

CITY OF HUNTSVILLE, TEXAS

Mac Woodward, Mayor

Keith D. Olson, Mayor Pro Tem, Position 4
Andy Brauning, Position 1 At-Large
Lydia Montgomery, Position 2 At-Large
Don H. Johnson, Position 3 At-Large



Joe Emmett, Ward 1
Tish Humphrey, Ward 2
Ronald Allen, Ward 3
Joe Rodriguez, Ward 4

HUNTSVILLE CITY COUNCIL AGENDA TUESDAY, NOVEMBER 10, 2015 – 6:00 P.M. SPECIAL SESSION

COUNCIL CHAMBERS AND LARGE CONFERENCE ROOM
HUNTSVILLE CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS, 77340

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (936.291.5403), two working days prior to the meeting for appropriate arrangements.

MAIN SESSION [6:00 P.M.]

1. CALL TO ORDER

2. INVOCATION AND PLEDGES

U.S. Flag

Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.

3. ELECTION MATTERS

- Presentation, public comment, discussion, and possible action to approve an Election Services Contract with Walker County for a mayoral runoff election. [Lee Woodward, City Secretary]*
- Presentation, public comment, discussion, and possible action to direct the City Secretary and staff to enter into any and all necessary contracts related to a runoff election. [Lee Woodward, City Secretary]*

4. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

5. ITEMS OF COMMUNITY INTEREST

(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)

6. ADJOURNMENT

*If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Sections: 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; and/or other matters as authorized under the Texas Government Code. If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

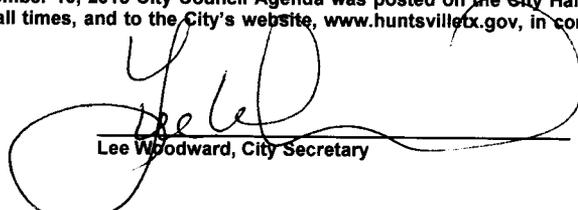
CERTIFICATE

I, Lee Woodward, City Secretary, do hereby certify that a copy of the November 10, 2015 City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.huntsvilletx.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: 11/5/15

TIME OF POSTING: 2 am/pm

TAKEN DOWN: _____


Lee Woodward, City Secretary



CITY COUNCIL AGENDA

11/10/2015

Agenda Item: 3a

Item/Subject: Consider approving an Election Services Contract with Walker County for a mayoral runoff election.

Initiating Department/Presenter: City Secretary

Presenter: Lee Woodward, City Secretary

Recommended Motion: Move to approve an Election Services Contract with Walker County for a runoff election on December _____, with early voting and election day polling at the Walker County Annex for all precincts, with a hand-count/optical scanner count (choose one, optical scanner count is date-dependent).

Strategic Initiative: Goal #7 - Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: The City of Huntsville seeks to provide an efficient, accurate, and inviolable runoff election called in accordance with the requirements of Charter Section 6.02.

CITY CHARTER - SECTION 6.02 RUN-OFF ELECTIONS

In the event any candidate for Mayor or Councilmember fails to receive a majority of all votes cast for a particular office at any regular or special election, the Mayor or, if the Mayor fails to do so, the Council shall on the first day following the completion of the official count of ballots cast at the first election, order a second election to be held on a Saturday within thirty (30) days following the date of such order, at which election the two candidates receiving the highest number of votes cast for such particular office in the first election, at which no one was elected to such office by receiving a majority of all votes cast for all candidates for such particular office, shall again be voted for, and the one receiving the highest number of votes cast shall be elected to such office. The City Secretary shall give notice of such run-off election by causing said notice to be published at least ten days prior to the date of such election in the official newspaper of the City.

As the Texas Election Code (EC 67.003(a)) permits the City Council to canvass from November 11-16, the two possible dates for the runoff are December 5 or December 12. Early voting is to be conducted from the seventeenth calendar day prior to Election Day through the fourth calendar day prior, including two 12-hour days during that period (see attached calendars for specific dates).

For an election on December 5, early voting would run November 18-December 1. For an election on December 12, early voting would run November 25-December 8. For either date, there would be no early voting on Thanksgiving or the day after Thanksgiving (EC 85.005).

In considering selection of an election date, the City Council has the responsibility to make several decisions.

1. Polling locations

Diana McRae, the Walker County Tax Assessor/Collector-Voter Registrar, has agreed to enter into an election services contract for a scope of services she is sure can be performed well. Attached is a draft Election Services Contract with Walker County for a single polling location at the Walker County Annex for early voting and for all precincts on election day.

A single, central polling location limits the number of workers required. Workers must remain at the polling location from 7-7 on election day, and this would be a Saturday during the holidays. December 5 is also a day on which many local holiday events are held. Early voting is ten days, during which the Thanksgiving holiday weekend falls. Although early voting will not be conducted on Thanksgiving or the day after, the holiday travel period is likely to have an effect. Trained, reliable workers are hard to come by on a regular election date, and may be much scarcer on December 5 or 12.

A single, central polling location at the Walker County Annex is available, whereas additional polling locations may be hosting holiday events or be otherwise unavailable. Voters with mobility issues will, as for all elections, have the options of early voting, voting by mail, and curbside voting.

Pricing is dependent on the election date selected and count method, discussed below, but would be either an estimated \$10,000-11,000 for paper ballots with machine counting (called optical scan) or an estimated just over \$5,000 for paper ballots with hand counting. (County charges for election services are determined under the requirements of the Texas Election Code.)

