

To: Mayor and Town Council
From: Jay Brunvand
Date: August 7, 2024
Agenda Item: Resolution 42 – Series 2024; A Resolution Approving an IGA with the Eagle County Clerk and Recorder for coordinated election services on the November 5, 2024 General Election



REQUEST:

Staff is recommending the Council approve Resolution 42 – Series 2024; A Resolution Approving an IGA with the Eagle County Clerk and Recorder for coordinated election services on the November 5, 2024 General Election as presented.

INTRODUCTION:

The Town will be presenting a ballot measure to increase the Short Term Rental Lodging Tax from 1.5% to 6.5%. This question will be asked on the November 5, 2024 General Election. General Elections in November are conducted as coordinated elections run via an Inter governmental agreement with the County Clerk's Office.

ANALYSIS:

During the August 7 council meeting, Council will be considering Ord 17-2024 on second reading to present to the voters a proposal to increase the existing Lodging Tax from 1.5% to 6.5%. This question will be run on the County wide coordinated election for only Minturn voters. TABOR allows tax issues such as this to be run in the normal April municipal election or in the November County wide General Election. This Resolution will approve the IGA required by the County Clerk's Office.

COMMUNITY INPUT: the ballot question will be passed via Ordinance which provides publication, posting, and public hearings prior to passing.

BUDGET / STAFF IMPACT:

It is estimated that this will cost approximately \$1,000 and we have funds available in the election line item.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #4 the Town will advance decisions/projects/initiatives that expand future opportunity and viability for Minturn.

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to approve Resolution 42 – Series 2024 as presented.

Attachments:

- Resolution 42 – Series 2024 and referenced agreement.

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 42 - SERIES 2024**

**A RESOLUTION OF THE TOWN OF MINTURN APPROVING IGA WITH EAGLE
COUNTY FOR THE NOVEMBER 5, 2024 COORDINATED COUNTY ELECTION**

WHEREAS, the Town of Minturn, in the County of Eagle, and State of Colorado, is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter; and

WHEREAS, pursuant to C.R.S. § 1-7-116 (1) (a) the Clerk will serve as the coordinated election official for the General Election, and in accordance with state law, will conduct the General Election on behalf of all participating political subdivisions having jurisdiction within the boundaries of Eagle County; and

WHEREAS, C.R.S. § 1-7-116 (2) requires each political subdivision for which the Clerk will conduct the General Election to enter into an agreement with the Clerk concerning the conduct of the General Election, to be signed no later than seventy (70) days prior to the scheduled election; and

WHEREAS, the Town of Minturn intends to submit one or more ballot measure(s) at the General Election; and

WHEREAS, the County Clerk and the Town of Minturn wish to clarify their responsibilities and memorialize their agreement with respect to the conduct of the General Election.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO AS FOLLOWS:

Section 1. The Memorandum of Intergovernmental Agreement For Conduct of Coordinated Elections, attached hereto and incorporated by reference, is hereby approved.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The Town Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS ON THIS 7th
DAY OF AUGUST, 2024**

Earle Bidez, Mayor

ATTESTS:

Jay Brunvand, Town Clerk

**Intergovernmental Agreement
Between the Eagle County Clerk and Recorder and
the Town of Minturn
Concerning the Tuesday, November 5, 2024 General Election**

THIS Intergovernmental Agreement between the Eagle County Clerk and Recorder (the “Clerk”) and the Town of Minturn (Town) concerning the Tuesday, November 5, 2024 General Election is made on August 7, 2024.

RECITALS

WHEREAS, pursuant to C.R.S. § 1-7-116 (1) (a) the Clerk will serve as the coordinated election official for the General Election, and in accordance with state law, will conduct the General Election on behalf of all participating political subdivisions having jurisdiction within the boundaries of Eagle County; and

WHEREAS, C.R.S. § 1-7-116 (2) requires each political subdivision for which the Clerk will conduct the General Election to enter into an agreement with the Clerk concerning the conduct of the General Election, to be signed no later than seventy (70) days prior to the scheduled election; and

WHEREAS, the Political Subdivision intends to submit one or more ballot measure(s) and/or candidate race(s) at the General Election; and

WHEREAS, the County Clerk and the Political Subdivision wish to clarify their responsibilities and memorialize their agreement with respect to the conduct of the General Election.

NOW THEREFORE, in consideration of the above premises and the promises contained herein, the parties agree as follows:

I. Coordinated and Designated Election Officials

- A.** Except as otherwise provided in this section, the Clerk shall act as the *Coordinated Election Official* for the conduct of the Election for the Political Subdivision for all matters in the Uniform Election Code of 1992, Colorado Title 1, C.R.S. as amended (“Election Code”) which require action by the Coordinated Election Official.

