

THE STATE OF TEXAS

COUNTY OF DENTON

ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES

THIS CONTRACT for election services is made by and between the Denton County Elections Administrator and the Town of Trophy Club.

This contract is made pursuant to Texas Election Code Sections 31.092 for a September 07, 2019 special election to be administered by Frank Phillips, Denton County Elections Administrator, hereinafter referred to as "Elections Administrator."

RECITALS

The Town of Trophy Club plans to hold an election on September 07, 2019.

The County owns the Hart InterCivic Verity Voting System, which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122 as amended, and is compliant with the accessibility requirements for persons with disabilities set forth by Texas Election Code Section 61.012. The contracting political subdivision (participating authority) desires to use the County's voting system and to compensate the County for such use and to share in certain other expenses connected with the election, in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code, as amended.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED as follows:

I. ADMINISTRATION

The Participating Authority agrees to hold an Election with Denton County in accordance with the Texas Election Code and this agreement. The Elections Administrator shall coordinate, supervise, and handle all aspects of administering the Election as provided in this agreement. The Participating Authority agrees to pay the Elections Administrator for equipment, supplies, services, and administrative costs as provided in this agreement. The Elections Administrator shall serve as the administrator for the Election; however, the Participating Authority shall remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its election. The Elections Administrator shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of the Participating Authority as necessary.

It is understood that other political subdivisions may wish to participate in the use of the County's

voting system and polling places, and it is agreed that the Elections Administrator may enter into other election agreements and contracts for election services for those purposes, on terms and conditions generally similar to those set forth in this contract. In such case, costs shall be pro-rated among the participants according to Section X of this contract.

II. LEGAL DOCUMENTS

The Participating Authority shall be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code and/or the Participating Authority's governing body, charter, or ordinances, except that the Elections Administrator shall be responsible for the preparation and publication of all voting equipment testing notices that are required by the Texas Election Code. Election orders should include language that would not necessitate amending the order if any of the Early Voting and/or Election Day polling places change.

Preparation of the necessary materials for notices and the official ballot shall be the responsibility of the Participating Authority, including translation to languages other than English. The Participating Authority shall provide a copy of its election orders and notices to the Elections Administrator.

III. VOTING LOCATIONS

The Elections Administrator shall select and arrange for the use of and payment for all voting locations. Voting locations will be, whenever possible, the usual voting location for each election precinct in elections conducted by the county, and shall be compliant with the accessibility requirements established by Election Code Section 43.034 and the Americans with Disabilities Act (ADA). The proposed voting locations are attached as Exhibit A. In the event a voting location is not available or appropriate, the Elections Administrator will arrange for use of an alternate location. The Elections Administrator shall notify the Participating Authority of any changes from the location listed in Exhibit A.

If polling place(s) for the September 07, 2019 election are different from the polling place(s) used by the Participating Authority in its most recent election, the Participating Authority agrees to post a notice no later than September 6, 2019 at the entrance to any previous polling places in the jurisdiction stating that the polling location has changed and stating the political subdivision's polling place names, addresses, and room or suite number, if applicable, in effect for the September 07, 2019 election. This notice shall be written in both the English and Spanish languages.

IV. ELECTION JUDGES, CLERKS, AND OTHER ELECTION PERSONNEL

Denton County shall be responsible for the appointment of the presiding judge and alternate judge for each polling location. The Elections Administrator shall make emergency appointments of election officials if necessary.

Upon request by the Elections Administrator, the Participating Authority agrees to assist in recruiting polling place officials who are bilingual (fluent in both English and Spanish). In compliance with the Federal Voting Rights Act of 1965, as amended, each polling place containing more than 5% Hispanic population as determined by the 2010 Census shall have one or more election officials who are fluent in both the English and Spanish languages. If a presiding judge is not bilingual, and is unable to appoint a bilingual clerk, the Elections Administrator may recommend a bilingual worker for the polling place. If the Elections Administrator is unable to recommend or recruit a bilingual worker, the Participating Authority served by that polling place shall be responsible for recruiting a bilingual worker for translation services at that polling place.

The Elections Administrator shall notify all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that all election judges appointed for the Election are eligible to serve.