If the City does not choose a single polling location, it could administer the election itself. In order to offer six polling locations, the City could lease equipment from Hart Intercivic for approximately \$33,000-34,000. This would not include election workers, which would be an additional estimated \$6,000-7,000, if enough trained workers are available (Hart's price includes training on their equipment, not on working an election), and is also dependent on whether polling locations are available.

(As part of the deliberation on this matter, the City Council may wish to consider that the last two City runoff elections occurred in 2003 and 2008, although both were ward elections. In 2008, a total of 3995 votes were cast on the regular election day, and 695 votes in the runoff. Additionally, that race was in March, a time familiar for primary elections, not during the Christmas shopping and activity season.)

The Walker County Annex is a central location for the entire community, and is familiar to voters for all election types, as early voting is conducted there for elections at all levels, as well as party primaries.

In a regular general election, costs are shared with other entities holding an election, such as the County for their races and state and federal races, and neighboring cities and entities such as HISD, Richards ISD, New Waverly ISD, City of New Waverly, City of Riverside, and the Walker County Hospital District. The runoff expenses are borne by the City of Huntsville alone.

2. Election date

As the Texas Election Code (EC 67.003(a)) permits the City Council to canvass from November 11-16, the two possible dates for the runoff are December 5 or December 12. Early voting is to be conducted from the seventeenth calendar day prior to Election Day through the fourth calendar day prior, including two 12-hour days during that period (see attached calendars for specific dates).

For an election on December 5, early voting would run November 18-December 1. For an election on December 12, early voting would run November 25-December 8. For either date, there would be no

early voting on Thanksgiving or the day after Thanksgiving (EC 85.005).

3. Type of ballot counting

Due to timing considerations, two possible options are offered. If an election services contract with Walker County is selected, here is how date and counting type interact:

- If, on Tuesday, November 10th, the Council votes for a December 5th election day, then a paper ballot option is all that is available.
- If, on Tuesday, November 10th, the Council votes for a December 12th election day, then there is an option of paper ballots or optical scan available.
- If the decision to set the election date is postponed to the week of November 16th, then only a paper ballot option is available on the December 12th election day and the December 5th election day is no longer an option.

City options for equipment, if a contract is not signed with the County, is addressed above.

Entering into an agreement tonight sets the runoff date, in effect. Processes will begin based on the date selected tonight, and that date will be reflected in the ordinance calling the runoff on November 17.

The purpose of City Council deliberation and discussion on this matter is to direct City staff to prepare for calling and administering the runoff election. Given the complexity of this issue, the City Secretary welcomes the opportunity to visit individually with Councilmembers prior this meeting. If a decision is not made and direction is not provided on November 10, additional deliberations on the matter greatly jeopardize the availability of a December 5 runoff date.

Previous Council Action: None. The City Council will need to adopt an ordinance calling the runoff, in accordance with the date selected tonight, the day after it conducts the November 3 canvass, per the City Charter.

Financial Implications:

There is no financial impact associated with this item.

Item is budgeted: _____ - _____ - _____ In the amount of \$ _____

Item is not budgeted: A budget amendment will be needed at some point.

Item is estimated to generate additional revenue:

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Calendars, pages 4-5
- Election Services Contract and Attachments, pages 6-17 (highlighted items are dependent on date selected for election)
- City recent election history, pgs. 18-22

November 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10 6:00 - City Council Special Session	11 First possible date to canvass 11/3 election (can can- vass through 11/16)	12 Per Charter, runoff is called the day after the canvass...	13	14
15	16 Last date to canvass 11/3 election	17 Last date to call runoff <i>Regular City Council meeting</i>	18 12/5 EV - first day	19 12/5 EV	20 12/5 EV	21
22	23 12/5 EV	24 12/5 EV	25 12/5 EV 12/12 EV - first day	26 Thanksgiving	27 City Closed	28
29	30 12/5 EV 12/12 EV					

December 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		12/5 EV - last day 12/12 EV <i>City Council meeting</i>	12/12 EV	12/12 EV	12/12 EV	12/5 ED
6	7 12/12 EV	8 12/12 EV - last day	9	10	11	12 12/12 ED
13	14 12/14-16 - canvass dates for 12/5 election (not earlier than 8th or later than 11th day following election)	15 12/15 <i>City Council meeting</i>	16	17	18	19
20	21 12/21-23 - canvass dates for 12/12 election (not earlier than 8th or later than 11th day following election)	22 <i>City Council meeting</i>	23	24	25	26
27	28	29	30	31 Christmas Eve	Christmas Day	
				New Year's Eve		



ELECTION SERVICES CONTRACT

Between the County Election Officer

And

City of Huntsville

WHEREAS the City of Huntsville, hereinafter referred to as “COH”, shall hold their special runoff election on Saturday, December 5, 2015; and

WHEREAS the County Election Officer, Diana L. McRae, hereinafter referred to as “Contracting Officer”, along with the Voter Registration/Elections Department (VR/ED) she oversees, and by authority of Section 31.092(a) of the Texas Election Code, enters into this election services contract with COH holding their respective special runoff election on Saturday, December 5, 2015 for the conduct and supervision of; and

WHEREAS the COH (*also referred to as participating authority(ies)/entity(ies), joint participants, political subdivisions*) has adopted orders, resolutions or other official documents required by their respective governing bodies reciting the terms of the contract for election services; and

WHEREAS the COH finds that this election services contract will adequately and conveniently serve all voters in Municipality and will facilitate the orderly conduct of the election; and

THEREFORE, the County Election Officer and COH agree as follows:

The Walker County Voter Registration/Elections Department (VR/ED), under the direction of the County Election Officer, agrees to coordinate, supervise, and handle all aspects of administering the election in accordance with the provisions of the Texas Election Code and as outlined in this agreement. Each participating authority agrees to pay Walker County for leasing the equipment, election supplies, services, and administrative costs as outlined in this agreement. The VR/ED will serve as administrator for the election; however, each participating authority remains responsible for the lawful conduct of their respective election.