- B.** The Political Subdivision shall name a *Designated Election Official* (“DEO”) who shall act as the primary liaison between the Political Subdivision and the Clerk. Nothing herein shall be deemed or construed to relieve the Clerk or the governing body of the Political Subdivision from their official responsibilities for the conduct of the Election.

C. Jurisdictional Limitation

This Agreement shall apply only to the portion of the Political Subdivision within the boundaries of Eagle County.

D. Clerk’s Contact Officer

The Clerk hereby designates Stacey Jones, Eagle County Chief Deputy Clerk and Recorder (stacey.jones@eaglecounty.us; phone 970-328-8726), as the “*Contact Officer*” to act as the Clerk’s primary liaison with the Political Subdivision for all purposes relating to the Election. The Contact Officer shall act under the authority of the Clerk.

II. Clerk Responsibilities

The Clerk will perform all duties in substantial compliance with applicable provisions of the Election Code, the Election Rules (“Election Rules”) promulgated by the Colorado Secretary of State, as may be amended from time to time; and any then-current policy directives of the Colorado Secretary of State, if applicable.

A. Preparation for Election

1. The Clerk hereby provides the Political Subdivision with a Street Locator Report (Appendix B), listing all residential street addresses situated within the Political Subdivision’s boundaries, as currently configured in Colorado’s statewide voter registration database (“SCORE”).
2. The Clerk shall manage all voter registration records and correspondence.
3. The Clerk shall supply, deliver, and set up all voting equipment and other items necessary to conduct the Election.
4. The Clerk shall appoint eligible electors as election judges, arrange for their compensation, and provide election judge training in advance of the Election.
5. The Clerk shall include on the ballot all content timely certified by the Political Subdivision in accordance with law; contract for the printing of ballots, ballot envelopes, and other printed materials reasonably necessary to conduct the Election; and arrange for payment to the printing vendor(s).

6. The Clerk shall publish and post a notice of election as required by 1-5-205 C.R.S. in the *Eagle Valley Enterprise*, the *Vail Daily*, and, as applicable, the *Aspen Times Weekly*, no later than twenty (20) days prior to the Election.
7. The Clerk shall perform all required acceptance testing, hardware diagnostic testing, and logic and accuracy testing of Eagle County's voting system and components in substantial compliance with Conditions of Use applicable to Eagle County's voting system as certified by the Colorado Secretary of State.

B. Conduct of Election

1. The Clerk shall designate the proper number and locations of vote centers and 24-hour ballot boxes. All voting locations will be reasonably accessible to voters with disabilities.
2. The Clerk shall adhere to security requirements pursuant to Election Rule 20, including the security of physical ballots and video surveillance.
3. The Clerk shall provide for the processing of all ballots and verification of electors' signatures on the self-affirmation printed on the mail ballot return envelopes and UOCAVA ballot return affidavits.
4. The Clerk shall issue mail ballots and electronic transmission ballots to and accept voted mail and electronically transmitted ballots from military and overseas voters in substantial compliance with the deadlines and delivery methods mandated by applicable provisions of federal and state law, including the Uniformed and Overseas Citizens Absentee Voting Act, all as amended.
5. The Clerk shall conduct the required post-election risk-limiting audit (RLA).
6. The Clerk shall conduct any mandatory or permissive recount.
7. The Clerk shall appoint the risk-limiting audit board members, coordinate the appointment of the canvass board members through local Democratic and Republican parties, conduct the risk-limiting audit and canvass, and certify the official results of the Election.
8. The Clerk shall provide an official Certification of Election to the Political Subdivision after the official close of the Election. Any additional Certificates of Election which are required by law to be forwarded to another division of government shall be the responsibility of the Political Subdivision.
9. The Clerk shall preserve all election records relating to the Election for at least twenty-five months pursuant to 1-7-802 C.R.S.
10. The Clerk shall be the final decision maker on any substantive and procedural issues

regarding the conduct of the Election.

C. Ballot Issue Notice (“TABOR Notice”)

1. The Clerk shall prepare and mail a combined TABOR Notice in substantial compliance with Article X, Section 20 of the Colorado Constitution (“TABOR Amendment”) and applicable provisions of the Election Code and Election Rules. As nearly as practicable, the notice shall be in the order the ballot issues will appear on the ballot.
2. The Clerk shall mail the TABOR Notice not less than thirty (30) days prior to the Election, pursuant to Colorado Constitution Article X, Section 20(3)(b) and 1-1-106(5) C.R.S. The Clerk shall determine the least cost method for mailing the ballot issue notice, but at a minimum, the ballot issue notice shall be addressed and mailed to eligible voters at each address in Eagle County where one or more registered voters of the Political Subdivision and of any other participating entity resides. Nothing herein shall preclude the Clerk from mailing the TABOR Notice to persons other than voters of the Political Subdivision if such mailing arises from the Clerk’s efforts to mail the combined TABOR Notice for all participating entities at the least cost.

