



TOWN OF ELIZABETH

MICHELLE M. OESER TOWN CLERK / ADMINISTRATIVE SERVICES DIRECTOR

TO: Honorable Mayor and Board of Trustees
FROM: Michelle Oeser Town Clerk
DATE: August 13, 2024
SUBJECT: Intergovernmental Agreement

SUMMARY

The attached agreement is an Intergovernmental agreement between the Town and Elbert County. The agreement references the responsibilities of both the Town and Elbert County for the 2024 coordinated election.

The agreement includes the County Elections Department's responsibilities as well as the Town's responsibilities.

The attached agreement has been approved to form by the town attorney.

ATTACHMENT

Resolution 24R32
Intergovernmental Agreement

RESOLUTION 24R32

A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN AND THE ELBERT COUNTY CLERK AND RECORDER

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

Section 1. The Intergovernmental Agreement between the Town and the Elbert County Clerk and Recorder regarding the Conduct and Administration of the Voter Service and Polling Center (VSPC) for the November 5, 2024, General Election attached hereto as **Exhibit A** is hereby approved by the Board of Trustees of the Town of Elizabeth, and the Mayor is authorized to execute same on behalf of the Town.

Section 2. The Town hereby designates Town Clerk Michelle M. Oeser as the Designated Election Official (DEO) of the Town.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2024, by the Board of Trustees of the Town of Elizabeth, Colorado, on first and final reading, by a vote of _____ for and _____ against.

Tammy Payne, Mayor

ATTEST

Michelle M. Oeser, Town Clerk

INTERGOVERNMENTAL AGREEMENT

BETWEEN

ELBERT COUNTY CLERK AND RECORDER

AND

TOWN OF ELIZABETH

Regarding the Conduct and Administration of the

NOVEMBER 5, 2024

GENERAL ELECTION

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into by and between **THE ELBERT COUNTY CLERK AND RECORDER** ("CEO") and Town of Elizabeth ("DEO"), collectively referred to as the "Parties" for the administration of their respective duties concerning the conduct of the November 5, 2024, General Election ("Election").

DEFINITIONS:

- ❖ **"Coordinated Election Official"**, ("**CEO**") - The Elbert County Clerk and Recorder as referenced in C.R.S. § 1- 7-116(1)(a) will conduct the election for the Town of Elizabeth ("DEO").
- ❖ **"Colorado Election Code"** or "**Code**" - any part of the Uniform Election Code of 1992 Title 1, C.R.S.), the Colorado Local Government Election Code (Article 13.5 of Title 1, C.R.S.) or any other Title of C.R.S. governing participating jurisdictions's election matters, as well as the Colorado Constitution, and the State of Colorado Secretary of State (SOS) Rules.
- ❖ **"Coordinated Election"** - an election where more than one jurisdiction with overlapping boundaries or the same electors hold an election on the same day and the eligible electors are all registered electors, and the County Clerk and Recorder is the Coordinated Election Official for the jurisdictions.
- ❖ **"Designated Election Official"** ("**DEO**") - person identified by the Jurisdiction to act as the primary liaison between the Jurisdiction and the Contact Person (defined below), and who will have primary responsibility for the conduct of election procedures to be handled by the Jurisdiction.
- ❖ **"IGA"** or "**Agreement**" - Intergovernmental Agreement between the Elbert County Clerk and Recorder ("CEO") and the Jurisdiction ("DEO") for election coordination.
- ❖ **"Jurisdiction"** - those Jurisdictions or local governments participating in the Coordinated Election under the terms of this Agreement.
- ❖ **"Mail Ballot Packet"** - the packet of information provided by the County Clerk to eligible electors in the mail ballot election. The packet includes the ballot, instructions for completing the ballot, a secrecy sleeve, and a return envelope. C.R.S. § 1-7.5- 103(5).

- ❖ **"SOS"** - the State of Colorado Secretary of State.
- ❖ **"SOS Election Calendar"** - the most recent election calendar as published on the SOS website located at www.sos.state.co.us.

ARTICLE ONE
PURPOSE AND GENERAL MATTERS

GOAL: The purpose of this Agreement is to define the tasks to be completed by the County Clerk and Recorder and the Jurisdiction to conduct the election.