1. Election Date. Special runoff election to be held **December _____**, 2015.
2. Voting Equipment. The VR/ED will provide voting machines and equipment, prepare them for use in the election including logic and accuracy testing, and transport them (*or arrange to have them transported*) to and from the early voting location(s) and the Election Day polling place.
3. Election Supplies. The VR/ED will arrange for all necessary election supplies, including but not limited to ballots, election forms, maps, and supplies for election judges, ballot boxes, voting booths, transfer cans, electronic poll book and accessories, etc. and if necessary, instructions and other information needed to enable the election judges to conduct a proper election.

The VR/ED will combine election forms and records in a manner convenient and adequate to record and report the results of the election for each of the participating entities as prescribed by Section 271.009 of the Texas Election Code. This includes the use of a single ballot containing all the offices or propositions stating measures to be voted on at a particular polling place (Section 271.007 Texas Election Code).

Each participating entity shall furnish to the VR/ED a list of candidates and/or propositions showing the order and the exact manner in which their candidate names and/or propositions are to appear on the official ballot in both English and in Spanish. The list will be delivered to the VR/ED as soon as possible after ballot positions have been determined by each of the participating authorities. Each participating authority will be responsible for proofreading and approving the ballot in so far as it pertains to the authority's candidates and/or propositions. The VR/ED will order programming and ballots based on the ballot approval of each participating authority. In the event, a participating authority approved a ballot containing an error, that authority will be solely, financially responsible for all replacement costs of the programming and ballots, along with any additional related expenses (i.e. shipping, etc.).

The VR/ED will be responsible for procuring the election supplies for an election however the final ballot order will be approved by COH.

4. Election Notices and other Pre-Election Matters.

***NEW RULING** - Effective June 25, 2013, United States Supreme Court ruled Section 5 of The Voting Rights Act of 1965 "unconstitutional" – based on this ruling, we've been advised by the Secretary of State's Office that changes in voting procedures no longer require approval or "preclearance" by federal authorities known as the Department of Justice. At this time, the language will remain in the Joint Election Agreement however we have suspended the submission for preclearance to the DOJ as instructed until further notice.*

- a. The VR/ED will be responsible for making the submission required by the Federal Voting Rights Act of 1965, as amended, with regard to administration of the joint election. A copy of the preclearance letter to the DOJ will be furnished to each participating authority.
- b. Each authority will post their respective election orders and public election notices; and provide a copy of the orders and notices with the VR/ED and those issued by VR/ED to each participating authority.
- c. COH will select all voting locations to be used. The VR/ED will arrange for the use of all voting locations. In the event of an unforeseen emergency or a change must be made for another reason, the VR/ED will arrange for an alternate location or combine it with another and will notify the participating authority affected by the change immediately. **The voting locations are listed in Attachment "A" of this agreement.**

5. Election Judges, Clerks and Other Election Information.

- a. The VR/ED will be responsible for the appointment of the presiding judge(s) and clerks for each polling location. The VR/ED will arrange for training and compensation of all presiding judges and clerks. If a person is unable or unwilling to serve, the VR/ED will be responsible for the appointment of a replacement judge for the precinct and notify each participating authority affected by the change.
- b. The VR/ED will take the necessary steps to insure that all election judges appointed for the election are eligible to serve.

- c. The VR/ED will be responsible for the training of election workers to ensure compliance with the Texas Election Code and established election procedures.
- d. The election judges are responsible for picking up election supplies at the time and place determined by the VR/ED. Each election judge will receive \$10 per hour and each clerk \$9 per hour (for a maximum of 14 hours). The election judge will receive an additional \$25 for picking up the election supplies prior to Election Day and for delivering election returns and supplies to the County Annex building on Election Night.
- e. The VR/ED will employ other personnel necessary for the proper administration of the election, including temporary staff, as is necessary to prepare for the election, to ensure the timely delivery of supplies and equipment during the period of early voting and for Election Day, and for the efficient collection of precinct supplies on election night at the central accumulation station. This temporary, election personnel will be paid \$9 an hour as agreed upon by the participating authorities.