The Elections Administrator shall arrange for the training and compensation of all election judges and clerks. The Election judges and clerks who attend in-person voting equipment training and/or procedures training, shall be compensated at the rate of \$10 an hour. Election judges and clerks that elect to complete online training shall be compensated at a rate of a flat \$30. In the event that an Election judge or clerk completes both in-person and online training, they shall be compensated for the training resulting in the highest pay and will not be compensated for both trainings.

The Elections Administrator shall arrange for the date, time, and place for presiding election judges to pick up their election supplies. Each presiding election judge will be sent a letter from the Elections Administrator notifying them of their appointment, the dates/times and locations of training and distribution of election supplies, and the number of election clerks that the presiding judge may appoint.

Each election judge and clerk will receive compensation at the hourly rate established by Denton County pursuant to Texas Election Code Section 32.091. The election judge, or their designee, will receive an additional sum of \$25.00 for picking up the election supplies and equipment prior to Election Day and for returning the supplies and equipment to the central counting station after the polls close. Likewise, the Lead Clerk in Early Voting, or their designee, will receive an additional sum of \$25.00 for picking up the election supplies prior to the first day of Early Voting and for returning the supplies and equipment to the Elections Department after Early Voting has ended.

The compensation rates established by Denton County are:

Early Voting – Lead Clerk (\$12/hour), Clerk (\$10/hour)

Election Day – Presiding Judge (\$12/hour), Alternate Judge (\$11/hour), Clerk (\$10/hour)

The Elections Administrator may employ other personnel necessary for the proper administration of the election, as well as, pre and post election administration. In such cases, cost shall be pro-rated among the participants of this contract. Part-time help as included as is necessary to prepare for the election, to ensure the timely delivery of supplies during Early Voting and on Election Day, and for the efficient tabulation of ballots at the central counting station. Part-time personnel working in support of the Early Voting Ballot Board and/or central counting station on election night will be compensated at the hourly rate set by Denton County in accordance with Election Code Sections 87.005, 127.004, and 127.006.

If elections staff is required outside of the hours of the office's normal scope of business, the entity(ies) responsible for the hours will be billed for those hours. The Elections Administrator will determine when those hours are necessary, the number of staff and whom are necessary, along with to whom the hours are to be billed. Cost for these hours will be billed at a rate of 1.5 times the staff's hourly rate (See Sections XIV #9). The Election Administrator has the right to waive these costs as they see fit.

V. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The Elections Administrator shall arrange for all election supplies and voting equipment including, but not limited to, the County's Verity voting system and equipment, official ballots, sample ballots, voter registration lists, and all forms, signs, maps and other materials used by the election judges at the voting locations. The Elections Administrator shall ensure availability of tables and chairs at each polling place and shall procure rented tables and chairs for those polling places that do not have tables and/or chairs. Any additional required materials (required by the Texas Election Code) must be provided by the Participating Authority, and delivered to the Elections Office thirty-three (33) calendar days (August 5, 2019) prior to Election Day. If this deadline is not met, the material must be delivered by the participating authority, to all Early Voting and Election Day locations affected, prior to voting commencing. The Elections Administrator shall be responsible for conducting all required testing of the voting equipment, as required by Chapters 127 and 129 of the Texas Election Code.

The Participating Authority shall furnish the Elections Administrator a list of candidates and/or propositions showing the order and the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot (including titles and text in each language in which the authority's ballot is to be printed). **Said list must be provided to the Elections Office within three (3) business days following the last day to file for a place on the ballot** or after the election is ordered, whichever is later. Said list must be in a Word document, the information must be in an upper and lower case format, be in Arial 12 point font, and contain candidate contact information for the purposes of verifying the pronunciation of each of the candidates' names. The participating authority shall be responsible for proofreading and approving the ballot insofar as it pertains to that authority's candidates and/or propositions. The participating authority shall be responsible for proofing and approving the audio recording of the ballot insofar as it pertains to that

authority's candidates and/or propositions. **The approvals must be finalized with the Elections Office within five (5) calendar days of receipt of the proofs, or the provided proofs shall be considered approved.**

Early Voting by Personal Appearance and on Election Day shall be conducted exclusively on Denton County's Verity voting system including provisional ballots.

The Elections Administrator shall be responsible for the preparation, testing, and delivery of the voting equipment for the election as required by the Election Code.

