

# **2019 CONTRACT FOR ELECTION SERVICES BETWEEN THE ELECTION OFFICIAL OF BANDERA COUNTY AND THE BANDERA ISD, STATE OF TEXAS**

**THIS CONTRACT** is made and entered into by and between Gwenda Tschirhart, the Election Official of Bandera County, Texas hereinafter referred to as “Contracting Officer,” and the Bandera ISD, hereinafter referred to as “the Bandera ISD,” acting through its Superintendent, and by the authority of section 31.092(a) of the Texas Election Code, for the conduct and supervision of the General Election of the Bandera ISD.

**WHEREAS**, the 2019 Special Election is scheduled for November 5, 2019 (“the election”); Early Voting is scheduled for October 21, 2019 through November 1, 2019.

**WHEREAS**, the Bandera ISD, Texas desire the Contracting Officer to supervise the overall conduct of the election, pursuant to the authority under Sections 31.092, and other sections of the Texas Election Code; and

**WHEREAS**, the Contracting Officer is willing to supervise the overall conduct of the election, pursuant to the authority under Sections 31.092, and other sections of the Texas Election Code.

**THEREFORE**, in consideration of the mutual covenants and promises hereinafter set forth, the parties to this contract agree as follows:

- I. **RESPONSIBILITIES OF THE BANDERA ISD.** The Bandera ISD shall have the following responsibilities:
  - a. ***Ballot Drawing.*** Notify the candidates of the time and place for the official drawing for places on the ballot and conduct the drawing.
  - b. ***Posting of Election Notice.*** The Bandera ISD, by its Superintendent or their designee, shall post a notice of the election and all legal notices (and a notice of any consolidated precincts) in English and in Spanish, in accordance with the Texas Election Code.
  - c. ***Department of Justice Pre-clearance.*** The Bandera ISD, by its Superintendent or their designee, shall prepare and submit on behalf of the Bandera ISD in a timely manner to the United States Department of Justice under

the Federal Voting Rights Act of 1965 all required submissions in connection with the holding of the election.

- d. ***Canvassing.*** The Bandera ISD shall canvass the ballots.
- e. ***Designation of Members for the Early Voting Ballot Board.*** In accordance with the rules set by the Secretary of State of Texas, the Superintendent of the Bandera ISD or their designee will deliver to the Contracting Officer a list of names to serve on the Early Voting Ballot Board, which will consist of a total of four members. All nominated members shall meet the general eligibility requirements set forth in Section 32.051 of the Texas Election Code and shall not be ineligible under Sections 32.052 through 32.0552 of the Texas Election Code.
- f. ***Compensation to be paid to Election Judges, Election Clerks and Members of the Early Voting Ballot Board.*** The Bandera ISD will pay the wages and salaries to its election judges, election clerks and members of the Early Voting Ballot Board in accordance with the rules set by the Secretary of State of Texas. The Costs will be paid by the Contracting Officer and reimbursed by the Bandera ISD.
- g. ***Contracting with Third Parties.*** In accordance with Section 31.098 of the Texas Election Code, the Bandera ISD authorizes the Contracting Officer to contract with third persons for election services and/or supplies. The cost of such third person services and supplies will both be paid by the Contracting Officer and reimbursed by the Bandera ISD or the Bandera ISD will pay such cost directly to the third persons, as agreed by the parties at the time the services and/or supplies are ordered.
- h. ***Applications for Mail Ballots.*** All applications for a ballot by mail must be mailed to Gwenda Tschirhart, Bandera County Election Official PO Box 1882 Bandera TX 78003. If the Bandera ISD receives an application for a ballot by mail, they shall note on the application the date and time it was received and then immediately fax or deliver to the Contracting Officer such application.
- i. ***Promotion and information about the Election.*** The Bandera ISD assumes the responsibility of providing information about the candidates and issues, if any, in the election and of promoting the schedules for Early Voting and Election Day. The Contracting Officer shall have no responsibility for this.
- j. ***Certification of Nominees for the General Election Ballot.*** In accordance with the Texas Election Code, the Bandera ISD, shall deliver to the Contracting Officer a certification in writing for placement on the General

Election ballot the names and addresses of each candidate. The names shall be written in the way they will appear on the General Election ballot.