6. Early Voting.

- a. Diana L. McRae, the County Election Officer/Tax Assessor-Collector, is the Early Voting Clerk (EVC) as established by Secs. 83.002 and 31.071 of the Texas Election Code. The Elections Manager is appointed Deputy Early Voting Clerk (DEVK) for early voting as with respect to early voting in person and voting by mail. Additional clerks may be appointed by the EVC/DEVK as needed to assist in the conduct of the election.
- b. Early voting will be conducted at the Walker County Annex located at 1301 Sam Houston Avenue Suite 101, Huntsville, Texas 77340 and at minimum, will be the hours that the early voting clerk regularly conducts early voting (see specifics below).
- c. The EVC/DEVK may appoint additional clerks for early voting by personal appearance/voting by mail as needed to assist in the conduct of the election.
- d. Early voting will be conducted at the following location:

Location: Walker County Annex
1301 Sam Houston Avenue Suite 101, Huntsville, Texas 77340

Dates: November 18th through December 1st/November 25th through December 8th, Monday thru Friday (weekdays only)

Times: 8:00 am – 5:00 pm

EXCEPTION: There will be two twelve hour days during early voting, on Tuesday, Nov. 24 or Dec. 1 and Tuesday, Dec. 1 or 8 – Early Voting Hours 7:00am – 7:00pm

- e. The Early Voting Ballot Board (EVBB), consisting of a presiding judge and at least two other members, will be appointed by the VR/ED if there are any Early Voting and/or Election Day provisional ballots and/or if there are any ballots by mail.
- f. The presiding election judge will receive \$10 per hour and election clerks will receive \$9 per hour. Less than 4 hours worked, all members of the EVBB will be paid for at least 4 hours of service (a minimum call for service).

7. Election Day.

- a. The VR/ED will monitor all polling locations on Election Day for adequate supplies, operating voting systems, voter check-in assistance, qualifying the voter, etc.
- b. As required by law, the VR/ED will be open on Election Day and also available by phone, cell phone, e-mail, and instant messaging (via electronic poll books) to assist all elections workers and participating authorities.

8. Returns of Elections.

- a. The VR/ED is responsible for establishing and operating the central accumulation station in accordance with the provisions of the Texas Election Code and this agreement. The CAS is overseen by the County Election Officer/Central Accumulation Manager, with the assistance of the Elections Manager as Tabulation Supervisor, an Assistant Tabulation Supervisor, and numerous Receiving Clerks, if applicable.
- b. On election night as precinct returns arrive for processing, the VR/ED will provide timely cumulative reports of election results as soon as the returns are processed, accumulated and the initial reconciliation is completed. The VR/ED will be responsible for releasing cumulative totals, reflecting precinct returns via a “media report”/“summary report” to include early voting and election day, to the participants, candidates, media, and general public by distribution of hard copies and/or electronic transmittals. Walker County will operate an Election Results Center to release election results in the Walker County Annex Building located at 1301 Sam Houston Avenue.
- c. On election night, the VR/ED will have a designated area set up in Room 114 to accommodate one representative from each participating entity to observe the election results center operation and receive election results. Internet access via data lines will be available as well, *if needed*. Specific instructions regarding recommended arrival time, entrance access, etc. will be sent out via email to each participating entity before Election Day as instructions may vary with each election.
- d. The VR/ED will be responsible for entering election night returns electronically as required by the Secretary of State’s Office, if applicable.
- e. The VR/ED will prepare, after Election Day, the unofficial canvass report after all precinct returns have been accumulated, and will make available a copy of the unofficial precinct returns for canvassing to each participating authority as soon as possible after all returns, provisional and mail ballots have been tabulated; the unofficial precinct returns will be available by 12:00 noon on Tuesday, **December 11, 2015**.
- f. All participating authorities will be responsible for canvassing their respective election returns. As stated in Section 271.012 of the Texas Election Code, the presiding officer of the canvassing authority of each participating entity shall issue certificates of election to candidates elected at the joint election to offices of political subdivisions. *Please refer to the publication provided by the Elections Division of the Secretary of State’s Office titled “Canvassing Elections and Qualification for Public Office” for an outline summarizing Texas case law and statutes relating to canvassing and reporting official election returns, as well as the laws specifying how candidates take office upon election.*
- g. The VR/ED will be responsible for conducting the post-election manual recount, unless a waiver is given from the Secretary of State in accordance with Section 127.201 of the Texas Election Code. Each political subdivision must notify the VR/ED if waiver has been granted or denied upon receipt of notification from the Secretary of State. The VR/ED will post

required notice of recount and may require a representative of each participating authority to be present and if necessary, assist with the recount process.

- h. The VR/ED will be responsible for entering the election results precinct return reporting, also known as the Vote Count List, as required by the Secretary of State.

9. Records of the Election.

- a. The Contracting Officer (County Election Officer) shall serve as the general custodian of election records in accordance with Section 271.010 of the Texas Election Code. However, each participating entity will be the custodian and responsible for pre-election and post-election records for their respective elections to include but not limited to election orders, public election notices, applications for a place on the ballot, candidate drawing documents, along with canvassing records and certificates of election, etc.
- b. Election records will be available to each participating authority as well as to the public in accordance with the Public Information Act, Chapter 552 of the Texas Government Code and Chapter 66 of the Texas Election Code.
- c. Records of the election will be retained and disposed of in accordance with the records retention schedule adopted by the Walker County Tax Assessor-Collector/County Elections Officer, and accepted by the Texas State Library and Archives Commission on May 10, 2010 and in accordance with Chapter 66 of the Texas Election Code.

NEW LAW - Effective September 1, 2011, House Bill 2817 (82(R) Legislative Session) amends the preservation period to provide that the new preservation period for non-federal elections is six months after Election Day.

- d. If records of the election are involved in any pending election contest, investigation, litigation, or Texas Public Information Act, the VR/ED will maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of any participating authority to bring to the attention of the VR/ED any notice of any pending contest, investigation, litigation, or Texas Public Information Act request which may be filed with a participating authority.
- e. Upon request to maintain records beyond eligibility for preservation according with Section 66.058 of the Texas Election Code, the VR/ED shall supply a written cost estimate for storage to requesting participant.