TERM: This Agreement begins as of the date of the last party's execution of this Agreement and continues through the official certification of the November 5, 2024, General Election.

ARTICLE TWO
DUTIES OF THE COUNTY

CONTACT PERSON: The County Clerk designates Rhonda Braun, or her designee, as the primary contact for the Jurisdiction. The contact person will act under the authority of the County Clerk and will have the primary responsibility for the coordination of the election with the Jurisdiction and completion of procedures assigned to the County Clerk. Nothing in this agreement will be interpreted to relieve the County Clerk or the Jurisdiction from their official responsibilities for the conduct of the election.

Primary Contact: Rhonda Braun
303-621-3127
elections@elbertcounty-co.gov

THE DUTIES OF THE COUNTY CLERK AND RECORDER ("CEO") ARE TO:

- Conduct the election for the Jurisdiction in accordance with the Code and Rules
- Facilitate voter registration
- Publish notice of election as required by C.R.S. § 1-5-205
- Prepare ballots as certified by the DEO
- Provide ballot printing layouts and text for proofreading and for signature approval by the DEO
- Certify the ballot content to the printer
- Assign numbering of ballot issue and/or ballot question
- Provide voter lists upon request of the DEO to check signatures on candidate petitions and Property Owner verification - \$25 per list plus \$5 USB

- File the proposed election plan with the Secretary of State as required by C.R.S. §1-7.5-105 (1)
- Appoint, compensate, instruct and oversee election judges, the Board of Canvassers, and any additional election staff
- Provide all necessary equipment, forms and personnel to conduct the election, including the County's electronic vote counting equipment
- Provide personnel to participate in the ballot counting procedures and all other necessary services for any recount
- Conduct three tests on all electronic voting equipment in accordance with C.R.S. § 1-7-509(1)(b) and Secretary of State, including a hardware test, public logic and accuracy test prior to the voting period , and a post-election test
- Publish notice of public voting equipment testing before voting begins
- Prepare and mail all Mail Ballot Packets as required by C.R.S. § 1-7.5-107 and § 1-8.3-110
- Conduct and oversee the process of counting the ballots and reporting the results by precinct
- Store all election records for a minimum of twenty-five (25) months as required by the Code
- Determine the order of the ballot and the order of the Ballot Issue Notice in the order of final ballot certification on a first received basis
- Establish precincts, voter service and polling centers, and ballot drop-off locations as required by law

ARTICLE THREE RESPONSIBILITIES OF THE JURISDICTION

The Jurisdiction understands that there may be additional obligations and responsibilities, legal, contractual, or otherwise, placed upon the Jurisdiction outside the terms of this IGA. The Jurisdiction further understands that it is the responsibility of the Jurisdiction to be aware of all obligations and responsibilities of the Jurisdiction.

The Jurisdiction understands and agrees that any ballot content submitted to the County Clerk after the certification date may result in their candidates, issues or questions not being on the ballot. In such event, the Jurisdiction will be required to provide for its own election at its sole expense and the remaining terms and conditions of this Agreement will automatically terminate. The Jurisdiction is solely responsible for the content of any ballot issue and/or ballot question, including the title and summary of any

ballot issue and/or ballot question. The County Clerk may provide proofreading assistance (i.e. technical, grammatical, or syntactic proofing) but under no circumstance shall the County Clerk be responsible for the content.

DESIGNATED ELECTION OFFICIAL: The Jurisdiction designates the following as the DEO for the Jurisdiction to act as the primary liaison between the County Clerk and the Jurisdiction with primary responsibility for the election procedures to be handled by the Jurisdiction.

