

# Addendum to the Election Services Agreement between Travis County and the City of Austin Relating to the Purchase of Additional Election Equipment for a May 2012 Election

On March 25, 2008 Travis County (County) and the City of Austin (City) entered into an agreement for the County to provide election services to the City (Agreement). This Addendum (Addendum) is intended to add terms relating to the May 2012 election to the Agreement as allowed by Agreement Section IX(A) and shall become effective upon approval of the Travis County Commissioners Court and the Austin City Council. The Agreement is still in effect and this Addendum does not replace it or amend it.

**WHEREAS**, the 82<sup>nd</sup> Texas Legislature passed Senate Bill 100 (SB100) to implement the Federal Military and Overseas Voter Act which created an extraordinary logistical issue for election officers responsible for running the March 2012 federal primaries and May 2012 local elections (including municipal elections); and

**WHEREAS**, although SB100 may allow cities to move May election dates to November to avoid the logistical issues, the City desires to maintain its general elections in May of even-numbered years; and,

**WHEREAS**, the County Election Administrator has recommended a plan to minimize the logistical issues associated with an overlapping of federal primaries and municipal elections which includes the procurement of additional voting equipment, the programming of the equipment, and the hiring and training of additional election personnel in order to conduct parallel elections from one office; and

**WHEREAS**, this Addendum defines the manner in which these extraordinary circumstances will be handled by the parties.

**NOW, THEREFORE**, the parties agree as follows:

## **Terms of Addendum**

- (A) The County will procure additional voting equipment necessary to support up to 190 precincts in a May 2012 election.
- (B) There is a hard deadline from the vendor of October 15, 2011 by which the County must purchase the additional voting equipment in order to receive it in time for a May election.
- (C) The City agrees to pay the County for the cost of purchasing the additional voting equipment necessary to support up to 190 precincts in the May 2012 election, regardless of whether the City actually holds a May 2012 election and to pay for

the administrative costs as permitted by the Texas Election Code. The total of all costs may not exceed \$500,464.00.

- (D) The parties acknowledge that the costs associated with the purchase of the additional voting equipment will be appropriately pro rated in the event that other entities participate in the May 2012 election, including, but not limited to, Austin Community College and the Austin Independent School District.
- (E) Billing for the purchase contemplated by this Addendum and services provided to the City by the County in relation to the May 2012 election will occur following the May election, as is the normal course of business as contemplated in the Agreement.
- (F) The County acknowledges that machines purchased under this Addendum will likely be sold or otherwise exchanged or returned to the current or other future voting equipment vendor, and that the City and any other entity participating in a May 2012 election will benefit from proceeds received by the County in such a sale, exchange, or return in the form of a related future pro rated adjustment in the County's administrative services costs.
- (G) The Addendum's terms apply only to the County's purchasing and the City's use of additional voting equipment necessary to support up to 190 precincts in a May 2012 election. All other terms of the Agreement remain in effect. To the extent of conflict with the Agreement, the terms of the Addendum prevail.

Agreed to and executed in multiple copies, each of equal dignity, on the \_\_\_\_ day of \_\_\_\_\_, 2011.

**CITY OF AUSTIN**

BY: \_\_\_\_\_  
Shirley A. Gentry  
City Clerk

**APPROVED AS TO FORM:**

BY: \_\_\_\_\_  
Sabine Romero  
Assistant City Attorney

**COUNTY OF TRAVIS**

BY: \_\_\_\_\_  
Samuel T. Biscoe  
County Judge

BY: \_\_\_\_\_  
Dana DeBeauvoir  
County Clerk