10. Election Expenses.

- a. The COH agrees to pay the actual expenses incurred for the programming, coding, and ballot layout costs. Programming of voting equipment owned by Walker County is prepared by Election Systems and Software (ES&S).
- b. The cost of any special requests from COH shall be borne totally by COH.
- c. The COH agrees to pay election expenses incurred, including but not limited to, the costs and expenses of election supplies, newspaper publication of the testing notice, air cards for electronic poll books, logic and accuracy testing, voting machines and equipment transportation, and other election related expenses.
- d. The COH agrees to pay the cost of all election personnel (*excluding the Contracting Officer*). This will include the early voting election workers, Election Day workers, Early Voting

Ballot Board, along with any temporary employees hired to assist with delivery of equipment and supplies, and election workers at the central accumulation station, etc. Any hours worked over forty (40) hours per week by the full-time employees of the VR/ED (*shall be monitored and authorized by the County Election Officer*) beginning the Friday immediately before early voting begins and concluding the Friday following Election Day, due to the complexity of the elections, will be paid at one and one half (1 ½) time his/her regular rate and will be paid by COH.

- e. The COH agrees to lease the county-owned election equipment in accordance with Section 123.032 of the Texas Election Code. The voting system to be used in the election is the ES&S Model 100 Precinct Scanner. One accessible voting system, the ES&S AutoMark, will be provided at each poll location. Early voting equipment will be provided as well during each day of Early Voting.
- f. The COH agrees to pay an administrative fee not to exceed 10% of the total cost of the election as authorized by Section 31.100(d) of the Texas Election Code.
- g. The COH agrees to pay Walker County within thirty (30) days of receipt of the invoice.

11. Waiver of Damages.

The Participating Authorities acknowledge that the electronic voting system and the programming of paper ballots is highly technical and that it is conceivable that despite the effort of the Voter Registration/Elections Department it might fail during an election or might contain errors. The Participating Authorities agree that should the electronic voting system fail, the Participating Authorities will not make any claim against the County of Walker, the elected officials signed herein, or any of their employees, or agents for damages of any kind, including but not limited to damages incurred for having to conduct a second election caused as a result of such failure or error.

The Participating Authorities acknowledge that joint elections present logistical problems and other problems over and above elections that may be conducted individually. The County of Walker, the elected officials signed herein, or any of their employees, or agents will use their best efforts to help ensure that a joint election will be conducted without error or mishap, but on occasion, errors or mishaps occur. Accordingly, the Participating Authorities agree that should an error or mishap occur they will not make any claim against the County of Walker, the elected officials signed herein, or any of their employees, or agents for damages of any kind including but not limited to damages incurred for having to conduct a second election, as a result of such error or mishap.

To the extent possible by law, if legal action is filed against any of the Participating Authorities involving its' respective election and if, the County and/or the elected officials signed herein or any of their employees, or agents, is named as a party to this legal action and the complaint is based solely on allegations made against that particular political subdivision, then that political subdivision, Participating Authority, shall be solely responsible for the costs and defense of that suit and shall be authorized to provide counsel of its choice for the County and/or the elected officials signed herein or any of their employees, or agents.

The VR/ED will print multiple original documents in order for each to have an original, signed and completed contract for each authority's records. The VR/ED shall file a copy of this executed contract with the County Treasurer, County Judge, and County Auditor.

SIGNED AND ENTERED into this agreement 10th day of November, 2015 in duplicate originals.

**WALKER COUNTY VOTER
REGISTRATION/ELECTIONS**

THE CITY OF HUNTSVILLE

Diana L. McRae, *Tax Assessor-Collector/
County Election Officer*

Mac Woodward, *Mayor*

Lee Woodward, *City Secretary*

Attachment A – Election Day Polling Location

Attachment B – Election Cost Estimates Option 1 – Paper (Recommended) and Option 2 – Electronic

Attachment C – Contract Amendment for Option 1

Attachment A

ELECTION DAY POLLING LOCATION

PCT

LOCATION

ALL

Walker County Annex
1301 Sam Houston Avenue Suite 101
Huntsville, Texas 77340

OPTION 1 – PAPER BALLOTS/HAND-COUNTED

Walker County Elections Department
ATTACHMENT B - OPTION 1 - PAPER (RECOMMENDED)

SPECIAL ELECTION - December 2015

**COH Runoff - ESTIMATE ONLY
Paper Ballot - Handcount Option**

Ballots and Programming	Unit Price	Quantity	Total
Official Ballots			
Official Ballots - inhouse printing (paper, ink cartridge, etc)		2000	\$ 400.00
7 Ballot Styles - 7 city boxes			
<i>Total for Ballots and Programming</i>			\$400.00
Election Supplies			
Election Supplies	Waive Expense - use existing supplies		
Ballot Boxes/Locks	Waive Expense - use existing supplies		
Pull Tite Seals	Waive Expense - use existing supplies		
Demand/security seals	Waive Expense - use existing supplies		
<i>Total for Election Supplies</i>			\$0.00
Election Workers			
			Total Cost
Early Voting (4 workers @ \$9/hr. for 10 day period)	\$ 3,456.00		\$3,456.00
Annex Election Central - Receiving Election Night	None Anticipated		
Temporary Election Staff	None Anticipated		
Early Voting Ballot Board (1PJ @\$10 /3 clerks @ \$9/hr. for 4 hr. min)	\$148.00	1	\$148.00
Overtime VR/ED Full Time Staff	Minimal if any		
ONE COMBINED ELECTION DAY POLL PLACE (1PJ @\$10 /3clerks@ \$9/hr- 14hrs +Del Fee \$25)	\$543.00		\$543.00
<i>Total for Election Workers</i>			\$4,147.00
ESTIMATED ELECTION COST:			\$4,547.00
CONTRACT FOR ELECTION SERVICES - 10% of Total Election Cost			\$454.70
TOTAL DUE:			\$5,001.70

Checks payable to Walker County and are due within 30 days of receipt.