III. Political Subdivision Responsibilities

A. Contact Liaison

1. The Political Subdivision shall identify a “Designated Election Official” (DEO) to act as a liaison between the Political Subdivision and the Clerk/Contact Officer. The DEO shall be responsible for the final approval of ballot content and TABOR Notice content. **To meet statutory and printing deadlines, the DEO shall respond to all Election-related written correspondence, electronic correspondence, phone calls, text messages, or any other communication from the Clerk/Contact Officer as soon as possible and no later than four (4) hours from the time of delivery by the Clerk/Contact Officer.** If the DEO cannot respond within four (4) hours, an alternative official may respond on the DEO’s behalf. Failure to respond to correspondence within four (4) hours shall constitute approval allowing the Clerk to move forward, at the Clerk’s discretion, with the action or inaction the Clerk deems appropriate under the circumstances.
2. DESIGNATED ELECTION OFFICIAL
The Political Subdivision has designated Jay Brunvand
whose mailing address is 301 Boulder St #309 Minturn, CO 81645
and whose phone number is 970-827-5645 ext 1
and whose cell phone number is 970-390-2542
and whose email address is treasurer@minturn.org
and whose fax number is _____
as its DEO for the purpose of the Election.

3. ALTERNATIVE OFFICIAL

The Political Subdivision has designated Cindy Krieg

whose mailing address is 301 Boulder St #309 Minturn, CO 81645

and whose phone number is 970-445-2145

and whose cell phone number is _____

and whose email address is events@minturn.org

and whose fax number is _____

as its alternative official for the Election.

B. Certification of Address Ranges

1. The Political Subdivision shall verify and certify to the Clerk (Appendix C) that all address ranges and street names situated in the Political Subdivision are accurately and completely stated in the Address Library Report attached hereto as Appendix B.
2. In connection with such Address Library Report verification and certification, the Political Subdivision shall note any address ranges or street names within the Political Subdivision that are inaccurately or incompletely stated in or omitted from the Address Library Report, and certify on the Statement of Certification (Appendix C) the accuracy and completeness of the remainder of the Address Library Report.
3. The Political Subdivision shall deliver to the Clerk its Statement of Certification (Appendix C) and accuracy of the Address Library Report, with notations regarding inaccuracies and omissions by seventy (70) days before the election, no later than 3:00 p.m. Mountain Standard Time on Tuesday, August 27, 2024. Address changes will not be allowed after this date. If the certification is not provided by the date specified herein, the Political Subdivision may not be allowed to participate in the Election or the Clerk may build the election on the assumption that the Address Library Report attached hereto as Appendix B is both complete and accurate, as the Clerk in her discretion may decide.

C. Ballot Content

1. Definitions of Ballot Issue and Ballot Question:
 - a. TABOR “ballot issue” means a state or local government matter arising under the TABOR Amendment
 - b. “Ballot question” means a state or local government matter involving a citizen petition or referred measure, other than a ballot issue.
2. The Political Subdivision shall be solely responsible for determining whether a ballot issue, ballot question, candidate contest, or candidate is eligible and properly certified for the ballot.
3. The Political Subdivision shall provide a certified copy to the Clerk of all ballot content

(candidate contests, ballot issues, and ballot questions in order) referred by the Political Subdivision for the Election pursuant to section 1-5-203 C.R.S:

- a. The Political Subdivision shall not certify any single ballot issue or ballot question **in excess of two hundred and fifty (250) words** in English (inclusive of the title) unless the Clerk provides written consent in advance. Notwithstanding the foregoing, for ballot issues or ballot questions that will involve coordination with other counties beyond Eagle County, the Political Subdivision will adhere to any smaller word limit that may be required by other county clerk and recorders.
- b. The Political Subdivision shall not certify any single ballot issue or ballot question title **in excess of ten (10) words** in English unless the Clerk provides written consent in advance. Notwithstanding the foregoing, for ballot issue or ballot question titles that will involve coordination with other counties beyond Eagle County, the Political Subdivision will adhere to any smaller word limit that may be required by other county clerk and recorders.
- c. Such certified ballot content and the **signed resolution** that authorizes the ballot content shall be delivered to the Clerk as an email attachment in Word format (see section C.3.h or full required formatting of ballot and TABOR content), at the earliest possible time and in no event later than **3:00 p.m. Mountain Standard Time on Friday, September 6, 2024** (Appendix A), pursuant to section 1-5-203, C.R.S., as amended.
- d. The Political Subdivision that issues certified ballot content pursuant to 1-5-203, C.R.S. shall be solely responsible for the accuracy of the information contained in the certificate. Any error that can be corrected pursuant to 1-5-412, C.R.S. shall be corrected at the expense of the Political Subdivision whose DEO issued and/or approved the incorrect certification. Such costs include but are not limited to staff time to reprogram election content, additional required logic and accuracy testing, reprinting of ballot and ballot materials, and staff time required to make corrections.
- e. All ballot content certified by the Political Subdivision shall utilize the exact language and order as such ballot content is to appear on the printed official and sample ballots for the Election. The list of candidates/questions must be typed exactly as it is to appear on the ballot, including **correct order, title, spelling, spacing, and punctuation**.
 - i. For candidates, specify the exact titles of offices, the order of the names to appear for each office, and the order of offices.
 - ii. For issues, specify the ballot title and the order of the issues (per C.R.S., the Clerk determines specific numbering on the ballot).
 - iii. If the Political Subdivision has a TABOR issue on the ballot, the issue text must be typed in all uppercase as is dictated by law (i.e. TABOR Amendment).

- iv. If the Political Subdivision has a non-TABOR question on the ballot, the question must be typed in mixed case.
- v. Bullet points may be used, but sub-bullet points may not be used; spacing is at the discretion of the Clerk to accommodate proper ballot layout.
- vi. Ballot Issues or Questions vote choice must be formatted as follows:

_____ YES/FOR _____ NO/AGAINST

It is at the discretion of the Clerk to change the formatting on the ballot to match this formatting if it is not certified in this required format or if the formatting results in the ballot increasing in length, multiple sides, or multiple pages. The Clerk also has discretion to make non-substantive formatting changes, including but not limited to font, font size, and font case, in order to create consistency across ballot contests and measures.

- f. The Political Subdivision has the responsibility to proofread and edit the text of the ballot proof before the Clerk will authorize the printing of the ballots. **From the time the Clerk delivers via email the ballot proof, the Political Subdivision has four (4) hours to proofread, correct if necessary, sign, and return the proof to the Clerk.** The Political Subdivision's failure to disapprove and correct errors within that time shall constitute an approval of the ballot proof. After final approval of the ballot proof, the Political Subdivision assumes all responsibility and cost for any judicial proceedings related to any errors within the text of its issue, question, or contest on the printed ballots.
- g. The Political Subdivision authorizes the Clerk to correct typographical errors and omissions, and to determine the appropriate ballot question number or letter upon designation of the ballot number or letter by the Clerk.
- h. The Political Subdivision shall certify its ballot content via email to the Clerk and Contact Officer in conformance with the following formatting requirements:
 - i. Software: Microsoft Word '03 or later (not as a PDF)
 - ii. Spacing: Single
 - iii. Font Type: Arial Narrow
 - iv. Font Size: 10 point
 - v. Justification: Left
 - vi. All Margins: 0.5 inches
 - vii. Language: English
 - viii. Delivery Medium: Email attachment to regina.obrien@eaglecounty.us and stacey.jones@eaglecounty.us

Submissions not meeting these requirements may be rejected by the Clerk.

- i. Spanish language translation of the ballot content must be submitted by the Political

Subdivision to the Clerk by **3:00 p.m. Mountain Standard Time on Friday, September 6, 2024**. Spanish language translations must be linguistically accurate, culturally appropriate, and technically consistent with the original documents.

- j. The Political Subdivision must provide an audio recording of each candidate's name. The DEO or candidate may leave an audio recording of the candidate's name, exactly as certified for the ballot, on the voicemail of the Clerk (970-382-8783) or Contact Officer (970-328-8726). This audio recording must be provided no later than the deadline to certify ballot content, **Friday, September 6, 2024 by 3:00 p.m. Mountain Standard Time** (Appendix A).