NAME: _____

THE DUTIES OF THE DESIGNATED ELECTION OFFICIAL (DEO) ARE TO:

- Provide the County Clerk with emergency contact numbers to be reached before and after normal office hours and on Election Day from 7:00 a.m. until the counting of the ballots is completed.
- Provide the County Clerk with a copy of the ordinance or resolution stating that the Jurisdiction will participate in the Coordinated Election in accordance with the terms and conditions of this Agreement. **The ordinance or resolution will also authorize the DEO of the Jurisdiction or other designated person to execute this Agreement.**
- Perform all responsibilities required to certify any candidate, including write-in candidates, and/or initiative petition(s) to the ballot. Petitions for nominations must be made available through the office of the DEO for the Jurisdiction.
- Inform all candidates running for office that the candidates must comply with Campaign Finance requirements (Article XXVIII of the Colorado Constitution, and Title 1, Article 45, C.R.S). A good resource for candidates is the Colorado Campaign and Political Finance Manual, which can be found at: <http://tracer.sos.colorado.gov/PublicSite/Homepage.aspx>.
- Verify signatures on all petitions.
- Verify the SCORE (Statewide Colorado Registration and Election) Street Address Library and confirm that the street listing is correct and accurate for the Jurisdiction. Only residential addresses within the Jurisdiction should be listed, not business or commercial addresses. Information will be used to identify eligible electors within the Jurisdiction.
- Certify the list of candidates, ballot issues and/or ballot questions and the titles and summaries of each ballot issue or question in the format as described in the attached "Format Information Page" to the County Clerk exactly as the list is to be printed on the ballot **no later than 5:00 P.M. on September 6, 2024.**

Certification is required electronically, which may include CD/USB or email.

➤ **Confirm that candidates:**

- Provide the phonetic pronunciation of each candidate's name to assist with the preparation of the audio ballot as required by SOS Rule 4.6.2.
- Leave an audio recording of the candidate's name in the voice mail box **or** call the CEO at (303) 621-3122.
- Provide the preferred abbreviation of any candidate's name that exceeds 20 characters for reports and web page display only.

➤ Recognize that the numbering of a ballot issue and/or ballot question is the sole responsibility of the CEO.

➤ Proofread the layout and the text of the Jurisdiction's portion of the official ballots before authorizing in writing the printing of the ballots. Authorization must be made **WITHIN THREE HOURS** of the County Clerk's email or fax transmission to the DEO.

The expected date and time for this proofing will be before 5:00 p.m. on **Friday, September 13, 2024**. Should the DEO fail to contact the County Clerk within three hours of the County Clerk's email or fax transmission, the County Clerk will not be held responsible for any errors or omissions should they proceed with the printing of the ballots.

➤ Accommodate Property owners within the jurisdiction in the following ways:

- Provide property owner list to County Clerk for mailing of mail ballot packets. Participating Jurisdictions that are required to permit taxpaying electors as defined by C.R.S. § 32-1-103(5) to vote in their elections, must provide a list of those eligible electors to the County Clerk. The list must include eligible electors which **are** included on the Assessor's property owner list and **are not** included on the registered voter list provided by the County Clerk.

- Verify that each of the eligible electors on their prepared list is registered to vote in the state of Colorado. This process may be accomplished by requesting access to the Voter Lookup website available on the Colorado Secretary of State's web site: <https://www.sos.state.co.us>.

- Submit the list of eligible electors to the County Clerk no later than September 16, 2024, and include the voter's full name, mailing address, and Colorado Voter ID number.

➤ Prepare, and be solely responsible for, the language for the Notice for each ballot issue (TABOR notice) relating to Section 20, Article X of the Colorado Constitution.

(See Ballot Issue Notice Example Page)

- Accept and summarize Ballot Issue Pro/Con comments delivered to the Jurisdiction's DEO **by September 20, 2024.**
- Submit the Ballot Issue Notice in proper format to the CEO **by 5:00 p.m. September 23, 2024.**
- The County Clerk will determine the "least cost" method for mailing the Ballot Issue Notice package.
- It is the Jurisdiction's responsibility to coordinate with all other counties if district boundaries extend beyond Elbert County.