II. **RESPONSIBILITIES OF CONTRACTING OFFICER.** The Contracting Officer shall be responsible for performing the following services and furnishing the following materials and equipment in connection with the election:

- a. ***Posting of Election Notice.*** The contracting Officer shall have no responsibility with respect to posting election notices, except those required by law with respect to the public testing of voting equipment.
- b. ***Appointment of Presiding Judges and Alternate Judges.*** In accordance with Sections 32.005, 87.002, and 271.005 of the Texas Election Code, the Bandera ISD hereby delegates the authority to appoint the presiding and alternate Election Day Judges to the Contracting Officer. It shall be the responsibility of the Contracting Officer to appoint all presiding and alternate judges for the Election.
- c. ***Notification to Presiding and Alternates Judges, Appointment of Clerks.*** The Contracting Officer shall notify each presiding judge and alternate of their appointment. The notification will also include the assigned polling location, the date and time of the election, the number of election clerks that the presiding judge may appoint, which shall be no less than one. If the presiding judge or alternate do not speak both English and Spanish, and the election precinct is subject to Section 272.002 and 272.009 of the Texas Election Code, the Presiding judge shall choose at least one clerk who speaks English and Spanish. The Contracting Officer shall ensure that the presiding judge makes the appropriate election clerk appointments and notifies the clerks of their appointments. The Contracting Officer shall prepare the writ of election.
- d. ***Election Training.*** The contracting Officer shall be responsible for conducting election schools to train the judges, election clerks and members of the Early Ballot Board. The Contracting Officer shall determine the date, time, and place for such school and notify all workers of such.
- e. ***Programming.*** The Contracting Officer shall perform the programming of the ballot(s) for the DRE voting system, including the programming necessary to produce mail ballots. The contracting Officer will prepare the Verity Controller, including sealing them, and distributing them. The Verity Controller will be returned to the Contracting Officer at the conclusion of the election, along with the election records and any unused election supplies.
- f. ***Election Supplies, Sample Ballots.*** The Contracting Officer shall procure, prepare, and distribute to the presiding judges for the use at the polling locations on Election Day (and to the Early Voting clerks during early voting) the following

election supplies: election kits from third party vendors (including the appropriate envelopes, lists, forms, name tags, posters, and signage described in Chapters 51, 61 and 62, and Subchapter B of Chapter 66 of the Texas Election Code); pens; pencils; tape; markers; paper clips; seals; sample ballots; and all consumable-type supplies necessary to hold an election. In addition, the Contracting Officer shall procure Early Voting mail ballot kits from third-party vendors. The Contracting Officer shall also make available for use in the election, at no cost to the Bandera ISD, from the stock of election supplies non-consumable election supplies, such as magnifying glasses, clipboards, staples and scissors. Such supplies shall be returned to the Contracting Officer when the election is over. The Contracting Officer shall prepare sample ballots for use at the polling locations, copied onto yellow paper.

- g. **Ballots.** The Contracting Officer shall use the Hart Verity system, a voting system certified for use in Texas Elections by the Secretary of State, and shall contract with HART Inter Civic, for the programming of the direct recording electronic voting devices (referred to as DRE's) and the printing of ballots requested by mail. The Contracting Officer shall be responsible for distributing the DRE's along with the election supplies. The Contracting Officer shall conduct all logic and accuracy testing in accordance with the procedures set forth by the Texas Secretary of State. The Contracting Officer shall also cause the publication of any required notice of such testing.
- h. **Registered Voter List.** The Contracting Officer shall provide the appropriate number of list(s) by voting precinct of registered voters in Bandera County required for use on Election Day, which shall show "voted," by those voters who voted during the Early Voting period required by law.
- i. **Early Voting.** In accordance with Section 83.002(2) of the Texas Election Code, the Contracting Officer is the Early Voting Clerk for this election. Early voting by personal appearance for the election shall be conducted during the hours and time period and at the locations listed in Exhibit "A", attached hereto and made a part of this contract.
- j. **Election Day polling locations.** The Contracting Officer shall arrange for the use of all Election Day polling locations. Locations listed in Exhibit "A", attached hereto and made part of this contract.
- k. **Election Returns.** In accordance with Section 172.126(h) of the Texas Election Code, the Contracting Officer shall prepare election returns for the election.
- l. **Election Reports.** The Contracting Officer shall prepare the unofficial tabulation of precinct results under Section 66.056(a) of the Texas Election Code and shall provide a copy of the tabulation to the Bandera ISD as soon as possible

after the Contracting Officer has received the precinct returns on Election Day night.