D. Ballot Issue Notice ("TABOR Notice")

1. The Political Subdivision shall receive, store, and prepare TABOR Notice content according to the provisions set forth in the TABOR Amendment and 1-7-901, 1-7-902, 1-7-903, 1-7-904, and 1-7-908 C.R.S.
2. The Political Subdivision shall transmit via email the full text of any required TABOR Notice information, fiscal information, and pro/con statement summaries to the Clerk in order to be included in the TABOR Notice mailings no later than forty-three (43) days, **Monday, September 23, 2024 by 3:00 p.m. Mountain Standard Time** (Appendix A) before the Election, in final written form in accordance with the formatting requirements for ballot certification (see formatting requirements listed in section C.3.h). Submissions not meeting these requirements will be rejected by the Clerk.
3. The Clerk will coordinate Spanish translation of all TABOR Notice content if the Political Subdivision provides advanced notice by **Friday, September 6, 2024** to the Clerk or Contact Officer that the Political Subdivision would like to engage with this service (and be invoiced for the Political Subdivision's portion of the translation cost). If the Political Subdivision does not choose to coordinate with the Clerk, the Spanish translation of TABOR Notice content is required on **Monday, September 23, 2024 by 3:00 p.m. Mountain Standard Time**. In accordance with Secretary of State Election Rule 4.8.9(b)(1) (8 CCR 1505-1), a Spanish language translations must be performed by a qualified interpreter or translator, linguistically accurate, culturally appropriate, and technically consistent with the original documents.
4. The Political Subdivision shall incorporate in its TABOR Notice content a local office address and telephone number specific to the Political Subdivision or the Political Subdivision DEO to enable voters to reach the Political Subdivision directly. The Clerk shall respond to all correspondence and inquiries that the Clerk receives within its expertise relating to election procedures, but the Clerk shall refer inquiries concerning the substance of the ballot issues, ballot questions, candidates, or the operations of the Political Subdivision to the Political Subdivision's DEO.

5. The Political Subdivision has the responsibility to proofread and edit the text of the TABOR Notice proof before the Clerk will authorize printing of the TABOR Notice. **From the time the Clerk delivers via email the TABOR Notice proof, the Political Subdivision has four (4) hours to proofread, correct if necessary, sign, and return the proof to the Clerk.** The Political Subdivision's failure to disapprove and correct errors within that time shall constitute an approval of the TABOR Notice proof. After final approval of the TABOR Notice proof, the Political Subdivision assumes all responsibility and cost for any judicial proceedings related to any errors within the text of their issue or information presented on the TABOR Notice.

E. Cancellation of Election

1. If the Political Subdivision resolves not to hold the Election, notice of such cancellation shall be provided to the Clerk immediately. The Political Subdivision shall not cancel its participation in the Election after the twenty-fifth (25) day before the election, **Friday, October 11, 2024** (Appendix A), pursuant to section 1-5-208(2), C.R.S., as amended.
2. The Political Subdivision shall provide notice by publication of the timely cancellation of the Election and a copy of the notice shall be posted in the office of the Clerk, in the office of the Designated Election Official, in the primary building of the Political Subdivision, and, if the Political Subdivision is a special district, in the office of the division of local government. The Political Subdivision is solely responsible for delivering such postings to each entity.
3. The Political Subdivision shall be responsible for all expenses incurred on its behalf to the date that notice was received by the Clerk together with all expenses incurred thereafter which could not be avoided by reasonable effort. All costs incurred or contracted for by the Clerk to support the Political Subdivision's portion of the TABOR Notice shall be reimbursed by the Political Subdivision.
4. Upon receipt of the invoice, the Political Subdivision shall promptly pay the Clerk the full actual costs of the activities of the Clerk relating to the Election incurred both before and after the Clerk's receipt of such notice.

F. Other Responsibilities

1. The Political Subdivision shall exercise all reasonable diligence, care, and control in providing the services noted above to the Clerk.
2. The Political Subdivision's DEO or assigned representative shall assist with equipment logic and accuracy testing, post-election canvass, and risk-limiting audit as requested by the Clerk.

3. The Political Subdivision shall give assistance and information to the Clerk on any matter to ensure the smooth and efficient operation of the Election (such information not to include legal advice).
4. The Political Subdivision shall adhere to all applicable provisions of C.R.S. which are necessary or appropriate to the performance of the above duties.
5. The Political Subdivision shall follow the additional responsibilities in which non-resident property owners may be eligible to vote as set forth in Appendix D.

IV. Miscellaneous

A. Costs

1. The Clerk shall keep accurate accounts of all costs incurred to prepare for and conduct the Election, including but not limited to costs incurred for supplies, printing, ballot insertion and mailing, legal and other notices, temporary labor, compensation of election judges, overtime pay for staff, and other expenses attributable to the Clerk's conduct of the Election on behalf of the Political Subdivision. Clerk may give the Political Subdivision general estimates of cost but such estimates are not binding. The Political Subdivision is responsible for the pro rata share of actual costs as determined by the Clerk.
2. The Clerk shall charge to the Political Subdivision its pro rata share of all costs and expenses reasonably incurred in connection with the preparation, translation, printing, labeling, postage, and mailing of the TABOR Notice. Said expenses shall be prorated among all Political Subdivisions participating in the TABOR Notice.
3. The Clerk shall charge and allocate to the Political Subdivision its pro rata share of the direct costs of the Election, and all direct and indirect costs and expenses incurred by the Clerk to remedy, resolve, or reconcile the Political Subdivision's failure or omission to timely perform any of its obligations under this Agreement, without regard to whether the Political Subdivision rescinds its intent to participate in the Election.
4. In the event an interested party is not liable for payment of costs incurred in connection with a mandatory or permissive recount of, or election contest relating to, one or more candidate contests, ballot issues, or ballot questions certified by the Political Subdivision, the Clerk shall charge any and all direct and indirect costs and expenses reasonably incurred by the Clerk to conduct or participate in any such recount or ballot contest. If more than one political subdivision participating in the Election is involved in any such recount or election contest, the costs thereof shall be prorated between the Political Subdivision and such other participating entities.

