

**COURT ORDER
2019-0720**



Public Hearing and Request Approval of Dallas County's Application to Participate in Texas Countywide Polling Place Program

On a motion made by Commissioner Dr. Elba Garcia, District 4, and seconded by Commissioner J.J. Koch, District 2, the following order was passed and adopted by the Commissioners Court of Dallas County, State of Texas:

BRIEFING DATE: 7/2/2019
FUNDING SOURCE: General Funds

Be it resolved and ordered that the Dallas County Commissioners Court does hereby provide for a public hearing on Tuesday, July 2, 2019 and Tuesday, July 9, 2019 to inform the public about Vote Centers and the use of the new countywide-capable e-pollbooks, voting and tabulation equipment Dallas County has obtained, and to solicit opinions from voters, minority organizations, and other interested parties. After a public hearing, the Commissioners Court grant approval of the following: 1). For submission of the Dallas County Plan (Application) letter to the Texas Secretary of State; and 2). To provide authorization for the County Judge to draft and submit a letter requesting approval of Dallas County application to participate in Texas' Countywide Polling Place Program, and submit both to the Texas Secretary of State.

The Court also recognizes the operational, legal and financial impact summaries; financial impact projected from General Funds to include:

- Poll Worker Training (Attendance): \$120,000.00
- Poll Worker Training (Supplies, Building Rental Fees, Vendor Training Fees, etc.): \$50,000.00
- Vote Center Location Expense (Rental Fees): Not Determined
- DCED Payroll: Not Determined
- Advertising, Outreach and Legal Notices: \$200,000.00

Recommended by: Toni Pippins-Poole
Originating Department: Elections

Done in open court July 2, 2019, by the following vote:

IN FAVOR: Honorable Clay Lewis Jenkins, County Judge
 Commissioner Dr. Theresa M. Daniel, District 1
 Commissioner J.J. Koch, District 2
 Commissioner John Wiley Price, District 3
 Commissioner Dr. Elba Garcia, District 4

OPPOSED: None

ABSTAINED: None

ABSENT: None



Dallas County
COURT ORDER / BRIEFING
Commissioners Court - Aug 06 2019

- Resolution
- Solicitation/Contract
- Executive Session
- Addendum

Public Hearing and Request Approval of Dallas County's Application to Participate in Texas' Countywide Polling Place Program

Date: Jul 2 2019
Funding Source: General Funds
Originating Department: Elections
Prepared by: Robert Heard, Assistant Elections Administrator
Recommended by: Robert Heard, Assistant Elections Administrator

BACKGROUND INFORMATION:

Dallas County Elections Department ("DCED") submits this briefing to the Court in order to request a Public Hearing on Tuesday, July 2, 2019 for Dallas County residents that wish to speak and express their comments regarding implementing Texas' Election Day Countywide Polling Place ("CWPP", also referred to as "Vote Centers") Program in Dallas County.

DCED is also requesting the Court approve the attached application letter to the Texas Secretary of State to participate as a large county in Texas' CWPP Program.

On March 5, 2019, the Commissioners Court approved Court Order 2019-0237, permitting the Dallas County Elections Department to plan and prepare for application to the Texas Countywide Polling Place Program.

Pursuant to Texas Election Code Section 43.007, before Dallas County can apply to participate in the CWPP Program, the County must meet several prerequisites. Dallas County meets the required statutory pre-conditions to participation:

1. Exclusive use of traditional direct recording electronic (DRE) voting systems, or use of the Texas specific definition of a DRE system that is explained in Texas Secretary of State Election Division Advisory 2017-21 at all polling places on Election Day.

Task Completed: Dallas County has procured countywide-capable voting and tabulation equipment that provides a paper verifiable voting record.

2. Implementation of a computerized voter registration list that allows instantaneous verification that a voter has not already voted at another polling place.

Task Completed: Dallas County has procured countywide-capable electronic poll books (e-pollbooks): enough to manage the expected Early Voting and Election Day requirements of a large urban county. Dallas County utilized these e-pollbooks in two elections: May 4, 2019 Joint and the June 8, 2019 Joint Runoff.

3. If the county has not participated in one of the previous countywide election precinct programs, it must hold a public hearing to inform and solicit opinions from voters, minority organizations, and other interested parties (e.g., political parties, political subdivisions within the county, and organizations representing voters with disabilities).

Task Completed: DCED held five (5) public information meetings to inform the public about Vote Centers and the use of the new countywide-capable e-pollbooks, voting and tabulation equipment Dallas County has obtained, and to solicit opinions from voters, minority organizations, and other interested parties. This hearing, on July 2, 2019 is Dallas County's Public Hearing that informs and solicits opinions from voters, minority organizations, and other interested parties.

4. Once these minimal initial prerequisites are met the Secretary of State requests that a County file an intent to participate in the CWPP Program, using Form AW12-9, NOTICE OF INTENT TO PARTICIPATE IN PROGRAM FRO COUNTYWIDE ELECTION DAY POLLING PRECINCTS. Filing the Notice of Intent does not reserve a spot in the program.