The Elections Administrator shall conduct criminal background checks on the relevant employees upon hiring as required by Election Code 129.051(g).

VI. EARLY VOTING

The Participating Authority agrees to appoint the Election Administrator as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. The Participating Authority agrees to appoint the Elections Administrator's permanent county employees as deputy early voting clerks. The Participating Authority further agrees that the Elections Administrator may appoint other deputy early voting clerks to assist in the conduct of early voting as necessary, and that these additional deputy early voting clerks shall be compensated at an hourly rate set by Denton County pursuant to Section 83.052 of the Texas Election Code. Deputy early voting clerks who are permanent employees of the Denton County Elections Administrator or any Participating Authority shall serve in that capacity without additional compensation.

Early Voting by personal appearance will be held at the locations, dates and times listed on the Town of Trophy Club Election Order, which is attached to this contract as Exhibit B. The main early voting location will be Trophy Club Town Hall, 1 Trophy Wood Drive, Trophy Club, TX 76262. All requests for Temporary Early Voting Locations will be considered, and determined based on the availability of sites and if it is within the Election Code parameters. All costs for temporary sites including coverage by Election Administration staff will be borne by the requesting authority. The Elections Administrator will determine when those hours are necessary, the number of staff and whom are necessary, along with to whom the hours are to be billed. Cost for these hours will be billed at a rate of 1.5 times the staff's hourly rate (See Sections XIV #9). The Election Administrator has the right to waive these costs as they see fit.

As Early Voting Clerk, the Elections Administrator shall receive applications for early voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code. Any requests for early voting ballots to be voted by mail received by the participating authorities shall be forwarded immediately by fax or courier to the Elections Administrator for processing. The address for the Denton County Early Voting Clerk is:

Frank Phillips, Early Voting Clerk
Denton County Elections
PO Box 1720
Denton, TX 76202

Email: elections@dentoncounty.com

Any requests for early voting ballots to be voted by mail, and the subsequent actual voted ballots, that are sent by a contract carrier (ie. UPS, FedEx, etc.) shall be delivered to the Early Voting Clerk at the Denton County Elections Department's physical address as follows:

Frank Phillips, Early Voting Clerk
Denton County Elections
701 Kimberly Drive, Suite A101
Denton, TX 76208

Email: elections@dentoncounty.com

The Elections Administrator shall post on the county website, the Participating Authority's Early Voting Roster on a daily basis. In accordance with Section 87.121 of the Election Code, the daily roster showing the previous day's early voting activity will be posted no later than 11:00 AM each business day.

VII. EARLY VOTING BALLOT BOARD

Denton County shall appoint the Presiding Judge of an Early Voting Ballot Board (EVBB) to process early voting results from the election. The Presiding Judge, with the assistance of the Elections Administrator, shall appoint two or more additional members to constitute the EVBB. The Elections Administrator shall determine the number of EVBB members required to efficiently process the early voting ballots.

VIII. CENTRAL COUNTING STATION AND ELECTION RETURNS

The Elections Administrator shall be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

The Participating Authority hereby, in accordance with Section 127.002, 127.003, and 127.005 of the Texas Election Code, appoints the following central counting station officials:

Counting Station Manager: Brandy Grimes, Deputy Elections Administrator
Tabulation Supervisor: Jason Slonaker, Technology Resources Coordinator
Presiding Judge: Early Voting Ballot Board Judge
Alternate Judge: Early Voting Ballot Board Alternate Judge

The counting station manager or their representative shall deliver timely cumulative reports of the election results as precincts report to the central counting stations and are tabulated by posting on the Elections Administrator's Election Night Results website. The manager shall be responsible for releasing unofficial cumulative totals and precinct returns from the election to the participant, candidates, press, and general public by distribution of hard copies at the central counting station (if requested) and by posting to the Elections Administrator's Election Night Results website. To ensure the accuracy of reported election returns, results printed on the tapes produced by Denton County's voting equipment will not be released to the Participating Authority at the polling location or by phone from individual polling locations.

The Elections Administrator will prepare the unofficial canvass reports after all precincts have been counted, and will deliver a copy of the unofficial canvass to the Participating Authority as soon as possible after all returns have been tabulated. The Elections Administrator will include the tabulation and precinct-by-precinct results that are required by Texas Election Code Section 67.004 for the participating authorities to conduct their respective canvasses. The Participating Authority shall be responsible for the official canvass of its election, and shall notify the Elections Administrator, or their designee, of the date of the canvass, no later than three days after Election Day.

