



# Staff Report

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**Agenda Item:**            **Ballot Drop Box Services Agreement with the Yavapai County Recorder/Voter Registration Department** – Approval of an Agreement with the Yavapai County Recorder/Voter Registration Department for an outside “Ballot Drop Box” for collection of election ballots.

**Staff Contact:**            Kathy Bainbridge, Town Clerk/Finance Director

**Meeting Date:**            April 28, 2009

**Background:**            Discussions with the Yavapai County Elections Department regarding the possibility of getting an Election Ballot Drop Box for the Town have been ongoing for about a year. The County had informed the Town that no more boxes were available and that the Town would have to pay for the purchase of a ballot box in order to obtain one.

In March, the Yavapai County Elections Department contacted the Town to see if it was still interested in acquiring a ballot drop box at no cost to the Town. Voters may drop off their voted ballot in the box for federal, state, county, city/town, or special district elections and the Town agrees to check the box for ballots for elections held in their area. An additional benefit to the Town, if desired, is that it is allowable for the Town residents to deposit their utility payments in the box. The County Ballot Drop Box Services Agreement provides for the provisions, use limitations, compensation, maintenance and other agreement terms.

The location of the Ballot Drop Box will be just past the Town of Clarkdale parking lot entrance at the second island by the two rocks which is accessible for driver drop off without impeding traffic.

**Recommendation:**    Approval of an Agreement with the Yavapai County Recorder/Voter Registration Department for an outside “Ballot Drop Box” for collection of election ballots.

## BALLOT DROP BOX SERVICES AGREEMENT

**THIS AGREEMENT**, by and between the YAVAPAI COUNTY RECORDER/VOTER REGISTRATION DEPARTMENT (“VOTER REGISTRATION”) and the **TOWN OF CLARKDALE**, (“JURISDICTION”).

**WHEREAS**, VOTER REGISTRATION agrees to provide an outside receptacle for collection of Election ballots (“Ballot Drop Box”).

**WHEREAS**, the JURISDICTION wishes to enter into an agreement with VOTER REGISTRATION for the provision of a Ballot Drop Box to the terms and conditions set forth herein.

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

1. **Provision of Ballot Drop Box.** VOTER REGISTRATION hereby agrees to provide and install a standard drive-up, white mail box with Yavapai County’s logo and the words “Official...” to the JURISDICTION.
2. **Limitations of use.** It is understood and agreed that the Ballot Drop Box is to be used for federal, state, county, city/town and special district elections. Voters may drop off their voted ballot in the box and the JURISDICTION agrees to check the box for ballots for elections held in their area. Elections may take place every year in March, May, September and November and every four years in February. VOTER REGISTRATION agrees to make arrangements with the JURISDICTION for the transport of voted ballots.
3. **Other permitted uses.** It is understood and agreed that the Ballot Drop Box may be used by the JURISDICTION for the collection of tax payments, utility bill payments, etc. It is further understood that the key to the Ballot Drop Box will remain in the custody of the contact person named herein locked in a secure location and will not be loaned to other departments/divisions of the JURISDICTION.
4. **Compensation.** There shall be no compensation to either party named in this agreement.
5. **Maintenance.** JURISDICTION will visit Ballot Drop Box site at least weekly to check for vandalism or any maintenance that may be needed. JURISDICTION will report vandalism to appropriate law enforcement for your area and also inform VOTER REGISTRATION. JURISDICTION will report any maintenance needed to VOTER REGISTRATION office, i.e.; painting touch up, new lettering, new lock. Keeping the Ballot Drop Box free of trash or non-election material is the responsibility of the JURISDICTION.
6. **Term of Agreement.** This Agreement shall be effective as of \_\_\_\_\_ and shall continue in full force and effect until terminated as provided herein.
7. **Termination.**
  - a. **Unilateral Termination.** This Agreement may be terminated by either Party upon 30 days written notice to the other Party of intent to terminate, provided, however, that the

Agreement may not be unilaterally terminated by either party within 90 days of the date of an election.