Task Completed: Dallas County has filed its Letter of Intent to Participate in the Countywide Polling Place Program on March 5, 2019.

5. Per Texas Secretary of States Election Advisory No. 2019-01, in order to participate in the CWPP Program with an initial (testing) election on the November 5, 2019 Uniform Election date, Dallas County must submit a proposed plan (the Application) that details the County's ability to comply with Section 43.007 of the Texas Election code on or by Thursday, August 22, 2019.

Dallas County's Application documentation is attached.

Another purpose for the briefing is to request approval of Dallas County's Vote Center Application. The Application has specific details regarding implementation of the plan (required items are listed below) as stated below:

- Dallas County has procured and will exclusively use Election System & Software's (ES&S) hybrid-DRE voting systems on Election Day: 1000 (each) Model DS200 Version 1.3 Precinct Tabulators and 4,000 (each) ExpressVote Ballot Marking Terminal Version 2.1). This equipment will be used throughout Dallas County approximately 510 Election Day polling locations beginning with the November 5, 2019 General (Constitutional Amendment) Election.
- Dallas County procured 4,500 units of TENEX Software Solutions' electronic poll books (herein referred to as "e-pollbooks") on February 19, 2019. These iPad based have been used successfully in two elections: May 4, 2019 Joint Election, and the June 8, 2019 Election. Consistent and secure connectivity at each polling place was achieved by deploying the e-pollbooks paired with cellular MiFi devices. In the event of power or connectivity failure, the devices are still capable of qualifying voters as they have a complete database of registered voters; once connectivity is restored, the units are automatically updated.
- Dallas County held its public hearing on July 2, 2019. The hearing was recorded and the copy of that recording is attached. Residents and political subdivision were overwhelming approving of Dallas County Elections transitioning to use of Countywide Polling Place (herein referred to a "Vote Centers"). The information provided at the hearing included:

1. Briefing to Hold Public Hearing and Approve Dallas County's Application to Participate in Texas' Countywide Polling Place Program.
 2. Draft Application Letter to Secretary of State
 3. Information regarding countywide-capable Electronic Pollbooks
 4. Information regarding countywide-capable voting and tabulation equipment
- Dallas County assembled a Vote Center Advisory Committee ("VCAC") to help determine a methodology to select the various countywide polling locations. The VCAC recommends that for the November 5, 2019 General Election and all elections during 2020, Dallas County will utilize 100% of its standard County Election Day polling location, it will add the use of any of its Early Voting polling locations that are not already used on Election Day, and locations that are normally used in Cities and School District will to be added. DCED will continue to monitor these locations, and seek feedback from voters and participating political subdivisions in order to determine best practices for future elections. Dallas County will maintain its Vote Center Advisory Committee in order to develop a final polling location strategy and plan for elections beyond 2020. The Dallas County Commissioners Court has expressed its preference to maintain as many locations as possible.
 - The VCAC also address the method by which Election Day Judges and Alternate Judges will be assigned to countywide polling locations. Election Day Judges and Alternate Election Judges will be assigned to countywide polling locations within a commissioners court precinct in the proportionate amount consistent with the procedure detailed in Texas Election Code Section 32.002, and explained in Texas Secretary of State's Election Advisory Number 2019-01. As stated: County chairs shall submit a list of names of persons eligible for appointment as election judges and alternate judges to the county commissioners court. The commissioners court must apportion the number of judges for countywide polling locations in direct proportion to the percentage of election precincts located in each county commissioner's precinct won by each party in the last gubernatorial election.
 - Dallas County has a plan to notify voters of the change to countywide polling locations and provide new polling location information. Dallas County voters will be notified of the change in ability to go to any voting center to vote, and the locations of all Dallas County vote centers by several communication methods using a marketing strategy that includes: utilizing television, print and radio news outlets (including minority-owned and community-based); distribution of press releases and public service announcements; Deputy Voter Registrars engagement; DART bus advertisement; movie theater advertisement; posted on the web and social media sites of contract political subdivisions; and, inclusion in water bill notices. DCED will always publish Vote Center locations information on the DCED and Dallas County's web and social media pages.
 - Joint election issues have been resolved. In February of 2019, DCED invited each political subdivision in Dallas County the opportunity to participate and attend four (4) Vote Center Advisory Committee (VCAC) meetings to be held from April through June of 2019. Many representatives from the school districts and cities attended and participated. DCED also sent meeting and all pertinent Vote Center-related documentation to all contracting entities. Dallas County Elections Department also attended and spoke at the council meetings of various cities in Dallas County in order to inform and solicit their input. The resulting consensus from these meetings and communications is that Dallas County will hold joint elections in countywide polling locations. During discussions, joint participants did not bring forth any other issue regarding the use of County locations. Joint participants favored approval of Dallas County's plan to implement vote center polling locations. The Dallas County Commissioners Court is also committed to

accommodate the unique needs of the participants and work out any future issues that might arise.

