

STATE OF TEXAS

COUNTY OF ORANGE

**ORANGE COUNTY ELECTION SERVICES CONTRACT**

**II PREAMBLE**

- 1.01. Parties.** This Elections Services Contract is entered into by and between Tina Leverett, Orange County Elections Administrator, and West Orange-Cove CISD, a political subdivision of the State Of Texas.
- 1.02. Statutory Authority.** The Parties are entitled to enter into this Contract pursuant to the Texas Election Code '31.092.
- 1.03 Purpose.** The purpose of this Contract is to authorize the Administrator to conduct and supervise the Entity's general election to be held on the 8 day of May, 2010.
- 1.04. Consideration.** The Parties enter into this Contract based upon the mutual covenants and agreements set forth within the body of this Contract.

**II OBLIGATIONS OF THE ADMINISTRATOR**

- 2.01.** The Administrator shall assume the following responsibilities on behalf of the Entity:
- (a) Procure and distribute election supplies, including the preparation of election kits and distribution of ballots. In this regard, the Administrator shall also purchase the supplies and print the ballots for use in the electronic voting machine "Automark" required under "HAVA".
  - (b) Procure, Prepare, and distribute election equipment;
  - (c) Publish notice of the date, time, and place of a school of instruction for election judges and clerks, and to, further, assume responsibility for conducting any such school;
  - (d) Supervise the conducting of early voting as well as procure the location and personnel to conduct the early voting as the case may be. In this regard, the Administrator shall process requests from voters for ballots by mail with the cost of the same being reimbursed by the Entity.
  - (e) Assist in providing general overall supervision of the election and, further, generally advise the Entity with respect to miscellaneous issues arising before and during the conduct of the election.
  - (f) Notify election judges and alternate judges of their appointment for Election Day and Early Voting.
  - (g) Arrange for the use of polling places for the Election Day and Early Voting.

- (h) Provide information services for voters and election officers during Early Voting and Election Day.
- (i) Prepare list of registered voter required for use in Early Voting and Election Day.
- (j) Shall conduct all logic and accuracy testing in accordance with the Procedures set forth by the Texas Secretary of State.
- (j) Shall prepare and publish any required notices of such testing.
- (k) Deliver all Early Voted ballots and materials to established Entities Central Counting Station for tabulation Election Day.

### **III. RESPONSIBILITIES OF THE ENTITY**

**3.01** The Entity shall assume the following responsibilities in conjunction with the provision of elections services under this Contract and shall assume all costs associated with performance of its responsibilities under the Contract as follow:

- (a) Prepare all required preclearance submissions to the Department of Justice.
- (b) Prepare election orders, resolutions, notices and other related documents for approval or adoption by the Entity as the case may be;
- (c) Accept all candidate filings for place on the ballot and provide information to the Administrator.
- (d) Prepare and print ballots with exception of ballots needed for the Automark.
- (e) Post the publication of election notices;
- (f) Appoint judges and alternate judges. In this regard, the Entity shall compensate election judges and clerks, including, but not limited to, any early voting ballot board judge and central counting station judge;
- (g) Establish the polling locations for the general election;
- (h) Arrange for the use of tabulating personnel needed at the central counting station in preparation for tabulation of the ballots.
- (i) Supervise the handling and disposition of election returns and assist in preparing the tabulation for the official canvas. Provide information services for voters and election officers.

**3.02. Payment of Administrative Fees and Costs.** The Entity shall be assessed, and shall pay to the Administrator an administrative fee equal to ten percent (10%) of the total cost of conducting the election and performance of all other responsibilities and duties as set forth in this contract.

As soon as reasonably possible after the election, the Administrator will submit an itemized invoice to Entities for actual costs and expenses directly attributable to coordination, supervision, and conducting of the election.

The Entity will be responsible for paying any and all cost acquired by the Administrator to conduct the election set out in the Itemized invoice after the election.

**IV. GENERAL PROVISIONS**

- 4.01. Number of Voting Locations.** There shall be   4   voting precincts, plus   1   early voting locations established for purposes of this election.
- 4.02. Hold Harmless.** The Entity shall hold the Administrator, as well as her department, from any and all claims made arising out of an act and/or omission of the Entity to perform its obligations under the Contract. Further, the Administrator shall hold harmless, the Entity, its employees, agents and officials from any and all acts and/or omissions arising out of the failure, by the Administrator, to perform her obligations under the Contract.
- 4.03. Copies of Contract.** The Administrator shall file copies of this Contract with the Orange County Treasurer and the Orange County Auditor. The Entity shall maintain a copy of this Contract on file at its principal office.
- 4.04. Texas Law To Apply.** Texas law shall apply to the Contract.
- 4.05. Venue.** Venue for any dispute arising out of the performance of any obligation set forth in this Contract shall lie in Orange County, Texas.

**AGREED** on the date last executed by either Party.

**ORANGE COUNTY ELECTIONS ADMINISTRATOR**

\_\_\_\_\_  
Tina Leverett or her Duly Authorized Representative

\_\_\_\_\_  
Date

**West Orange-Cove CISD**

\_\_\_\_\_  
Pete Amy, Board President

\_\_\_\_\_  
Date

**ATTACHMENT A**

In addition to the duties of the Orange County Elections Administrator as stated above, the Administrator will conduct the early voting by mail process and will deliver to the Early Voting Clerk of West Orange-Cove CISD, before 11:00 A.M., Saturday, May 8, 2010 all ballots received in said General Election.

**ORANGE COUNTY ELECTIONS ADMINISTRATOR**

\_\_\_\_\_  
Tina Leverett

\_\_\_\_\_  
Date

**West Orange-Cove CISD**

\_\_\_\_\_  
Pete Amy, Board President

\_\_\_\_\_  
Date