

**BOARD OF TRUSTEES
AGENDA**

<input type="checkbox"/> Workshop	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special
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(A) Report Only Recognition

Presenter(s):

Briefly describe the subject of the report or recognition presentation

DUE TO THE GOVERNOR'S PROCLAMATION OF JULY 27, 2020, BY WHICH HE EXTENDED EARLY VOTING FOR THE NOVEMBER 3RD GENERAL ELECTION AND SPECIAL ELECTIONS AND, THUS, THE DISTRICT'S JOINT ELECTION WITH THE COUNTY AND HOSPITAL DISTRICT, IT BECAME NECESSARY TO MODIFY THE JOINT ELECTION AGREEMENT WITH THE ENTITIES BY USE OF AN ADDENDUM TO IT. THIS AGENDA ITEM IS FOR THE PURPOSE OF APPROVING THE ADDENDUM.

(B) Action Item

Presenter(s): ISMAEL MIJARES, DEPUTY SUPERINTENDENT FOR BUSINESS & FINANCE

Briefly describe the action required

CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO APPROVE THE ADDENDUM TO THE JOINT ELECTION AGREEMENT BETWEEN THE EAGLE PASS INDEPENDENT SCHOOL DISTRICT, MAVERICK COUNTY HOSPITAL DISTRICT, AND MAVERICK COUNTY, TEXAS, FOR THE TUESDAY, NOVEMBER 3, 2020 JOINT ELECTIONS.

(C) Funding source: Identify the source of funds if any are require

(D) Clarification: Explain any question or issues that might be raised regarding this item

SEE ATTACHED MEMORANDUM.

To: Samuel Mijares, Superintendent

From: Ismael Mijares, Deputy Superintendent for Business & Finance

Date: September 2, 2020

SUBJECT: **Addendum to the Joint Election Agreement between Maverick County, Maverick County Hospital District, and the Eagle Pass Independent School District**

Attached is the Addendum to the Agreement to Conduct Joint Elections in November between the County, the Hospital District, and the School District.

The Addendum reflects changes necessitated by Governor Greg Abbott's Proclamation dated Monday, July 27, 2020, by which the Governor extended Early Voting by personal appearance for the November 3rd Elections due to the novel coronavirus (COVID-19). Early Voting on weekdays will now begin on Tuesday, October 13th instead of October 19th and continue through the 4th day before Election Day. The proclamation also allows a voter to deliver a marked mail ballot in person to the Early Voting Clerk's office prior to and including on Election Day. These changes require the entities in Joint Election to address them in their Joint Election Agreement to ensure that the delivery of election services cover the expansion of Early Voting. Except as otherwise expressly provided in the Addendum, all of the terms and conditions of the original ***"Agreement to Conduct Joint Elections Between Maverick County, Maverick County Hospital District, & Eagle Pass Independent School District"*** remain unchanged and will be in full force and effect, including Early Voting on Saturday, October 24th.

This Addendum was approved by Maverick County Hospital District on August 7 and by Maverick County Commissioners Court on August 24, 2020.

Also attached is a revised Timeline that includes important dates regarding the Tuesday, November 3, 2020, Joint Election for your information and reference purposes. Should you have any questions regarding this matter, please contact me at your convenience.

Attachment: Addendum to Joint Election Agreement
November 3, 2020 Uniform Election Timeline

ADDENDUM TO
AGREEMENT TO CONDUCT JOINT ELECTIONS BETWEEN
MAVERICK COUNTY,
MAVERICK COUNTY HOSPITAL DISTRICT,
& EAGLE PASS INDEPENDENT SCHOOL DISTRICT

WHEREAS, Maverick County, Texas (“County”), Maverick County Hospital District (“Hospital District”), and Eagle Pass Independent School District (“EPISD”), together referred to herein as “Parties,” are scheduled to hold individual general elections on Tuesday, November 3, 2020; and