- Dallas County Commissioners Court and the County party chairs have resolved issues of how polling place officials will be appointed. Primary Elections will continue to be held separately, but in the same locations using the same ExpressVote Ballot Marking Devices; however, there will be separate qualifying areas and tabulation devices for each parties' voters.
- Dallas County will implement Vote Centers for the November 5, 2019 General (Constitutional Amendment) Election.

The Application should also contain a letter signed by the County Judge indicating support of the county's plan and requesting approval for the county to implement countywide polling places throughout the county.

OPERATIONAL IMPACT:

Dallas County's transition to Vote Center will affect DCED's operations. There will be impact primarily in the areas of departmental budget, IT-related requirements, logistics planning and, poll worker training and recruitment.

Each and every poll worker and person working for the Elections Department will need to be trained on the new processes and equipment implemented for Vote Centers. Poll worker training and recruitment will need to be improved and increased in order to staff the number of Vote Centers. The time and funding required to prepare and produce new training materials must increase. Poll workers will be paid for attending the training they will be required to take before they work at the polls. Online training tools will also have to be revamped and re-initiated.

DCED anticipates having to train over 3,000–6,000 individuals for each upcoming election through 2020. The Department will have to increase the number of training classes offered to poll workers in order for them to be efficient on the new equipment and procedures for each election. The increase will impact the employee work hours, overtime and comp-time.

DCED will obtain voting and location data for elections held between 2019 and 2020. It will also maintain the Vote Center Advisory Committee to help determine a methodology or a need to reduce the current number of Vote Centers. DCED must notify Dallas County Voters of initial and ongoing changes to polling locations. Eventually, much larger facilities may need to be found and acquired to stand as adequate Vote Centers in some areas; these large facilities will more than likely charge more than current polling locations.

Due to the highly technical nature of the equipment, systems, data and trouble-shooting required by the new countywide Voter Center infrastructure, DCED will need increased assistance from Dallas County IT in the areas of servers, information and data management, and system integration.

Transitioning to Vote Center requires (statutorily) ongoing and extensive communications with the public to inform and educate residents about voting at Vote Center, how it will impact the community, and provide them with an opportunity to give their feedback. Getting the word out and advertising for Dallas County Vote Center will require an increase budget for advertising and professional services.

FINANCIAL IMPACT:

- Poll Worker Training (Attendance): \$120,000.00
- Poll Worker Training (Supplies, Building Rental Fees, Vendor Training Fees, etc.): \$50,000.00
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LEGAL IMPACT:

DCED must ensure that all operations and elections proceed in accordance with state and federal laws and County policy. There will probably be contracts/agreements related to the various tasks, services and procurements that will invariably be made.

PROJECT SCHEDULE:

Anticipated project schedule is:

Tuesday, July 2 – Friday, July 19, 2019 - Continue to prepare final draft and documentation for Application to Participate in CWPP Program.

Tuesday, July 2 – Friday, July 19, 2019 - Prepare Letter from County Judge requesting approval of application.

Between August 1st – 18th - Submit Application and proposed plan to Texas Secretary of State (Aug. 22th is the deadline).

Thursday, September 12, 2019 – Deadline for Secretary of State to approve proposed local plans for the program and provide detailed guidance on the information that will be requested from the Secretary of State and that will be included in the final legislative report. The counties will be required to submit this information to the Secretary of State no later than 30 days after the election.

Monday, October 21st – Friday, November 1st, 2019 – Early Voting Period for November 5, 2019 General (Constitutional Amendment) & Joint Election

Tuesday, November 5th, 2019 General (Constitutional Amendment) & Joint Election

Thursday, December 5, 2019 – Deadline for county clerk/elections administrator to submit election report to Secretary of State.

SBE PARTICIPATION:

N/A

ADMINISTRATIVE PLAN COMPLIANCE:

The Court's approval of this request is consistent with Dallas County visions to be a model governmental entity operationally, and its goals for services to be efficiently and effectively delivered in

light of changes in technology, the public's preferences and expectations and the area's population and economy; and for decisions to be made based on the best and most complete information available, in that it provides sound, financially responsible and accountable governance.

RECOMMENDATION:

The Court provide for a public hearing on July 2, 2019 to inform the public about Vote Centers and the use of the new countywide-capable e-pollbooks, voting and tabulation equipment Dallas County has obtained, and to solicit opinions from voters, minority organizations, and other interested parties. After a public hearing, the Commissioners Court grant approval of the following: 1). For the Dallas County Plan (Application); and 2). For the County Judge to draft and submit a letter requesting approval of Dallas County application to participate in Texas' Countywide Polling Place Program, and submit both to the Texas Secretary of State.

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ATTACHMENTS:

None