The Elections Administrator will prepare and deliver by email the electronic precinct-by-precinct results reports for the Participating Authority to upload to the Secretary of State as required by Section 67.017 of the Election Code.

The Elections Administrator shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to the Participating Authority and the Secretary of State's Office.

IX. RUNOFF ELECTION

The participating authority shall have the option of extending the terms of this agreement through its runoff election, if applicable. In the event of such runoff election, the terms of this agreement shall automatically extend unless the participating authority notifies the Elections Administrator in writing within 3 business days of the original election.

The participating authority shall reserve the right to reduce the number of early voting locations and/or Election Day voting locations in a runoff election.

The participating authority agrees to order any runoff election(s) at its meeting for canvassing the votes from the September 07, 2019 election and to conduct its drawing for ballot positions at or immediately following such meeting in order to expedite preparations for its runoff election.

The Participating Authority agrees that the date of the runoff election, if necessary, shall be Saturday, 2019-10-12, with early voting being held in accordance with the Election Code.

X. ELECTION EXPENSES AND ALLOCATION OF COSTS

The participating authorities agree to share the costs of administering the Joint Election. Allocation of the costs, unless specifically stated otherwise, is mutually agreed to be shared according to a formula, which is based on the number of registered voters within the district per Elections Day polling place. Costs for polling places shared by more than one participating authority shall be pro-rated among the participants utilizing that polling place.

It is agreed that the charges for Election Day judges and clerks and Election Day polling place rental fees shall be directly charged to the appropriate participating authority rather than averaging those costs among all participants.

If a participating authority's election is conducted at more than one Election Day polling place, there shall be no charges or fees allocated to the participating authority for the cost of the Election Day polling place in which the authority has fewer than 50% of the total registered voters served by that polling place, except that if the number of registered voters in all of the authority's polling places is less than the 50% threshold, the participating authority shall pay a pro-rata share of the cost associated with the polling place where it has the greatest number of registered voters.

Costs for Early Voting by Personal Appearance shall be allocated based upon the actual costs associated with each early voting site. Each participating authority shall be responsible for an equal portion of the actual costs associated with the early voting sites located within their jurisdiction. Participating authorities that do not have a regular (non-temporary) early voting site within their

jurisdiction shall pay an equal portion of the nearest regular early voting site.

Costs for Early Voting by mail shall be allocated according to the actual number of ballots mailed to each participating authority's voters.

Cost for all in-person and provisional ballots and Poll Pad paper shall be allocated according to the actual number of ballots issued to each participating authority's voter.

Each participating authority agrees to pay the Elections Administrator an administrative fee equal to ten percent (10%) of its total billable costs in accordance with Section 31.100(d) of the Texas Election Code.

The Denton County Elections Administrator shall deposit all funds payable under this contract into the appropriate fund(s) within the county treasury in accordance with Election Code Section 31.100.

The Denton County Elections Administrator reserves the right to adjust the above formulas in agreement with an individual jurisdiction if the above formula results in a cost allocation that is inequitable.

If any participating authority makes a special request for extra Temporary Branch Early Voting by Personal Appearance locations as provided by the Texas Election Code, that entity agrees to pay the entire cost for that request.

Participating authorities having the majority of their voters in another county, and fewer than 500 registered voters in Denton County, and that do not have an Election Day polling place or early voting site within their Denton County territory shall pay a flat fee of \$400 for election expenses.

Election expenses, including but not limited to, overtime charges for Election Office staff, and any unforeseen expenses needed to conduct the election, will be borne by the participating authority or authorities, affected.

XI. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

The Participating Authority may withdraw from this agreement should it cancel its election in accordance with Sections 2.051 - 2.053 of the Texas Election Code. The withdrawing authority is fully liable for any expenses incurred by the Denton County Elections Administrator on behalf of the authority plus an administrative fee of ten percent (10%) of such expenses. Any monies deposited with the Elections Administrator by the withdrawing authority shall be refunded, minus the aforementioned expenses and administrative fees, if applicable.