OPTION 2 – PAPER BALLOTS/OPTICAL SCANNER COUNT (TOTAL ON SECOND PAGE)

Walker County Elections Department
ATTACHMENT B - OPTION 2 - ELECTRONIC

COH Runoff - ESTIMATE ONLY
Electronic Option

SPECIAL ELECTION - December 2015

<u>Ballots and Programming</u>	<u>Unit Price</u>	<u>Quantity</u>	<u>Total</u>
Official Ballots			
Official Ballots	\$ 0.27	2000	\$ 540.00
Coding/Sample/Test ballots	\$ 0.27	40	\$ 10.80
Shipping and Handling	\$ 20.00	1	\$ 20.00
Coding			
Base Charge: Precinct Tabulator	\$ 371.88	1	\$ 371.88
Base Charge: ERM File Setup	\$ 371.88	1	\$ 371.88
Ballot Types	\$ 53.13	7	\$ 371.91
Precincts	\$ 5.31	7	\$ 37.17
Ballot Faces	\$ 10.63	7	\$ 74.41
Ballot-Contest/Issues	\$ 12.75	1	\$ 12.75
Ballot-Candidate/Responses	\$ 5.31	4	\$ 21.24
Media Burn: PCMCIA	\$ 10.00	4	\$ 40.00
Media Burn: Flashcard	\$ 10.00	2	\$ 20.00
AutoMark English-Language Set Up	\$ 256.50	1	\$ 256.50
AutoMark English-Candidate/Response	\$ 7.29	4	\$ 29.16
AutoMark English-Contest/Issues	\$ 10.53	1	\$ 10.53
AutoMark English-Props/Amends	\$ 15.48	0	\$ -
AutoMark English-Ballot Faces	\$ 10.53	7	\$ 73.71
AutoMark Spanish-Language Set Up	\$ 256.50	1	\$ 256.50
AutoMark Spanish-Candidate/Response	\$ 7.29	4	\$ 29.16
AutoMark Spanish-Contest/Issues	\$ 10.53	1	\$ 10.53
AutoMark Spanish-Props/Amends	\$ 15.48	0	\$ -
AutoMark Spanish-Ballot Faces	\$ 10.53	7	\$ 73.71
Shipping and Handling	\$ 10.00	1	\$ 10.00
Layout			
Layout	\$ 15.00	7	\$ 30.00
Total for Ballots and Programming			\$2,671.84
Election Supplies			
Election Supplies	Waive Expense - use existing supplies		
Pull Tite Seals	Waive Expense - use existing supplies		
Demand/security seals	Waive Expense - use existing supplies		
Total for Election Supplies			\$0.00
Miscellaneous Expenses			
Public Notice of Testing - Huntsville Item	\$ 150.00	1	\$ 150.00
Delivery and Retrieval of Voting Equip	Waive Expense		
Thermal Paper for Voting Equipment Reports	Waive Expense - use existing supplies		
Total for Miscellaneous Expenses			\$150.00

Walker County Elections Department
 ATTACHMENT B - OPTION 2 - ELECTRONIC

Election Workers		Total Cost
Early Voting (4 workers @ \$9/hr. for 10 day period)	\$ 3,456.00	\$3,456.00
Annex Election Central - Receiving Election Night	None Anticipated	
Temporary Election Staff	None Anticipated	
Early Voting Ballot Board (1PJ @\$10 /2clerks @\$9/hr. for 4 hr. min)	\$112.00 1	\$112.00
Overtime VR/ED Full Time Staff	Minimal if any	
ONE COMBINED ELECTION DAY POLL PLACE (1PJ @\$10 /3clerks@ \$9/hr- 14hrs +Del Fee \$25)	\$543.00	\$543.00
Total for Election Workers		\$4,111.00
Lease of Election (Voting) Equipment		Total
Early Voting -M100 1 machine X 10 days X \$95		\$950.00
Early Voting -Automark 1 machine X 10 days X \$108		\$1,080.00
Early Voting -Electronic Pollbook 1 EP X 10 days X \$36		\$360.00
Election Day -M100 7 machine X 1 day X \$95	1	\$95.00
Election Day -Automark 7 machine X 1 day X \$108	1	\$108.00
Election Day - Electronic Pollbook 7 EP X 1 day X \$36	1	\$36.00
Election Day Air Cards-Elec Pollbook	No Charge - Ethernet Connection	\$0.00
Total for Lease of Election Equipment		\$2,629.00
ESTIMATED ELECTION COST:		\$9,561.84
CONTRACT FOR ELECTION SERVICES - 10% of Total Election Cost		\$956.18
TOTAL DUE:		\$10,518.02

Checks payable to Walker County and are due within 30 days of receipt.