ARTICLE FOUR COSTS

THE JURISDICTION AGREES THAT:

- Elbert County shall be the sole determiner as to whether legal counsel outside of the Elbert County Attorney's office is required or warranted to bring or defend legal or administrative action as referenced in this Agreement.
- Legal costs shall include, but are not limited to any costs incurred by Elbert County to enforce a provision of this Agreement or to defend any legal or administrative action brought by a candidate or Jurisdiction as it relates to this Agreement or the November 5, 2024, General Election.
- The Jurisdiction agrees to pay their proportional share of the actual costs of the election within 30 days of date of billing. The proportional share will be based upon the number of active voters eligible to vote within each Jurisdiction involved in the election, the number of Jurisdictions participating, and the number of ballot issues and/or items to be included on the ballot for each Jurisdiction.
- The charge for voter lists requested by the Jurisdiction is \$25.00, plus \$5.00 per USB drive. This must be paid at the time the list is requested.
- The Jurisdiction will reimburse costs of a recount (C.R.S. § 1-10.5-101 and § 1-11-215) except for costs collected from an "interested party" (C.R.S. § 1-10.5-106) which will be collected by the entity conducting the recount.
- The Jurisdiction will submit a deposit of \$500 to the County Clerk at the time the ballot certification is submitted to the County Clerk but no later than 5:00 p.m. Friday, September 6, 2024. It is understood and agreed that the actual cost may be higher depending on questions presented to the Jurisdiction's electorate and the number of Jurisdictions that participate in the Coordinated Election.

ARTICLE FIVE
CANCELLATION OF THE ELECTION

- In the event that the Jurisdiction resolves not to hold the election, then the Jurisdiction shall comply with the provisions of C.R.S. § 1-5-208.
- Notice of such resolution shall be immediately provided to the County Clerk.
- If Jurisdiction cancels after ballot certification date, September 6, 2024, the Jurisdiction will be responsible for their proportional share of the election.
- Provide notice by publication (as defined in the Code) of the cancellation of the election to be posted in the office of the County Clerk, in the office of the DEO, at the primary location of the Jurisdiction, and, if the Jurisdiction is a special district, in the office of the Division of Local Government.

ARTICLE SIX
LIABILITY

The Jurisdiction agrees to indemnify, defend, and hold harmless the County to the extent permitted by law, from any and all loss, costs, demands or actions arising out of or related to any actions, errors or omissions of the Jurisdiction in completing its responsibilities relating to the November 5, 2024, General Election. Nothing in this provision will waive or otherwise limit the defense available to the Jurisdiction and the County under the Colorado Government Immunity Act. This Agreement shall not be construed to create any rights or benefits for any person who is not a party to this agreement.

ARTICLE SEVEN
MISCELLANEOUS

REQUIRED NOTICES: Any and all notices required to be given by the Parties by this Agreement are considered to have been received and to be effective:

- 1) three days after the documents have been mailed by certified mail, return receipt requested
- 2) immediately upon hand delivery
- 3) immediately upon receipt of confirmation that an email was received

To County: Elbert County Clerk and Recorder
PO Box 990
Kiowa, CO 80117
elections@elbertcounty-co.gov

To Jurisdiction: Town of Elizabeth
Attn: Michelle Oeser
PO Box 159
Elizabeth, CO 80107
Email: moeser@townofelizabeth.com

AMENDMENT: This Agreement may be amended only in writing and in agreement by both parties.

INTEGRATION: The Parties acknowledge that this written Agreement, along with any attachments, constitutes the sole agreement between them, and that no Party is relying upon any oral representation made by another Party or employee, agent or officer of that Party.

CONFLICT OF AGREEMENT WITH LAW, IMPAIRMENT: In the event that any provision of this Agreement conflicts with the Code, other statute, rule or valid prior resolution duly adopted by the Elbert County Board of County Commissioners, this Agreement will be modified to conform to such law, resolution or ordinance. No subsequent resolution or ordinance of the Board of County Commissioners or the governing body of the Jurisdiction shall impair the rights of the County Clerk or the Jurisdiction without the consent of the other party to this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective on the latest date noted below.

COORDINATED ELECTION OFFICIAL:

By _____
Rhonda Braun, Elbert County Clerk and Recorder

Date _____

Town of Elizabeth

By _____
Michelle Oeser, DEO

By _____

Date _____

Date _____

ATTACHMENTS:

1. Address Library Verification Form & Address Library Report
2. DEO Contact Information
3. Format Information Page
4. Sample Candidate Ballot Layout
5. Appointment of Observer by Jurisdiction Form
6. SOS Election Calendar

Street Address Library – Verification Form

General Election, November 5, 2024

JURISDICTION NAME: _____

The street ranges identified on the attached Address Library Report represent all the addresses within your jurisdiction according to our current voter registration system. *The Elbert County Elections Office only maintains residential addresses – not business or commercial addresses.* We are sending you this report to confirm that our street listing is correct and accurate. Information will be used to identify eligible electors within the Jurisdiction.

