



Dallas County
COURT ORDER / BRIEFING
Commissioners Court - Sep 03 2019

- Resolution
- Solicitation/Contract
- Executive Session
- Addendum

Selection of Election Judges / Alternate Election Judges, Early Voting Presiding Officers / Alternate Presiding Officers and Appointments of Central Count Personnel for the 2019-2021 Term

Briefing Date: Sep 3 2019
Funding Source: 1210
Originating Department: Elections
Prepared by: Robert Heard, Assistant Elections Administrator
Recommended by: Toni Pippins-Poole, Elections Administrator

BACKGROUND INFORMATION:

ISSUE 1

The selection of election judges and alternate election judges for Dallas County's 797 voting precincts is accomplished by the Commissioners Court as required by Section 32.002 (a) of the Texas Election Code. State law mandates the election judge/alternate election judge be appointed using a formula based on the most recent gubernatorial election.

Attachment A lists the recommendations from the Democratic and Republican parties for the appointment of election day judges and alternate election judges for the 2019-2021 appointment term, which will run through **August 31, 2021**. There are vacancies in the position of the election judges and alternate judges in some precincts where the political parties have not yet found a suitable person to serve. Both political parties have committed to assisting Dallas County Elections Department ("DCED") with finding suitable appointment candidates for the vacant positions.

ISSUE 2

The selection of the Early Voting Presiding Officer and Alternate Presiding Officer for Dallas County's forty-seven (47) standard early voting locations is accomplished by Commissioners Court as required by Section 85.009 of the Texas Election Code from a list submitted from the County Chair of each political party. The County Chair may supplement the list of names until the 30th day before Early Voting begins in the event an appointed officer becomes ineligible to serve.

The County must appoint the first person who meets eligibility requirements from the list submitted by the party that obtained the highest numbers of votes in the county from the most recent gubernatorial election as the Early Voting Presiding Officer of the designated polling place. The Alternate Presiding Officer must be appointed from the list submitted by the party that obtained the second highest number of votes. In the 2018 Gubernatorial Election in Dallas County, the Democratic Party received the highest numbers of votes and the Republican Party received the second highest number of votes. **Attachment B** lists Early Voting Presiding Officers and Alternate Presiding officers submitted for the 2019-2021 term which will run through August 31, 2021.

Additional early voting locations may be added if other political subdivisions contract to join the November 5, 2019 Constitutional Amendment/Special and Joint Election or the November 3, 2020 Presidential Election. The appointment process for these additional Early Voting election officers will be in accordance to Section 85.009 of the Texas Election Code and the related Joint Election Contract authorized by Texas Election Code Chapter 271 – Joint Elections.

For the Court's consideration, Attachment C contains recommendation(s) made by the Citizens Election Advisory Committee of Election Day Judges, Alternate Judges; and Early Voting Presiding Officer and Alternate Presiding Officers.

ISSUE 3

The Commissioners Court must re-establish a Central Counting Station and appoint its personnel at the same time of appointing the presiding and alternate election judge. Below are the recommended names in accordance to Sections 127.002, 127.003, 127.004, 127.005, and 127.006 of the Texas Election code:

Central Count Station Manager: Toni Pippins-Poole
Tabulation Supervisor: Daniel Bradley
Assistant Tabulation Supervisor: Danielle Grant
Presiding Judge: Paul Heller
Alternate Presiding Judge: We Bowen

ISSUE 4

The United States Constitution and Federal statutes, along with the Texas Election Code establishes the conditions, policies and procedures required to be followed by all election workers for the proper, fair, and efficient administration of elections in Texas, to include those related to the qualifications, conditions and procedures related to choosing poll workers. DCED also establishes rules, policies and procedures that are in line with state law that enhance the administration of elections in Dallas County. These qualifications, conditions and procedures include, but are not limited to:

1. Election judges and their alternate judges, early voting presiding election officers and alternate presiding election officers are required to attend all pertinent training classes mandated and/or taught by the Dallas County Elections Department.
2. That the maximum number of election clerks that each judge or presiding election officer may appoint for county elections is 7 clerks in addition to the alternate presiding judge, with the actual decision regarding the number of clerks allowed resting with the County Elections Administrator and varying according to each type of election and size of the voting precinct;
3. The Commissioners Court will consider an individual for appointment as an election official, including judge or alternate judge, and presiding election officer or alternate presiding election officer, any person who has not:
 - A. Been convicted of, or have an unresolved criminal charge of, a felony, a crime involving moral turpitude or a violation of the Texas Election Code.