Attachment C

ELECTION SERVICES CONTRACT AMENDMENT FOR OPTION 1 – PAPER BALLOTS

Should the City of Huntsville choose Option 1 for paper ballots hand-counted, versus optical scan ballots tabulated by voting machines, the election services contract is amended as follows:

1. Disregard references to voting equipment and the use of, leasing equipment, programming, coding, ballot layout, etc.
2. Official paper ballots will be prepared in accordance with Texas Election Code Chapter 52. Ballot Form, Content, and Preparation.
3. The Early Voting Ballot Board will also serve as a Central Count Team in a Central Count Station at the Annex. All paper ballots, including early voting in person and mail, any provisionals, and election day ballots, will be hand counted by the Central Count Team. The Presiding Judge of the EVBB will serve as the Caller and the three other EVBB members will tally.

Election History

FY13-14 - 11/4/14 - County invoice \$7,688.18

– Governor’s race, At-Large Councilmember races - 5,071 City ballots cast

FY12-13 – 11/5/13 - County invoice \$9,869.49

– Mayor, Wards, Charter - 2,495 City ballots cast

FY11-12 – 11/6/12 - County invoice \$4,979.20

– Presidential election, At-Large Councilmembers - 8,943 City ballots cast

FY10-11 - 11/8/11 - County invoice \$6,416.68

– State props, Mayor, Wards, City props – 2,996 City ballots cast

FY09-10 – 11/2/10 - County invoice \$3,788.92 – 6,136 City ballots cast

- The above were all joint November elections shared with other entities – below were non-November, City and often joint elections shared only with HISD

FY08-09 City expenditure was \$11,487 – 2,235 City ballots cast

FY07-08 City expenditure was \$18,100

- 695 City ballots cast for March 4, 2008 Ward 1 special election (Cole-Willett)
- 3,995 City ballots cast for May 20, 2008 regular election candidates

FY06-07 City expenditure was \$11,469

FY05-06 City expenditure was \$8,592

- Both the City and the County are responsible for posting, legal notices, and canvassing, providing assurance that the City’s legal obligations can be met without concern.
- There is a significant savings in the oft-hidden time cost for holding an election. The County hires and trains election workers, orders materials, provides equipment delivery and setup to polling locations and removal and storage after the election, etc. Additionally, an untold additional number of hours to run early voting and an election are required.
- All entities are apportioned costs of leasing equipment, ballots, and programming, and the expenses of election workers. It is easy to say that is all that would be paid in any case, but there are likely hidden costs that would be borne in addition or entirely by any single entity running an election, including:

1. Set-up fees and other costs associated with ballot preparation (typically shared)
2. Enormous amounts of City staff time spent on election from start to finish
3. Full cost of hiring/training/paying election workers, currently shared with other entities on per polling place basis
4. Deposits and programming/set-up costs for leasing election equipment.

11/3/15 City voters (doesn't include suspense list)

<u>Precinct</u>	<u>Registered for 11/3/15</u>	<u>Voted on 11/3/15</u>
101	635	59
102	3342	712
201	2224	267
205	2326	1072
206	965	217
301	2615	261
401	2302	190
	14409	2778

11/4/14 Election Register

Early Voting & Election Day Returns

<u>Candidate & Position</u>	<u>Early</u>	<u>101</u>	<u>102</u>	<u>201</u>	<u>205</u>	<u>206</u>	<u>301</u>	<u>401</u>	<u>Total</u>
Andy Brauningner	1596	54	301	130	466	111	143	184	2985
At-Large Position 1 Totals	1596	54	301	130	466	111	143	184	2985
Lydia Montgomery	1654	58	324	135	448	132	167	188	3106
At-Large Position 2 Totals	1654	58	324	135	448	132	167	188	3106
Karl Davidson	887	32	146	58	192	68	97	94	1574
Don Johnson	1307	32	261	98	419	93	105	137	2452
At-Large Position 3 Totals	2194	64	407	156	611	161	202	231	4026
Keith D. Olson	1168	41	227	91	306	91	106	111	2141
Kendall Scudder	1048	26	193	67	330	75	102	128	1969
At-Large Position 4 Totals	2216	67	420	158	636	166	208	239	4110

Voters Voted

<u>Precinct</u>	<u>Registered Voters</u>	<u>Ballots Cast</u>	<u>Percentage</u>
101	637	161	25.27
102	3523	1253	35.57
201	2201	570	25.9
205	2382	1519	63.77
206	991	393	39.66
301	2668	635	23.8
401	2488	540	21.7
Total	14,890	5071	34.06

11/5/13 Election Register (only showing Council races, not Charter measures, here)

Early Voting & Election Day Returns

Candidate & Position	Early	101	102	201	205	206	301	401	Total
Mac Woodward, Mayor	985	15	226	93	468	71	59	81	1998
Mayor's race totals	985	15	226	93	468	71	59	81	1998
Joe Emmett, Ward 1	202		169						371
Paul W. Know, Ward 1	98		84						182
WARD 1 Totals	300		253						553
Kendall Scudder, Ward 2	98			49				23	170
Tish Humphrey, Ward 2	117			66				4	187
WARD 2 totals	215			115				27	357
Ronald Allen, Ward 3	73	14					57		144
WARD 3 totals	73	14					57		144
Jose (Joe) Rodriguez, Ward 4	448				459	66		60	1033
WARD 4 totals	448				459	66		60	1033
Rachel Willeford	277	7	79	33	97	28	26	37	584
Andy Brauningner	797	10	159	61	425	48	42	58	1600
POSITION 1 Totals	1074	17	238	94	522	76	68	95	2184