XII. RECORDS OF THE ELECTION

The Elections Administrator is hereby appointed general custodian of the voted ballots and all records of the election as authorized by Section 271.010 of the Texas Election Code.

Access to the election records shall be available to the Participating Authority as well as to the public in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act. The election records shall be stored at the offices of the Elections Administrator or at an alternate facility used for storage of county records. The Elections Administrator shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or open records request, the Elections Administrator shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of the Participating Authority to bring to the attention of the Elections Administrator any notice of pending election contest, investigation, litigation or open records request which may be filed with the Participating Authority.

XIII. RECOUNTS

A recount may be obtained as provided by Title 13 of the Texas Election Code. By signing this document, the presiding officer of the contracting Participating Authority agrees that any recount shall take place at the offices of the Elections Administrator, and that the Elections Administrator shall serve as Recount Supervisor and the Participating Authority's official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

The Elections Administrator agrees to provide advisory services to the Participating Authority as necessary to conduct a proper recount.

XIV. MISCELLANEOUS PROVISIONS

1. The Elections Administrator shall file copies of this document with the Denton County Treasurer and the Denton County Auditor in accordance with Section 31.099 of the Texas Election Code.
2. Nothing in this contract prevents any party from taking appropriate legal action against any other party and/or other election personnel for a breach of this contract or a violation of the Texas Election Code.

3. This agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Denton County, Texas.
4. In the event that one of more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
5. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.
6. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.
7. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.
8. Failure for the Participating Authority to meet the deadlines as outlined in this contract may result in additional charges, including but not limited to, overtime charges, etc.
9. Elections Staffing Hourly Rate (includes all benefit pay):

Absentee Voting Coordinator	\$29.464
Voter Registration Clerk	\$22.926 - \$24.718
Technology Resources Coordinator	\$32.400
Elections Technician	\$21.309 - \$24.718
Voter Registration Coordinator	\$30.442
Training Coordinator	\$31.158
Election Coordinator	\$31.962

XV. COST ESTIMATES AND DEPOSIT OF FUNDS

The total estimated obligation for the Participating Authority under the terms of this agreement is listed below. The exact amount of the Participating Authority's obligation under the terms of this agreement shall be calculated after the September 07, 2019 election (or runoff, if applicable). The Participating Authority's obligation shall be paid to Denton County within 30 days after the receipt of the final invoice from the Denton County Elections Administrator.

The total estimated obligation for each Participating Authority under the terms of this agreement shall be provided within 45 days after the last deadline for ordering an election.

The total estimated obligation for each Participating Authority under the terms of this agreement shall be as follows:

Political subdivision	Actual # Billed #		Estimated Deposit	
	Polls	Polls	Cost	Due
TROPHY CLUB	1	1.0	\$13,728.12	\$0.00
TOTAL	1	1	\$13,728.12	\$0.00

XVII. JOINT CONTRACT ACCEPTANCE AND APPROVAL

IN TESTIMONY HEREOF, this agreement has been executed on behalf of the parties hereto as follows, to-wit:

- (1) It has on the 7 day of August, 2019 been executed by the Denton County Elections Administrator pursuant to the Texas Election Code so authorizing;
- (2) It has on the 13th day of August, 2019 been executed on behalf of the Town of Trophy Club pursuant to an action of the Town of Trophy Club Council so authorizing;

ACCEPTED AND AGREED TO BY DENTON COUNTY ELECTIONS ADMINISTRATOR:

APPROVED:



Frank Phillips, CERA

ACCEPTED AND AGREED TO BY THE TOWN OF TROPHY CLUB TOWN COUNCIL:

APPROVED:

ATTESTED:

C. Nick Sanders, Mayor

Holly Fimbres, Town Secretary



September 7th, 2019 Trophy Club Special Election Early Voting

Early Voting Locations Dates and Times:

Wednesday - Friday	August 21 - 23	8am – 5pm
Monday – Thursday	August 26 - 29	8am – 5pm
Friday	August 30	7am – 7pm
Saturday	August 31	8am – 5pm
Tuesday	September 3	7am – 7pm