- m. ***Custodian of Voted Ballots.*** The contracting Officer is hereby appointed the custodian of voted ballots and shall preserve them in accordance with chapter 66 of the Texas Election Code and other applicable law.
- n. ***Runoff election.*** In the event a runoff election is necessary under the Texas Election Code, the contracting officer shall conduct the runoff in accordance with the outlines in this contract. The Bandera ISD will take into consideration that the election precincts may be consolidated.
- o. ***Recount Procedures.*** The contracting officer shall be designated by Section 213.001 to manage and supervise a recount in election precincts in the jurisdiction of the local canvassing authority (Sec. 211.002)

### III. **PAYMENT**

- a. ***Billing.*** Only the actual expenses directly attributable to the contract and a \$500 contracting fee (assessed to cover the expenses testing and technical support). Plus an administrative fee of ten percent above the actual costs, but not less than \$75.00 may be charged. Section 31.00(f) of the Texas Election Code. As soon as reasonably possible after the election, the Contracting Officer will submit an itemized invoice for the actual costs and expenses directly attributable to the coordination, supervision and conducting of the election and incurred or promised.
- b. ***Payment.*** The Contracting Officer's invoice shall be due and payable to the address set forth in the invoice within 30 days from the date of receipt.

### IV. **GENERAL PROVISIONS**

- a. ***Contract copies to County Auditor and County Treasurer.*** In accordance with Section 31.099 of the Texas Election Code, the Contracting Officer agrees to file copies of this contract with the County Treasurer and County Auditor of Bandera County, Texas.
- b. ***Runoff Election.*** In the event a runoff election is required under Section 172.004 of the Texas Election Code, the terms and conditions of this contract, as appropriate will apply.

- c. ***Nontransferable Functions.*** Nothing contained in this contract shall authorize or permit a change in the officers who conduct the official canvass of the election returns. Specified by Section 31.096 of the Texas Election Code.
  
- d. ***Administrative fee.*** Only the actual expenses directly attributable to the contract and a \$500 contracting fee (assessed to cover the expenses of testing and technical support). Plus an administrative fee of ten percent above the actual costs, but not less than \$75.00 may be charged. Section 31.00(f) of the Texas Election Code.
  
- e. ***Cancellation of Election.*** If the Bandera ISD cancels its election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall only be entitled to receive the actual expenses incurred before the date of cancellation in connection with the election and an administrative fee of \$75. The Contracting Officer shall submit an invoice for such expenses (properly supported as described in III. PAYMENT above) as soon as reasonably possible after the cancellation and the Bandera ISD shall make payment. The Contract Officer agrees to use reasonable diligence not to incur major costs in connection with the election preparations until it is known that the election will be held, unless the Bandera ISD authorizes such major costs in writing.

By signing this agreement, the Bandera ISD is acknowledging that the Contracting Officer may enter into a separate election services contract with another political subdivision for an election conducted on the same day.

Approved this the \_\_\_\_ day of \_\_\_\_\_, 2019

X

---

Jerry Hollingsworth  
Superintendent, Bandera ISD

X

---

Gwenda Tschirhart  
Election Official, Bandera County

**Exhibit "A"**  
**Bandera County Polling Locations**

COMMISSIONER PRCNT	VOTING PRCNT	LOCATION
PRECINCT NO. 1	#101	BANDERA HIGH SCHOOL 474 OLD SAN ANTONIO HWY. BANDERA TX 78003
	#102	PIPE CREEK V.F.D. 1331 FM 1283 PIPE CREEK TX 78063
PRECINCT NO. 2	#203	LAKEHILLS AREA LIBRARY 7200 FM 1283 LAKEHILLS TX 78063
	#204	LAKEHILLS CIVIC CENTER 11225 PARK RD 37 LAKEHILLS TX 78063
PRECINCT NO. 3	#305	RAY MAUER ANNEX 403 12 <sup>TH</sup> STREET BANDERA, TX 78003
PRECINCT NO. 4	#407	BANDERA ISD TRANS. BUS BARN 1576 HWY 173 S. BANDERA TX 78003
	#408	TARPLEY COMMUNITY CENTER 232 VALENTINE LANE TARPLEY TX 78883
	#409	LAKESHORE V.F.D. 9019 WHARTONS DOCK RD BANDERA TX 78003

EARLY VOTING LOCATIONS

\*RAY F. MAUER BUILDING -  
403 12TH STREET  
BANDERA, TX 78003

LAKEHILLS AREA LIBRARY -  
7200 F.M. 1283  
LAKEHILLS, TX 78063

MEDINA ANNEX -  
161 E. PARKER ST.  
MEDINA, TX 78055

Early voting begins October 21, 2019 at all three locations from 7:30 a.m. to 5:30 p.m., Monday through Friday and will end on November 1, 2019.

\* Extended hours for October 21, 2019 and October 28, 2019 are from 7:00 a.m. and 7:00 p.m. at the Ray F. Mauer Annex 403 12th Street, Bandera, Texas 78003 (This location ONLY for extended hours)