B. Been the subject of one or more complaints, filed with the Elections Administrator in any prior election, which allege violations of the election laws and county election procedures, and/or that allege gross or unprofessional conduct or behavior if such complaint or complaints have not, in the opinion of the Commissioners Court, been satisfactorily explained. An explanation is considered satisfactory if Commissioners Court is convinced that:

- i. The complaint was unfounded; or
- ii. The action or inaction giving rise to the complaint did not threaten the fairness of the election or accuracy of its results.

C. Factors which the Commissioners Court shall consider in determining whether a complaint shall result in a refusal to appoint include, but are not limited to:

- i. Indicates an inability or unwillingness to establish and maintain order at the polling place;
- ii. Indicates an inability or unwillingness to treat others with respect, fairness and impartiality;
- iii. Reflects a failure to timely open the poll and/or failure to be present during the election hours except for absences due to emergencies;
- iv. Indicates or establishes a propensity, desire, and/or willingness to ignore, disobey and/or disregard the statutes, rules and procedures established by the U.S. Constitution and other federal statutes, those of the Texas Secretary of State, and by Dallas County Elections Department.

iv. Reflects a failure to work with other poll officials including, but not limited to, refusal to hire and work clerks of the opposite party.

D. Knowingly and willfully hired, allowed to work, or allowed to be present at the polling place (except to legally vote) any person who has been previously rejected for cause or who has or does exhibit any of the factors that would have made them ineligible for appointment as a presiding election officer or alternate presiding election officer.

4. The Elections Administrator will provide complaint forms to all interested parties that outline the procedures for reporting on election behavior and the information needed in such complaints. Complaints should be received in writing by the Dallas County Elections Administrator who will, immediately upon receipt of written complaint, notify the person against whom the complaint was filed and provide a copy of the written complaint. Persons nominated for early voting presiding election officers and alternate presiding election officers will be asked to respond in writing to any complaints filed against them, and the Elections Administrator will provide a report to the Commissioners Court including a copy of the original complaint and the response, if any, of the early voting presiding election officer or alternate presiding election officer or nominee. The Elections Administrator will notify the presiding election officer or alternate presiding election officer in the event additional training classes are necessary prior to future service.

5. Prior to refusing the appointment of any proposed judge, alternate judge, presiding election officer or alternate presiding election officer, Commissioners Court shall grant such person an opportunity to rebut the allegations made against them by complaint in open court. If

Commissioners Court still is not satisfied with the proposed election judge's explanation of events, it may refuse his/her appointment.

6. Once appointed, Commissioners Court may remove a judge, alternate judge, presiding election officer or alternate presiding election officer for cause. Cause will be the presence of any factor that would have caused the person not to be appointed or ineligible for future appointment under the law or under these rules.
7. That the substitution of presiding judges shall be in the following manner:
 - a. The presiding judge and alternate judge shall respond with their willingness to serve on or before the 20th day before an election or not later than 15 days after receipt of notification, whichever is later. They shall respond for each election with an enclosure furnished by the Elections Department, or otherwise in writing.
 - b. If an election judge confirms that he or she will not be able to serve prior to or on the 20th day before an election, the Commissioners Court will be timely notified and will fill the vacancy for that election at the next meeting of the Commissioners Court or at any special meeting that may be called where the issue is on the agenda.
 - c. Emergency Appointments: Pursuant to Texas Election Code Section 32.007, if the County Judge does not fill a temporary or permanent vacancy in the office of election judge by the 20th day before the election, the alternate judge will become the judge, or if there is no alternate judge the Elections Administrator will find a qualified person to hold the election. The Dallas County Elections Department is authorized to use exempt County employees to work on Election Day at County polling locations as Emergency Judges and Clerks; and the minimum eligibility requirements as stated as follows:
 - Must attend training pursuant to this and any other subsequent court order related to it;
 - Must have transportation and be available to work anywhere in Dallas County;
 - Must be able to work from 6 AM until approximately 10 PM (or until their polling place is closed);
 - Be a Qualified (in Dallas County) Voter (Texas Election Code §32.051);
 - Cannot be the employee, relative or campaign treasurer, or campaign manager for an opposed candidate on the ballot (Texas Election Code §§32.052-32.056); and,
 - Has not been finally convicted of an election offense (Texas Election Code 32.0552).
1. Pursuant to Texas Election Code, Section 32.076, the e-mail addresses, residential addresses and personal phone numbers of early voting presiding election officers, alternate presiding election officers, election judges and clerks that are collected by the Elections Department will not be disclosed as public information unless it is requested by an entity conducting the election; is an entity that submits lists of early voting presiding election officers, alternate presiding election officers, election judges and clerks for that election; or the state executive committee of a political party with a county chair that is eligible to submit names of early voting presiding election officers, alternate presiding election officers, election judges and clerks.
2. The Citizens Election Advisory Committee ("CEAC") has created a Complaints Sub-Committee that reviews pollworker-related complaints. This sub-committee will provide recommendation to the department and the Commissioners Court. Pollworkers for whom the Citizens Election Advisory Committee has submitted negative recommendations or findings due to complaints or performance reports related to an election; or for whom the Elections Department has reported sub-standard performance or behavior during an election, will be