WHEREAS, under State law and for the convenience of voters, the Parties have entered into an agreement (“Original Agreement”) to conduct their elections jointly (Joint Election”), which Original Agreement was approved by County on January 30, 2020, by Hospital District on February 6, 2020, and by EPISD on March 17, 2020, in which the County Elections Administrator, **Teodoro Roy Schmerber** (“Administrator”), shall act as the Joint Elections Officer to perform or supervise the performance of the duties and responsibilities of the Parties in the conduct of the Joint Election covered by the Original Agreement and by virtue of which the County and Administrator shall provide election services as more fully set out in the Original Agreement; and

WHEREAS, after the Parties entered into the Original Agreement, the Governor of Texas, by Proclamation dated July 27, 2020, *a true and correct copy of which is marked Exhibit “A” and attached hereto and made a part hereof for all purposes*, suspended certain Texas Election Code provisions under his authority as Governor of Texas and made necessary changes to such provisions affecting Early Voting for the Joint Election; and

WHEREAS, the Governor’s Proclamation of July 27, 2020, extending Early Voting for the Joint Election, necessitates this Addendum to the Original Agreement for the extension of election services under the same terms and conditions as set out in the Original Agreement to be performed by the County and Administrator throughout the period affected by the Governor’s Proclamation and to extend the Administrator’s duties and responsibilities as Joint Elections Officer and Early Voting Clerk throughout the same period;

WHEREAS, the Parties desire to amend the Original Agreement on the terms and conditions set forth in this Addendum, which is the first amendment to the Original Agreement.

NOW, THEREFORE, IN CONSIDERATION OF the Parties agreeing to amend their obligations in the Original Agreement and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree to keep, perform, and fulfill the promises, conditions and agreements as set forth below:

1. Except as otherwise expressly provided in this Addendum to the Original Agreement, all of the terms and conditions of the Original Agreement remain unchanged and in full force and effect;

2. The Original Agreement and the delivery of election services by the County and the Administrator for the November 3, 2020, Joint Election are hereby expanded to fully cover the expansion of Early Voting for said Joint Election by virtue of the Governor's Proclamation of July 27, 2020.
3. The Parties agree that the recital clauses in this Addendum may properly be used in interpreting this Addendum.
4. This Addendum to the Original Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Venue for any dispute arising under this Addendum shall lie in the appropriate courts of Maverick County, Texas.
5. This Addendum may be executed in multiple counterparts, all of which shall be deemed originals and with the same effect as if all Parties hereto had signed the same document. All of such counterparts shall be construed together and shall constitute one and the same Addendum.


This Addendum to the Original Agreement shall become effective on the Date of Approval last signed by the Parties below.

IN WITNESS WHEREOF, the Parties have duly affixed their signatures and entered the Date of Approval for their respective entity.

MAVERICK COUNTY, TEXAS
by Commissioners Court

By: 

David Saucedo, County Judge

By: 

Teodoro Roy Schmerber, Administrator

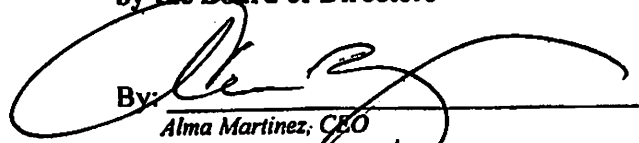
Date of Approval: 8-24-2020

EAGLE PASS ISD
by its Board of Trustees

By: _____
Jorge Barrera, President

Date of Approval: _____

MAVERICK COUNTY HOSPITAL DISTRICT
by the Board of Directors

By: 

Alma Martinez, CEO

Date of Approval: 8/25/20



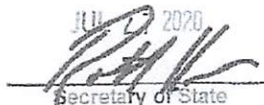
Exhibit "A"
(to Addendum)