5. The Political Subdivision assumes all responsibility and cost for any judicial proceedings regarding whether or not the political subdivision measures or candidates legally belong on the ballot and any other challenges, both pre-and post-election.
6. The Clerk shall submit to the Political Subdivision an invoice for the Political Subdivision's pro rata share of direct and indirect costs incurred in connection with the Political Subdivision's participation in the Election within ninety (90) days after the Election (Appendix A).
7. The minimum charge for coordinating the Election with the Clerk for coordinating entities with 300 or fewer active voters on Election Day shall be \$500.00. The minimum charge for coordinating entities with 301 or more active voters on Election Day shall be \$1000.00.
8. In addition, there will be a surcharge for coordination and administration of non-resident, property owner ballot mailing of \$1000.00.
9. The Political Subdivision shall remit all payments due to the County upon receipt of an itemized statement by **February 28, 2025** (Appendix A).

B. Indemnification

To the extent permitted by law, the Political Subdivision agrees to indemnify, defend, and hold harmless the County, its officers, and employees, from any and all losses, costs, demands, or actions arising out of or related to any actions, errors or omissions of the Political Subdivision in completing its responsibilities relating to the Election and related tasks.

C. Reasonable Care

The County and its employees, agents, representatives, or other persons acting under the direction or control of the County shall use reasonable care in carrying out their obligations under this Agreement.

D. Notices

Any and all notices required to be given by this Agreement, unless otherwise set forth herein, are deemed to have been received and to be effective:

- three days after they have been mailed by certified mail, return receipt requested to the address as set forth below; or
- immediately upon hand delivery to Regina O'Brien, Clerk; or
- immediately upon receipt of confirmation that a fax or email was received.

To Clerk: Regina O'Brien
Eagle County Clerk and Recorder
P.O. Box 537
Eagle, CO 81631
Fax: 888-816-1643
Email: regina.obrien@eaglecounty.us

E. Time is of the Essence

Per 1-7-116(2) C.R.S., this Agreement must be signed and returned to Regina O'Brien, Clerk and Recorder, seventy (70) days before the Election, **Tuesday, August 27, 2024** (Appendix A).

The statutory time requirements of the Election Code and Election Rules shall apply to the completion of the tasks required by this Agreement.

In witness whereof, the Parties hereto have executed this Agreement to be effective this day:

(Date)

Designated Election Official Date

For _____
(Political Subdivision)

Regina O'Brien Date
Eagle County Clerk and Recorder

Appendix A

CALENDAR OF EVENTS AND DEADLINES FOR NOVEMBER 5, 2024 GENERAL MAIL BALLOT ELECTION

While this calendar may not include all election dates, some key dates are identified for reference.

Dates **in red and underlined** are key delivery dates of information from you to the Clerk's office.

Political Subdivisions planning to coordinate with the Clerk's office should be aware of the following deadlines:

- **Friday, July 26, 2024** – 100 days prior - Last day for a political subdivision to notify the county clerk in writing that it has taken formal action to participate in the 2024 General Election. (100 days before the General Election). 1-7-116(5), 1-1-106(5) C.R.S.
- **July 22 – 26, 2024** – IGAs will be mailed to participating entities. IGA will include address ranges that must be verified and certified before or on the date the IGA is due. Political Subdivisions with property owner ballots should also review Appendix D in the IGA and contact the Eagle County Assessor's office to secure the particular property owner list.
- **Tuesday, August 27, 2024, by 3:00 p.m. MST** – 70 days prior - Political Subdivisions participating in the election must return signed IGAs to the Clerk. Political Subdivisions must verify and certify that all address ranges situated in the Political Subdivision (Appendix B) are accurate and complete, note any changes or inaccuracies, and certify to the Clerk (Appendix C). The deadline is 3:00 p.m. **Address changes will not be made after this date. Please submit sooner if possible.** 1-7-116(2) C.R.S.
- **Friday, September 6, 2024, by 3:00 p.m. MST** – Last day for the DEO from each Political Subdivision to certify the ballot order and content in **English and Spanish** and provide audio recordings of candidate names to the Clerk. The deadline is 3:00 p.m. **Please submit sooner if possible.** 1-5-203(3)(a) C.R.S.
- **Monday, September 9, 2024** – Last day for Political Subdivisions with property owner ballots to certify the revised Assessor's property owner list to the Clerk. **Please submit sooner if possible.**
- **Week of September 16, 2024** – Equipment and Logic and Accuracy Testing
- **Monday, September 16, 2024** – Deadline for Political Subdivisions with property owner ballots to certify the military and overseas (UOCAVA) voter list to the Clerk.
- **Friday, September 20, 2024, by noon MST** – Last day for voters to file pro/con comments pertaining to local ballot issues with the political subdivision DEO (not the Clerk & Recorder) in order to be included in the ballot issue notice. (By noon the Friday before the 45th day before the election). Art. X, Sect. 20(3)(b)(v) 1-7-901(4) C.R.S.
- **Saturday, September 21, 2024** – 45 days prior – Deadline to send mail ballots to military and overseas voters (UOCAVA voters). 1-8.3-110(1) C.R.S., Rule 16
- **Monday, September 23, 2024, by 3:00 p.m. MST** – 43 days prior - Political Subdivisions shall deliver the full text of any required TABOR Notice information, fiscal information, and pro/con statement summaries in **English and Spanish** to the Clerk to be included in the TABOR Notice mailing. 1-7-904 C.R.S.
- **Friday, October 4, 2024** – 30 days prior – Last day for the Clerk to mail out TABOR Notice(s). Colorado Constitution Article X, Section 20(3)(b) and 1-1-106(5) C.R.S.

Appendix A continued on next page

Appendix A – Continued

CALENDAR OF EVENTS AND DEADLINES FOR NOVEMBER 5, 2024 GENERAL MAIL BALLOT ELECTION

- **Friday, October 11, 2024** – 25 days prior - Last date for Political Subdivision to cancel the election or withdraw ballot issue or question. 1-5-208(2) C.R.S
- **Friday, October 11, 2024** – Ballots may begin to be mailed, except for UOCAVA voters. 24-hour ballot drop boxes open in Avon, Edwards, Eagle, Gypsum, El Jebel, Basalt, and Vail. 1-7.5-107(3)(a)(I) C.R.S., Rule 7.2.3
- **Wednesday, October 16, 2024 – Property Owner Ballot Entities Only** - Secure the supplemental Political Subdivision Property Owner list from the Eagle County Assessor’s Office.
- **Friday, October 18, 2024, by 10 a.m. MST - Property Owner Ballot Entities Only** - Certify the revised supplemental Assessor’s list that excludes non-human entities and UOCAVA voters in Excel format to the County Clerk. Please submit sooner if possible.
- **Monday, October 21, 2024** – Avon, Eagle, and El Jebel vote centers open. 1-5-102.9(2) C.R.S., Rule 7.8.1
- **Monday, October 28, 2024** – 8 days prior - Last day to register to vote to receive a mail ballot. After this date, voters may pick up ballots in person at any vote center. 1-2-201(3)(b)(III) C.R.S.
- **Tuesday, November 5, 2024** – Election Day - Polls open 7:00 a.m. – 7:00 p.m. All ballots must be in the hands of the Clerk by 7 p.m. Mountain Standard Time on Election Day to be counted.
- **Wednesday, November 27, 2024** – Deadline to certify election results. Official results will be forwarded to Political Subdivisions. 1-10-102(1), 1-10-103(1) C.R.S.
- **Monday, February 3, 2025** – Last day for the Clerk to mail invoices to Political Subdivisions for their share of the election as well as any recount costs.
- **Friday, February 28, 2025** – Last day for Political Subdivisions to submit payment for election and recount costs to the Clerk's office.

Appendix B
STREET LOCATOR REPORT FOR
NOVEMBER 5, 2024 GENERAL MAIL BALLOT ELECTION

Appendix C

STATEMENT OF CERTIFICATION – STREET LOCATOR REPORT FOR NOVEMBER 5, 2024 GENERAL MAIL BALLOT ELECTION

I, Jay Brunvand, as Designated Election Official for the Town of Minturn, (hereinafter “Political Subdivision”) do hereby certify that the Street Locator Report provided to the Political Subdivision has been reviewed, any inaccuracies have been noted and corrections made, and to the best of my knowledge, I believe it is a true and complete list of the addresses located within the Political Subdivision.

Designated Election Official Signature

Date

for Town of Minturn
(Name of Political Subdivision)

Appendix D

PROPERTY OWNER BALLOTS – TITLE 32

This appendix defines responsibilities when conducting an election for a Political Subdivision (governed under Title 32) in which property owners and their spouse or civil union partners who are not Eagle County residents but are registered electors in the State of Colorado may be eligible to vote. Property owner self-affirming oaths must be signed and returned to the County Clerk’s Office before ballots are sent to eligible property owners.