subject to corrective action to include being required to attend corrective training before they are allowed to work in subsequent elections, or removal by the Commissioners Court..

3. All of these policies are subject to the implementation by the Texas Secretary of State of any bills passed during Texas' 86th Regular and any Special Legislative Sessions.
4. Each Election Day Judge and/or Alternate Judge, Early Voting Presiding Officer and Alternate Presiding Officer must complete and sign State of Texas Oath of Office, and Statement of Officer forms as required by the Texas Secretary of State.

ISSUE 5:

Pursuant to Texas Election Code Section 32.093, The Court must establish the compensation rates of election day judges and clerks. Election day judges and clerks current make eleven dollars (\$11.00) and ten dollars (\$10) respectively. DCED request new compensation rates of twelve dollars (\$12.00) for election judges, and ten dollars (\$10.00) for election clerks.

ISSUE 6:

Pursuant to Texas Election Code Section 87, the Commissioners Court must appoint the Presiding Judge of the Early Voting Ballot Board. Dallas County submits David Morris to be the Presiding Judge of the Early Voting Ballot Board in County Elections.

OPERATIONAL IMPACT:

Selection and appointment of these positions is necessary to the operations of the Elections Department and to the administration of elections in Dallas County.

The continued promulgation of these conditions, policies and procedures will provide a stable and legal foundation for the administration of elections in Dallas County. It will ensure that appointed poll workers will be properly trained and knowledgeable, and are morally and legally fit to serve in the capacity chosen.

FINANCIAL IMPACT:

Election Judges currently receive \$11.00 per hour and Alternate Judges and Clerks currently receive \$10.00 per hour not to exceed a maximum of 14 hours per day. If approved, each election judges would receive \$12.00 per hour and Alternate Judges and Clerks would receive \$10.00 per hour not to exceed a maximum of 14 hours per day.

The election judge or representative will receive \$25.00 for picking up election supplies and delivering election returns to their designated regional site.

The early voting presiding election officers and alternate presiding election officers will receive compensation equivalent to that of county extra-help employee, Presiding Election Officers currently receive \$14.36 per hour and will receive \$25.00 additional compensation to deliver election result totals and supplies on the final day of early voting. Alternate presiding election officers and clerks currently receive \$11.10 per hour

LEGAL IMPACT:

In accordance with Section 32.002 (a) of the Texas Election Code, “the Commissioners Court shall appoint the election judges for each regular county election precinct”

In accordance with Sections 32.091, 32.092, and 32.093 of the Texas Election Code, the Commissioners Court shall set the fixed rate of compensation for election personnel serving at the polling place, and for delivering election records and supplies.

Section 83.032 states that the Election Code requires that the appointee meet the same eligibility for service as the presiding election officer, except that the appointee must be a qualified voter of the county.

In accordance with Sections 83.052 of the Texas Election Code, the Commissioners Court shall set the fixed rate of compensation for early voting election officers and alternate presiding officers.

In accordance with Sections 127.002, 127.003, 127.004, 127.005, and 127.006 of the Texas Election code, the Commissioners Court shall establish a Central Counting Station and appoint personnel.