GOVERNOR GREG ABBOTT

July 27, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00pm O'CLOCK

JUL 27 2020



Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

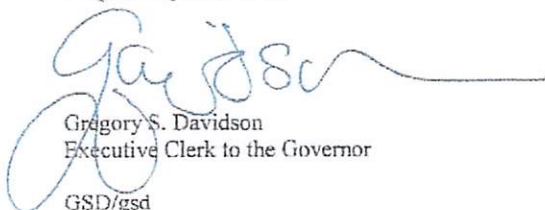
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending certain statutes concerning elections on November 3, 2020.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,



Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, pursuant to legislative authorization under Chapter 418 of the Texas Government Code, I have issued executive orders, proclamations, and suspensions of Texas laws in response to the COVID-19 disaster, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, Section 41.001(a) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on November 3, 2020; and

WHEREAS, I issued a proclamation on March 18, 2020, suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise have held elections on May 2, 2020, to move their general and special elections for 2020 only to the November 3, 2020 uniform election date; and

WHEREAS, Texas law provides that eligible voters have a right to cast a vote in person; and

WHEREAS, as counties across Texas prepare for the upcoming elections on November 3, 2020, and establish procedures for eligible voters to exercise their right to vote in person, it is necessary that election officials implement health protocols to conduct elections safely and to protect election workers and voters; and

WHEREAS, in order to ensure that elections proceed efficiently and safely when Texans go to the polls to cast a vote in person during early voting or on election day for the November 3, 2020 elections, it is necessary to increase the number of days in which polling locations will be open during the early voting period, such that election officials can implement appropriate social distancing and safe hygiene practices; and

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 PM O'CLOCK

JUL 27 2020

WHEREAS, Section 85.001(a) of the Texas Election Code provides that the period for early voting by personal appearance begins 17 days before election day; and

WHEREAS, Section 86.006(a-1) of the Texas Election Code provides that a voter may deliver a marked mail ballot in person to the early voting clerk's office while the polls are open on election day; and

WHEREAS, in consultation with the Texas Secretary of State, it has become apparent that for the November 3, 2020 elections, strict compliance with the statutory requirements in Sections 85.001(a) and 86.006(a-1) of the Texas Election Code would prevent, hinder, or delay necessary action in coping with the COVID-19 disaster, and that providing additional time for early voting will provide Texans greater safety while voting in person; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the legislature has expressly authorized the Governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster;

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and laws of the State of Texas, do hereby suspend Section 85.001(a) of the Texas Election Code to the extent necessary to require that, for any election ordered or authorized to occur on November 3, 2020, early voting by personal appearance shall begin on Tuesday, October 13, 2020, and shall continue through the fourth day before election day. I further suspend Section 86.006(a-1) of the Texas Election Code, for any election ordered or authorized to occur on November 3, 2020, to the extent necessary to allow a voter to deliver a marked mail ballot in person to the early voting clerk's office prior to and including on election day.

The Secretary of State shall take notice of this proclamation and shall transmit a copy of this order immediately to every County Judge of this state and all appropriate writs will be issued and all proper proceedings will be followed to the end that said elections may be held and their results proclaimed in accordance with law.



IN TESTIMONY WHEREOF, I
have hereto signed my name and
have officially caused the Seal of
State to be affixed at my office in
the City of Austin, Texas, this the
27th day of July, 2020.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 P.M. O'CLOCK