Overview - Property Owner Ballots

Property owner ballots are special ballots that contain only those ballot contests certified by Political Subdivisions in which owners (and their spouses or civil union partners) of real and personal property are eligible to vote as long as they reside outside of the Political Subdivision but are registered to vote in Colorado (32-1-103(5) C.R.S.).

If a person resides in and is registered to vote in the Political Subdivision, and also owns additional property in the Political Subdivision, the Clerk will issue the voter a regular Eagle County ballot style that contains all of the contests in which they are eligible to vote in a given election, including the ballot content referred by the Political Subdivision.

If a person resides outside of the Political Subdivision, owns property within the Political Subdivision, and is registered to vote in the State of Colorado, the county will issue a property owner ballot containing only the contests referred by the Political Subdivision. This ballot will be sent only after the self-affirming oath has been returned by the voter to the Clerk and after the Clerk has verified the voter’s eligibility in the statewide voter registration system. If the property owner does not specify a ballot mailing address on the self-affirming oath, the property owner ballot will be sent to the mailing or ballot mailing address on record in the statewide voter registration system.

Property owners who are registered voters outside of the State of Colorado are not eligible to vote a property owner ballot.

Responsibilities of the Coordinating Political Subdivision

Street Locator Report

1. Review the Street Locator Report provided by the Clerk's office (Appendix B).
2. Verify and certify all addresses listed in the address library report are within the Political Subdivision and are accurate and complete (with no omissions). All changes or inaccuracies must be identified by the Political Subdivision, the list certified by the Political Subdivision (Appendix C), and returned to the Clerk no later than **3:00 p.m. Mountain Standard Time on Tuesday, August 27, 2024**, seventy (70) days before the election. Please submit sooner if possible. The Political Subdivision is responsible for the accuracy of this report.

Property Owner and Overseas and Military Voter Lists

1. Secure the Colorado Statewide Overseas and Military Voter (UOCAVA) list from the Clerk.
2. Secure the Political Subdivision Property Owner list from the Eagle County Assessor's Office.
3. Remove all non-human property owners (e.g. trusts, LLCs, Corporations, etc.) from the Assessor's list.
4. Cross-reference the state-wide Overseas and Military voter (UOCAVA) list with the property owner list to determine if there are any Political Subdivision property owners on the UOCAVA list; identify all UOCAVA property owners.
5. Certify the revised Assessor's list that excludes non-human entities and UOCAVA voters in Excel format to the County Clerk by **Monday, September 9, 2024**. Please submit sooner if possible. Political Subdivision is responsible for the accuracy of this list.
6. Certify the list of any UOCAVA property owners to the Clerk by **Monday, September 16, 2024**, to ensure timely delivery of Property Owner oath for voters to return in time for statutory delivery of UOCAVA property owner ballots (**NOTE:** UOCAVA ballots must be sent by **Saturday, September 21, 2024** (1-8.3-110(1) C.R.S.)).
7. Secure the supplemental Political Subdivision Property Owner list from the Eagle County Assessor's Office no later than **Wednesday, October 16, 2024** (20 days before the election). This supplemental list shall contain the names and addresses of all recorded owners who became owners no later than **Monday, October 14, 2024** (22 days prior to the election).
8. Certify the revised supplemental Assessor's list that includes new property owners and new UOCAVA property owners (i.e. the list should exclude non-human entities and previously identified UOCAVA voters) in Excel format to the County Clerk by **Friday, October 18, 2024 by 10 a.m. MST**. Please submit

sooner if possible. Political Subdivision is responsible for the accuracy of this list.

Responsibilities of the County Clerk and Recorder

1. After receiving the certified property owner list from the Political Subdivision, as well as the supplemental list, prepare and send the property owner TABOR Notice to the property owner households listed on the certified property owner list(s). (Article X, Sec.20(3)(b)). This Notice may be combined with other TABOR notices or mailed separately at the discretion of the Clerk.
2. A self-affirming oath will be sent to each household that must be returned by each eligible elector (1-13.5-202, C.R.S. and 32-1-103(5), C.R.S.).
3. Upon return to the Clerk of the signed self-affirming oath, determine if the individual is a registered voter in the State of Colorado but is not already registered to vote at an address within the Political Subdivision.
4. Prepare and send property owner ballots to all eligible electors entitled to vote by virtue of a self-affirmation (32-1-806, C.R.S.).
5. Record each property owner ballot returned and signature verified.
6. Process ballots at central count.
7. Tabulate and certify results.