Pursuant to Texas Election Code Section 32.093, The Court must establish the compensation rates of election day judges and clerks.

Pursuant to Texas Election Code Section 87, the Commissioners Court must appoint the Presiding Judge of the Early Voting Ballot Board for County Elections.

PROJECT SCHEDULE:

The appointments in this and subsequent submissions for this term are effective upon approval of the Commissioners Court.

For emergency appointments, the deadline for filling vacancies for an Election Judge or Alternate Judge is up to the 20th day before Election Day (Texas Election Code Section 32.007).

For emergency appointment of an Early Voting Presiding Officer or Alternate Presiding Officer, the deadline for filling vacancies is 30 days prior to the beginning of early voting.

SBE PARTICIPATION:

N/A

ADMINISTRATIVE PLAN COMPLIANCE:

Approval of the recommended appointments is in compliance with the County’s Administrative Plan because it helps maintain a diverse, talented and capable workforce to execute core Dallas County functions.

RECOMMENDATION:

Recommend the Dallas County Commissioners Court approve the Attachment A list of election judge and alternate judge appointments for the 2019-2021 term.

It is also recommended that the Dallas County Commissioners Court approve the Attachment B list of Early Voting Presiding Officer and Alternate Presiding Officer appointments for the 2019- 2021 term.

It is also recommended that Commissioners Court establish the Central Counting Station and appoint the personnel listed for the 2019-2021 term:

Central Count Station Manager: Toni Pippins-Poole
Tabulation Supervisor: Daniel Bradley
Assistant Tabulation Supervisor: Danielle Grant
Presiding Judge: Paul Heller
Alternate Presiding Judge: We Bowen

It is also recommended that the Dallas County Commissioners Court approves of, decrees, and orders the following policies and procedures related to election poll workers:

1. Election judges and their alternate judges, early voting presiding election officers and alternate presiding election officers are required to attend all pertinent training classes mandated and/or taught by the Dallas County Elections Department.
2. That the maximum number of election clerks that each judge or presiding election officer may appoint for county elections is 7 clerks in addition to the alternate presiding judge, with the actual decision regarding the number of clerks allowed resting with the County Elections Administrator and varying according to each type of election and size of the voting precinct;
3. The Commissioners Court will consider an individual for appointment as an election official, including judge or alternate judge, and presiding election officer or alternate presiding election officer, any person who has not:
 - A. Been convicted of, or have an unresolved criminal charge of, a felony, a crime involving moral turpitude or a violation of the Texas Election Code.
 - B. Been the subject of one or more complaints, filed with the Elections Administrator in any prior election, which allege violations of the election laws and county election procedures, and/or that allege gross or unprofessional conduct or behavior if such complaint or complaints have not, in the opinion of the Commissioners Court, been satisfactorily explained. An explanation is considered satisfactory if Commissioners Court is convinced that:
 - i. The complaint was unfounded; or
 - ii. The action or inaction giving rise to the complaint did not threaten the fairness of the election or accuracy of its results.
 - C. Factors which the Commissioners Court shall consider in determining whether a complaint shall result in a refusal to appoint include, but are not limited to:
 - i. Indicates an inability or unwillingness to establish and maintain order at the polling place;
 - ii. Indicates an inability or unwillingness to treat others with respect, fairness and impartiality;

- iii. Reflects a failure to timely open the poll and/or failure to be present during the election hours except for absences due to emergencies;
- iv. Indicates or establishes a propensity, desire, and/or willingness to ignore, disobey and/or disregard the statutes, rules and procedures established by the U.S. Constitution and other federal statutes, those of the Texas Secretary of State, and by Dallas County Elections Department.

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5. Prior to refusing the appointment of any proposed judge, alternate judge, presiding election officer or alternate presiding election officer, Commissioners Court shall grant such person an opportunity to rebut the allegations made against them by complaint in open court. If Commissioners Court still is not satisfied with the proposed election judge's explanation of events, it may refuse his/her appointment.
6. Once appointed, Commissioners Court may remove a judge, alternate judge, presiding election officer or alternate presiding election officer for cause. Cause will be the presence of any factor that would have caused the person not to be appointed or ineligible for future appointment under the law or under these rules.
7. That the substitution of presiding judges shall be in the following manner:
 - a. The presiding judge and alternate judge shall respond with their willingness to serve on or before the 20th day before an election or not later than 15 days after receipt of notification, whichever is later. They shall respond for each election with an enclosure furnished by the Elections Department, or otherwise in writing.
 - b. If an election judge confirms that he or she will not be able to serve prior to or on the 20th day before an election, the Commissioners Court will be timely notified and will fill the vacancy for that election at the next meeting of the Commissioners Court or at any special meeting that may be called where the issue is on the agenda.