JUL 27 2020

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 PM O'CLOCK

JUL 27 2020

Tuesday, November 3, 2020 - Uniform Election Date

<p>Deadline to post NEW <u>HB 305</u> notice.¹</p>	<p>November 3, 2019*</p> <p>*NEW LAW: Effective Sunday, September 1, 2019 (HB 305 affects political subdivisions with taxing authority) ¹</p>
<p>Deadline to Post Notice of Candidate Filing Deadline (Local Political Subdivisions Only)¹</p>	<p>Thursday, June 18, 2020 for local political subdivisions that have a first day to file for their candidates¹</p>
<p>First Day to Apply for Ballot by Mail</p>	<p>Wednesday, January 1, 2020*</p> <p>*First day to file does not move because of New Year's Day holiday. An "Annual ABBM" or FPCA for a January or February 2020 election may be filed earlier, but not earlier than the 60th day before the date of the January or February election.</p>
<p>First Day to File for a Place on the General Election Ballot (Local Political Subdivisions Only)¹</p>	<p>Saturday, July 18, 2020</p>
<p>First Day to File a Declaration of Write-in Candidacy (General Election for State and County Officers)</p>	<p>Saturday, July 18, 2020</p>
<p>Last Day to Order General Election or Special Election on a Measure</p>	<p>Monday, August 17, 2020</p>
<p>Last Day to File for a Place on the General Election Ballot (Local Political Subdivisions Only)²</p>	<p>Monday, August 17, 2020 at 5:00 p.m.</p>
<p>Last Day to File a Declaration of Write-in Candidacy (General Election for State and County Officers)</p>	<p>Monday, August 17, 2020</p>
<p>Last Day to File a Declaration of Write-in Candidacy (Local Political Subdivisions Only)</p>	<p>Friday, August 21, 2020</p>

Last Day to Withdraw as a Candidate from a general election. (Requires notarized Certificate of Withdrawal or notarized Letter)	Monday, August 24, 2020, by 5:00 p.m.
Last Day to Register to Vote	Monday, October 5, 2020*
First Day of Early Voting by Personal Appearance	Monday, October 13, 2020*
Last Day to Apply for Ballot by Mail (Received, not Postmarked)	Friday, October 23, 2020
Last Day of Early Voting by Personal Appearance	Friday, October 30, 2020
Last day to Receive Ballot by Mail	Tuesday, November 3, 2020 (Election Day) at 7:00 p.m. if carrier envelope is not postmarked, OR Wednesday, November 4, 2020 (next business day after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the election on Election Day (unless overseas or military voter deadlines apply) ⁴

¹ Under new law, most local entities now have a “first day” to file.

For the few entities who do not have a first day to file: For the May 2, 2020 election, Wednesday, January 15, 2020 is the deadline to post notice of candidate filing deadline for entities that do not have a first day to file for their candidates. **However, pursuant to NEW LAW, for local (taxing) political subdivisions, the deadline is September 1, 2019 (the effective date of HB 305, 2019).** For the November 3, 2020 election, Monday, July 20, 2020 is the deadline to post notice of candidate filing deadline for local political subdivisions that do not have a first day to file for their candidates. (If the 30th day before last day on which candidate may file falls on a Saturday, deadline moves to next business day). **However, pursuant to NEW LAW, for local (taxing) political subdivisions, the deadline is November 3, 2019 (one year before election day).**

Local political subdivisions include: cities, school districts, water districts, hospital districts, and any other local government entity that conducts elections. Many of these elections are conducted on the May uniform election date. Note: Counties may also be holding local proposition (measure) elections on May 2, 2020.

² Filing deadlines: generally, the filing deadline is the 78th day prior to Election Day. The Code may provide a different special election filing deadline. See Section 201.054 of the Texas Election Code (the "Code"). Write-in deadlines for general and special elections vary; the deadline for most local (city, school, other) special elections is now the same day as the filing deadline for application for a place on the ballot in a May election or November election.

³ If no candidate for a **four-year term** has filed an application for a place on the ballot for a **city office**, the filing deadline for that office is extended to 5 p.m. of the 57th day before the election. For the May 2, 2020 election, this is Friday, March 6, 2020. See Section 143.008 of the Code.

⁴ Please note that pursuant to House Bills 1151 and 929 (2017), different deadlines apply to the last day to receive ballots sent by the following: 1) non-military and military voters who mailed ballots from overseas and submitted a regular state Application for Ballot By Mail ("ABBM"), 2) non-military voters who mailed ballots from overseas and who submitted a Federal Postcard Application ("FPCA"), and (3) military voters who mailed ballots domestically or from overseas and who submitted an FPCA. See Secs. 86.007, 101.001 and 101.057 of the Code. Please contact the Elections Division of the Office of the Texas Secretary of State at 1-800-252-VOTE (8683) for additional information.