Trophy Club Town Hall
1 Trophy Wood Dr., Trophy
Club

Town of Trophy Club Special Election				
Election Day Location - Open 7am - 7pm				
Saturday, September 7, 2019				
Precinct	Location	Address	City	Zipcode
4031	Trophy Club Town Hall	1 Trophy Wood Dr	Trophy Club	76262
4032	Trophy Club Town Hall	1 Trophy Wood Dr	Trophy Club	76262



Elección especial del Pueblo de Trophy Club - 7 de septiembre de 2019 votación adelantada

Lugares de votación adelantada fechas y horas:

miércoles - viernes	agosto 21 - 23	8am – 5pm
lunes – jueves	agosto 26 - 29	8am – 5pm
viernes	agosto 30	7am – 7pm
sábado	agosto 31	8am – 5pm
martes	septiembre 3	7am – 7pm

Trophy Club Town Hall

1 Trophy Wood Dr., Trophy
Club

Pueblo de Trophy Club Eleccion Especial				
Ubicacion de Votación en día de elección - abierto 7am - 7pm				
9/7/19				
Precinto	Ubicacion	Dirección	Ciudad	código postal
4031	Trophy Club Town Hall	1 Trophy Wood Dr	Trophy Club	76262
4032	Trophy Club Town Hall	1 Trophy Wood Dr	Trophy Club	76262

**TOWN OF TROPHY CLUB, TEXAS
ORDINANCE NO. 2019-15**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS, ORDERING AND CALLING A SPECIAL ELECTION FOR THE TOWN OF TROPHY CLUB ("TOWN") TO BE HELD ON SEPTEMBER 7, 2019 FOR THE PURPOSE OF ELECTING ONE (1) COUNCILMEMBER FOR PLACE NO. 4 TO THE TOWN COUNCIL TO FILL THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE CREATED BY A VACANCY (TERM EXPIRING MAY 2021); PROVIDING FOR THE INCORPORATION OF PREMISES; SPECIFYING THE DATE OF ELECTION; SPECIFYING THE PURPOSE OF THE ELECTION; SPECIFYING ELIGIBILITY FOR CANDIDACY; PROVIDING FOR APPLICATION FOR A PLACE ON THE BALLOT; PROVIDING FOR A RUNOFF ELECTION; AUTHORIZING CONTRACTS WITH DENTON COUNTY ELECTIONS AND TARRANT COUNTY ELECTIONS FOR ADMINISTRATION OF THE SPECIAL ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE SPECIAL ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 3.004 of the Texas Election Code provides that the governing body of a municipality shall be the authority to order a Special Election; and

WHEREAS, the Town Council finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that public notice of the time, place, and purpose of such meeting was given as required by Chapter 551, Texas Government Code, as amended; and

WHEREAS, pursuant to Article III, The Council, Section 3.04, Vacancies, Forfeiture of Office, Filling of Vacancies, of the Town's Home Rule Charter, the Town Council hereby calls a Special Election for the purpose of electing one (1) Councilmember for Place No. 4 to the Town Council to fill the remainder of an unexpired term of office created by a vacancy (term expiring May 2021); and

WHEREAS, according to Section 201.051 of the Texas Election Code, if a vacancy in office is to be filled by Special Election, the election shall be ordered as soon as practicable after the vacancy occurs.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS:

SECTION 1
INCORPORATION OF PREMISES

All of the above premises are true and correct and are hereby incorporated in the body of this Ordinance as if fully set forth herein.

All resident, qualified voters of the Town shall be eligible to vote at the Special Election.

SECTION 2
DATE OF ELECTION

It is hereby ordered that a Special Election shall be held on September 7, 2019, from 7:00 a.m. to 7:00 p.m.

SECTION 3
PURPOSE OF ELECTION

The purpose of the Special Election is to elect one (1) Councilmember for Place No. 4 to the Town Council to fill the remainder of an unexpired term of office created by a vacancy (term expiring May 2021).

SECTION 4
ELIGIBILITY FOR CANDIDACY

As set forth in Section 141.001 of the Texas Election Code, to be eligible for a public elective office in this state, a person must: 1) be a United States citizen; 2) be 18 years of age or older on the first day of the term to be filled at the election; 3) have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote; 4) have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities; 5) have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the date of the regular filing deadline for a candidate's application for a place on the ballot for a candidate whose name is to appear on a general election ballot, or the date of the election at which the candidate's name is written in for a write-in candidate; 6) on the date described by subdivision 5, be registered to vote in the territory from which the office is elected; and 7) satisfy any other eligibility requirements prescribed by law for the office.