c. Emergency Appointments: Pursuant to Texas Election Code Section 32.007, if the County Judge does not fill a temporary or permanent vacancy in the office of election judge by the 20th day before the election, the alternate judge will become the judge, or if there is no alternate judge the Elections Administrator will find a qualified person to hold the election. The Dallas County Elections Department is authorized to use exempt County employees to work on Election Day at County polling locations as Emergency Judges and Clerks; and the minimum eligibility requirements as stated as follows:

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 - Be a Qualified (in Dallas County) Voter (Texas Election Code §32.051);
 - Cannot be the employee, relative or campaign treasurer, or campaign manager for an opposed candidate on the ballot (Texas Election Code §§32.052-32.056); and,
 - Has not been finally convicted of an election offense (Texas Election Code 32.0552).
1. Pursuant to Texas Election Code, Section 32.076, the e-mail addresses, residential addresses and personal phone numbers of early voting presiding election officers, alternate presiding election officers, election judges and clerks that are collected by the Elections Department will not be disclosed as public information unless it is requested by an entity conducting the election; is an entity that submits lists of early voting presiding election officers, alternate presiding election officers, election judges and clerks for that election; or the state executive committee of a political party with a county chair that is eligible to submit names of early voting presiding election officers, alternate presiding election officers, election judges and clerks.
 2. The Citizens Election Advisory Committee (“CEAC”) has created a Complaints Sub-Committee that reviews pollworker-related complaints. This sub-committee will provide recommendation to the department and the Commissioners Court. Pollworkers for whom the Citizens Election Advisory Committee has submitted negative recommendations or findings due to complaints or performance reports related to an election; or for whom the Elections Department has reported sub-standard performance or behavior during an election, will be subject to corrective action to include being required to attend corrective training before they are allowed to work in subsequent elections, or removal by the Commissioners Court..
 3. All of these policies are subject to the implementation by the Texas Secretary of State of any bills passed during Texas’ 86th Regular and any Special Legislative Sessions.
 4. Each Election Day Judge and/or Alternate Judge, Early Voting Presiding Officer and Alternate Presiding Officer must complete and sign State of Texas Oath of Office, and Statement of Officer forms as required by the Texas Secretary of State.

It is also recommended that Election Judge be compensated at a pay rate of \$12.00 per hour for a maximum of 14 hours on election day; Alternate Judges and Clerks will receive \$10.00 per hour not to exceed a maximum of 14 hours per day; the election judge or representative will receive \$25.00 for picking up election supplies and delivering election returns to their designated regional site; and, the early voting presiding election officers and alternate presiding election officers will receive compensation equivalent to that of county extra-help employee.

It is further recommended that David Morris be appointed Presiding Judge of the Early Voting Ballot Board for County Elections.

MOTION:

On a motion made by TBD, and seconded by TBD, the following order will be voted on by the Commissioners Court of Dallas County, State of Texas:

Be it resolved and ordered that the Dallas County Commissioners Court does hereby Dallas County Commissioners Court approve the Attachment A list of election judge and alternate judge appointments for the 2019-2021 term.

Dallas County Commissioners Court also approve the Attachment B list of Early Voting Presiding Officer and Alternate Presiding Officer appointments for the 2019- 2021 term.

Commissioners Court approves establishment of the Central Counting Station and appoint the personnel listed for the 2019-2021 term.

Dallas County Commissioners Court approves of, decrees, and orders the following policies and procedures related to election poll workers.

The Court further approves and appoints David Morris to be the Presiding Judge for the Early Voting Ballot Board in County Elections.

As stated in the briefing submitted.

ATTACHMENTS:

[ATTACHMENT A - EV PEO-ALT PEO SUBMISSION 2017-2019 \(002\)](#)

[ATTACHMENT B - EV PEO-ALT PEO SUBMISSION 2017-2019 \(002\)](#)