Please verify that the attached report includes all residential addresses within your jurisdiction and does not contain invalid addresses. If there is an error, note it on the table below. If there are no errors, omissions, or corrections, indicate that on the form and return it to us.

Street Name	Dir.	Street Type	Low/High Range	Odd/Even	ZIP	Notes
<i>Example - Main</i>	E	St.	101/603	E	80117	

I _____, _____, have reviewed the attached Address Library

(Printed Name)

(Title)

Report provided by the Elbert County Elections Office and I certify it to be a true and accurate description of the street ranges defining the boundaries of the _____
 except for any errors, omissions, and/or exceptions noted. (Jurisdiction Name)

Signature

Date

**DEO Contact Information
(Clerk's office use only)**

*Please Print or type

Jurisdiction: _____

Designated Election Official (DEO): _____

Fax Number: _____

Email Address: _____

Business Hours: _____

Telephone Numbers (during normal business hours):

Emergency Telephone Numbers (before and after normal business hours):

Election Day (telephone numbers from 7:00 a.m. Election Day to 12:00 a.m. the following day):

Certification Format Information Page

Ballot certification is required in electronic format:

- The electronic copy must be provided using Microsoft Word format. No PDF versions will be accepted.

The electronic copy may be on a CD/USB or emailed to elections@elbertcounty-co.gov. The electronic copy must be received at the Elbert County Elections Office located at 440 Comanche Street, PO Box 990, Kiowa, CO 80117 no later than 5:00 p.m. on September 6, 2024.

Important: Per Rule 4.5.2(e) – Ballot questions and issues are numbered or lettered in the order in which the measures are certified to the ballot by the DEO. Submissions are considered certified once electronic copy has been submitted to the County Clerk. The County Clerk will assign numbering of a ballot issue and/or ballot question on or after ballot certification date.

Electronic version: These requirements apply to the ballot content, as well as the Ballot Issue notice information. CD/USB or email using Microsoft Word is acceptable.

Spacing: All text must have single line spacing.

Text: For Ballot Issue Notice (tax issue), all ballot issue text must be typed in CAPITAL LETTERS.

Pro/Con statements must appear in upper and lower case. Ballot questions (non-tax issues) must be typed in mixed case.

Tables/Columns: Do not use columns or tables setting up files as these are difficult to reformat.

Audio Recording: If the ballot certification includes candidates, the DEO shall notify the candidate that the candidate is to email a recording of the correct pronunciation of the candidate's name to elections@elbertcounty-co.gov or call 303-621-3122 to leave an audio recording of the candidate's name in the voice mail box.

This page is provided for your reference. It may be removed prior to returning the signed IGA to the Clerk and Recorder's office.

Sample Candidate Ballot Layout

DISTRICT NAME HERE

Name of Office here

Length of Term here

(Vote for _____) *Put the maximum
number of candidates the voter can choose

_____ Candidate's name

_____ Candidate's name

_____ Candidate's name

_____ Candidate's name

_____ Candidate's name

SCHOOL DISTRICT NAME HERE

Name of the Office here

Length of Term here

(Vote for _____) *Put the maximum
number of candidates the voter can choose

_____ Candidate's name

_____ Candidate's name

_____ Candidate's name

This page is provided for your reference. It may be removed prior to returning the signed IGA to the Clerk and Recorder's office.

**Appointment of Observer by Jurisdiction for Public
Logic and Accuracy Test of Voting Equipment
(Optional)**

Jurisdiction Name: _____

Designated Election Official (DEO): _____

Name of Observer Appointed: _____

Observer's Contact Telephone Numbers:

Signature of Designated Election Official

Date

Please return this page with the signed IGA if you choose to appoint an observer for the Public Logic and Accuracy testing of voting equipment.

Once the date of the Public Logic and Accuracy test has been set, the appointed observer will be notified. The date of the Public Logic and Accuracy test will be posted on the Elections webpage at <http://elbertcounty-co.gov/>.