Additional requirements are set forth in Article III, Section 3.02, of the Trophy Club Town Charter and are as follows:

(a) Each person who becomes a candidate for Mayor or Councilmember shall meet the following qualifications:

(1) be at least eighteen (18) years of age on the first day of the form to be filed;

- (2) be a citizen of the United States;
- (3) be a qualified voter of the Town;
- (4) reside and have resided for at least twelve (12) months preceding the election within the corporate limits of the Town;
- (5) no candidate may file for more than one office or position number per election;
- (6) no employee of the Town shall continue in such position after becoming a candidate for a Town elective office; and,
- (7) If any sitting Councilmember files to become a candidate for another public office, he shall resign his current seat upon filing for the new office.

SECTION 5

APPLICATION FOR A PLACE ON THE BALLOT

For the purpose of the September 7, 2019 Special Election and pursuant to Section 201.054 of the Texas Election Code, any eligible and qualified person may have that person's name printed upon the official ballot as a candidate for the office hereinbefore set forth by filing the person's sworn application with the Town Secretary not earlier than July 23, 2019 and not later than 5:00 p.m. on July 29, 2019. Each such application shall be on a form as prescribed by the Texas Election Code. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the Town Secretary as provided by Section 52.094 of the Texas Election Code. Notice of the time and place for such drawing shall be given in accordance with Section 52.094 of the Texas Election Code.

SECTION 6

RUNOFF ELECTION

If no candidate receives a majority of all votes cast for all of the candidates for his or her office at such election as required to be lawfully elected, there shall be a runoff election held. The runoff election shall be conducted as required by the Town Charter and the Texas Election Code. Notwithstanding the foregoing, the runoff election date has tentatively been set for October 12, 2019.

SECTION 7.

ELECTION CONTRACTS

Since the Town of Trophy Club is located in both Denton County and Tarrant County, the Mayor, or his designee, is authorized to execute the necessary contracts for the administration of the September 7, 2019 Special Election to the extent required for the Election to be conducted in an efficient and legal manner as determined by the Denton County Election and/or Tarrant County Election Administrators. Upon approval by the Town Council, a Joint Election Agreement between the Town and the Denton County Elections shall be incorporated herein by reference as **Exhibit "A"**. Upon approval by the Town Council, a Joint Election Agreement between the Town and the Tarrant County Elections shall be incorporated herein by reference as **Exhibit "B"**.

SECTION 8.
ELECTIONS ADMINISTRATION

8.1 *Denton County.* The Denton County Elections Administrator, Frank Phillips, is hereby appointed as Denton County Early Voting Clerk for the Election. Deputy early voting judges/clerks will be appointed as needed to process early voting mail and to conduct early voting. Early voting by mail shall be conducted in conformance with the requirements of the Code. Ballot applications and ballots voted by mail shall be sent to: Early Voting Clerk, P.O. Box 1720, Denton, Texas 76202. The Elections Administrator and/or the Early Voting Clerk are hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Code. Early voting by personal appearance shall be conducted at the times on the dates and at the locations designated on **Exhibit "C"** hereto; such locations may be changed or additional early voting locations may be added by the Denton County Elections Administrator, without further action of the Town Council, as is necessary for the proper conduct of the Election.

8.2 *Tarrant County.* The Tarrant County Elections Administrator, Heider Garcia, is hereby appointed as Tarrant County Early Voting Clerk for the Election. Deputy early voting judges/clerks will be appointed as needed to process early voting mail and to conduct early voting. Early voting by mail shall be conducted in conformance with the requirements of the Code. Ballot applications and ballots voted by mail shall be sent to: Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas 76161-0011. The Elections Administrator and/or the Early Voting Clerk are hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Code. Early voting by personal appearance shall be conducted at the times on the dates and at the locations designated on **Exhibit "C"** hereto; such locations may be changed or additional early voting locations may be added by the Tarrant County Elections Administrator, without further action of the Town Council, as is necessary for the proper conduct of the Election.

