS

<u>(X) Judge's Kit Election Day</u>	\$45.00
<u>(X) Election Day Judge</u>	\$320.00
<u>(X) Election Day Alt. Judge</u>	\$304.00
<u>(X) Election Day Clerks</u>	\$476.00
<u>(X) Election Day Pick up &amp; delivery fee</u>	\$25.00
<u>(X) Supplies</u>	\$500.00

Subtotal ..... \$23,232.00

5. CONTRACT ADMINISTRATIVE FEE & TOTAL COST

<u>10% of Subtotal</u>	\$2,323.20
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**TOTAL COST** ..... **\$25,555.20**

**\* Per section: 7.01**

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