**b. Termination by Mutual Agreement.** This Agreement may be terminated at any time by mutual agreement of the Parties.

**c. Termination for Breach.** In the event of a breach of any term or condition of this agreement, the Party claiming breach shall provide written notice to the other Party specifying the factual basis for the claim that a breach has occurred. If the breach is not remedied within fifteen (15) days of receipt of notice by the Breaching Party, the Non-breaching Party may terminate this Agreement without further notice.

**8. Conflict of Interest.** This Agreement is subject to the ARS §38-511 pertaining to conflicts of interest, the pertinent provisions of which are incorporated by reference herein.

**9. Contact Information.** Communications regarding services provided pursuant to this Agreement shall be directed to the following:

**VOTER REGISTRATION:**

Karen McCracken  
Yavapai County Registrar of Voters  
1015 Fair Street, Room 228  
Prescott, AZ 86305  
Phone: (928) 771-3248  
Fax: (928) 771-3446  
E-mail: [web.voter.registration@co.yavapai.az.us](mailto:web.voter.registration@co.yavapai.az.us)

**JURISDICTION:**

Kathy Bainbridge, Town Clerk/Finance Director  
Town of Clarkdale  
PO Box 308  
Clarkdale, AZ 86324  
Phone: (928) 639-2400  
Fax: (928) 639-2409  
E-mail: [kathy.bainbridge@clarkdale.az.gov](mailto:kathy.bainbridge@clarkdale.az.gov)

**APPROVALS**

**VOTER REGISTRATION:**

\_\_\_\_\_  
Ana Wayman-Trujillo                      Date  
Yavapai County Recorder

**JURISDICTION:**

Name \_\_\_\_\_  
Doug Von Gausig                                      Date  
Mayor

\_\_\_\_\_  
Karen McCracken                                      Date  
Registrar of Voters

I have reviewed this agreement and find it is proper in form and within the powers and authority granted under Arizona Law to VOTER REGISTRATION.

Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas M. Stoxen, Deputy County Attorney

I have reviewed this agreement and find it is proper in form and within the powers and authority granted under Arizona Law to the Town of Clarkdale.

Date: \_\_\_\_\_

\_\_\_\_\_  
Robert Pecharich, Clarkdale Town Attorney

## **BALLOT PROCEDURES FOR JURISDICTIONS**

During the election, your location will be used as an early voting location, drop off location for ballots and/or for voters who need a replacement ballot. The following procedures should be adhered to for each situation:

You will be provided with additional ballots for voters who have made a mistake on ('spoiled') the ballot received in the mail or wish to vote early. Under separate cover, we forwarded a log to help better account for these ballots. If you have any questions regarding this log and the procedure, please contact us immediately.

As a drop off location you will need to periodically check the box for ballots when there is an election held in your area. If you feel the box is getting full, contact Voter Registration and we will arrange to have someone pick up ballots.

On the day of election, you **must**:

- Remain open to the public until 7:00 PM for voters needing replacement ballots and dropping off completed ballots.
- Check the ballot box (inside & outside, if applicable) promptly at **7:00 PM** and remove all ballots.
  - Call Voter Registration at 928-771-3248 with the number of ballots you have at that time (**we will be waiting for your call**).
  - Secure all ballots in the red transfer box or ballot bag, lock the box/bag with the provided lock and keep these ballots secured.
  - Either you will be requested to deliver the ballots to Prescott or Cottonwood Recorder's office by 9:00 am the next morning  
-OR-
  - Voter Registration personnel will pick up the ballots early the next morning.

### **Contact Information:**

Yavapai County Voter Registration 928-771-3248

Yavapai County Elections 928-771-3250

Toll Free Switchboard from Verde Valley Area 928-639-8100 (ask for extension 3248 or 3250)  
(switchboard hours 8:00 am – 5:00 pm, Monday thru Friday)