SECTION 9.
NOTICE OF ELECTION PUBLICATION

Notice of the Election shall be given by posting a notice containing a substantial copy of this Ordinance in both English, Spanish, and Vietnamese at the Town Hall on the bulletin board used for posting notices of the Town Council meetings and by publication of said notice one time in a newspaper of general circulation published within the Town, the date of the publication to be not earlier than the 30th day or later than the 10th day before election day.

SECTION 10.
CANVASS OF ELECTION

Pursuant to Section 67.003 of the Texas Election Code, the Town Council will canvass the Election not earlier than September 10, 2019 and not later than September 18, 2019. Notice of the time and place for canvass shall be posted on the official bulletin board in the same manner as required by the Open Meetings Act for other Town Council meetings in accordance with the Chapter 551 of the Local Government Code.

SECTION 11.
VOTING RIGHTS ACT

The Mayor and the Town Secretary of the Town, in consultation with the Town Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein.

SECTION 12.
SEVERABILITY

It is hereby declared to be the intent of the Town Council of the Town of Trophy Club that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 13.
ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Trophy Club is hereby directed to engross and enroll this Ordinance as required by the Town Charter.

SECTION 14.
EFFECTIVE DATE

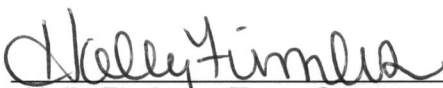
This Ordinance shall take effect immediately upon adoption.

PASSED AND APPROVED by the Town Council of the Town of Trophy Club, Texas, this 23rd day of July 2019.



C. Nick Sanders, Mayor
Town of Trophy Club, Texas

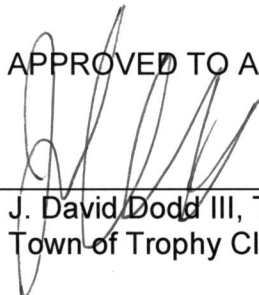
ATTEST:



Holly Fimbres, Town Secretary
Town of Trophy Club, Texas



APPROVED TO AS FORM:



J. David Dodd III, Town Attorney
Town of Trophy Club, Texas

EXHIBIT "A"

JOINT ELECTION AGREEMENT

**BETWEEN THE TOWN OF TROPHY CLUB, TEXAS and DENTON COUNTY
ELECTIONS**

Incorporated By Reference

EXHIBIT "B"

JOINT ELECTION AGREEMENT

**BETWEEN THE TOWN OF TROPHY CLUB, TEXAS and TARRANT COUNTY
ELECTIONS**

Incorporated By Reference

EXHIBIT "C"
NOTICE FOR EARLY VOTING

Incorporated By Reference

Denton County

Early voting by personal appearance will be conducted at 1 Trophy Wood Drive, Trophy Club, Texas 76262 on the following dates:	
Wednesday, August 21	8:00 a.m. to 5:00 p.m.
Thursday, August 22	8:00 a.m. to 5:00 p.m.
Friday, August 23	8:00 a.m. to 5:00 p.m.
Monday, August 26	8:00 a.m. to 5:00 p.m.
Tuesday, August 27	8:00 a.m. to 5:00 p.m.
Wednesday, August 28	8:00 a.m. to 5:00 p.m.
Thursday, August 29	8:00 a.m. to 5:00 p.m.
Friday, August 30	7:00 a.m. to 7:00 p.m.
Saturday, August 31	8:00 a.m. to 5:00 p.m.
Tuesday, September 3	7:00 a.m. to 7:00 p.m.

Tarrant County

Early voting by personal appearance will be conducted at 1 Trophy Wood Drive, Trophy Club, Texas 76262 on the following dates:	
Wednesday, August 21	8:00 a.m. to 5:00 p.m.
Thursday, August 22	8:00 a.m. to 5:00 p.m.
Friday, August 23	8:00 a.m. to 5:00 p.m.
Monday, August 26	8:00 a.m. to 5:00 p.m.
Tuesday, August 27	8:00 a.m. to 5:00 p.m.
Wednesday, August 28	8:00 a.m. to 5:00 p.m.
Thursday, August 29	8:00 a.m. to 5:00 p.m.
Friday, August 30	7:00 a.m. to 7:00 p.m.
Saturday, August 31	8:00 a.m. to 5:00 p.m.
Tuesday, September 3	7:00 a.m. to 7:00 p.m.