Voters Voted

Precinct	Registered Voters	Ballots Cast	Percentage
101	614	30	4.89
102	3444	589	17.10
201	2031	303	14.92
205	2315	1014	43.80
206	914	176	19.26
301	2632	158	6.00
401	2522	225	8.92
Total	14,472	2495	17.24

11/6/12 Election Register

Early Voting & Election Day Returns

Candidate & Position	Early	101	102	201	205	206	301	401	Total
James Fitch, Position 1	3476	114	375	395	445	110	286	383	5584
POSITION 1 totals	3476	114	375	395	445	110	286	383	5584
Lydia Montgomery, Position 2	3538	112	379	399	438	117	290	378	5651
POSITION 2 totals	3538	112	379	399	438	117	290	378	5651
Joe Rodriguez, Position 3	2064	52	216	222	315	79	180	186	3314
Don Johnson, Position 3	2230	78	205	229	288	68	173	236	3507
POSITION 3 totals	4294	130	421	451	603	147	353	422	6821
Kendall Scudder, Position 4	Recount #s	148	722	636	710	170	398	530	3314
Keith D. Olson, Position 4	Recount #s	205	645	633	817	192	470	488	3450
POSITION 4 totals – Includes EV in ea. precinct		353	1367	1269	1527	362	868	1018	6764

Voters Voted

Precinct	Registered Voters	Ballots Cast	Percentage
101	973	495	50.9
102	3133	1726	55.1
201	3035	1645	54.2
205	2329	1869	80.2
206	731	494	67.6
301	2385	1277	53.6
401	2914	1437	49.3
Total	15500	8943	57.7

11/8/2011 Election Register (only showing Council races, not propositions, here)

Early Voting & Election Day Returns

Candidates & Propositions	101	102	201	205	206	301	401	Total
George H. Russell, Mayor	9	47	33	46	10	23	31	199
Mac Woodward, Mayor	72	459	370	856	140	160	163	2220
Karl Davidson, Mayor	17	92	70	203	28	71	58	539
Mayor precinct totals	98	598	473	1105	178	254	252	2958
Joe Emmett, Ward 1		320						320
Tom Cole, Ward 1		267						267
Ward 1 precinct totals		587						587
Katie Newman, Ward 2			107		37			144
Tish Humphrey, Ward 2			348		140			488
Ward 2 precinct totals			455		177			632
Ronald Allen, Ward 3	51					156		207
John Cromer, Ward 3	36					88		124
Ward 3 precinct totals	87					244		331
Clyde Loll, Ward 4				666			112	778
Sandra Hanscom, Ward 4				439			127	566
Ward 4 precinct totals				1105			239	1344

Voters Voted

Precinct	Registered Voters	Total	Percentage
101	942	99	10.51
102	2929	602	20.55
201	2770	475	17.15
205	2286	1122	49.08
206	703	182	25.89
301	2180	262	12.02
401	2612	254	9.72
Total	14422	2996	20.77

11/2/2010 Election Register

Early Voting & Election Day Returns

Candidate & Position	Early	101	102	201	205	206	301	401	Total
James Fitch, Position 1	1714	66	189	217	336	84	126	190	2922
Dalene Zender, Position 1	1227	48	162	163	309	73	163	154	2299
Precinct 1 totals	2941	114	351	380	645	157	289	344	5221
Melissa Templeton, Position 2	1024	37	135	157	241	55	107	141	1897
Lydia Montgomery, Position 2	1958	75	218	224	419	112	187	195	3388
Precinct 2 totals	2982	112	353	381	660	167	294	336	5285
Charles Forbus, Position 3	955	37	123	137	223	55	99	136	1765
Don Johnson, Position 3	1950	70	215	242	432	102	184	193	3388
Precinct 3 totals	2905	107	338	379	655	157	283	329	5153
Lanny Ray, Position 4	1092	33	119	146	281	62	110	138	1981
Keith D. Olson, Position 4	1813	77	226	227	372	94	170	197	3176
Precinct 4 totals	2905	110	345	373	653	156	280	335	5157

Voters Voted

Precinct	Registered Voters	Total	Percentage
101	1014	326	32.15
102	3176	1173	36.93
201	2906	1017	35.00
205	2306	1673	72.55
206	719	397	55.22
301	2236	767	34.30
401	2728	783	28.70
Total	15085	6136	40.68

Sec. 51.005. NUMBER OF BALLOTS. (a) The authority responsible for procuring the election supplies for an election shall provide for each election precinct a number of ballots equal to at least the percentage of voters who voted in that precinct in the most recent corresponding election plus 25 percent of that number, except that the number of ballots provided may not exceed the total number of registered voters in the precinct.

(b) In computing a number of registered voters under this section, voters whose names appear on the list of registered voters with the notation "S", or a similar notation, shall be excluded.

(c) The secretary of state shall prescribe procedures for determining the number of provisional ballots to be provided.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1995, 74th Leg., ch. 797, Sec. 37, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1078, Sec. 1, eff. Sept. 1, 1997.

Amended by: Acts 2005, 79th Leg., Ch. 1107 (H.B. 2309), Sec. 1.12, eff. September 1, 2005.