

# The State of Texas



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Ruth R. Hughs  
Secretary of State

September 3, 2019

The Honorable Clay Jenkins  
Dallas County Judge  
Dallas County Administration Building  
411 Elm Street, 2<sup>nd</sup> Floor  
Dallas, Texas 75202

Dear Judge Jenkins:

The Secretary of State accepts Dallas County's application to participate in the countywide precinct polling place program for the November 5, 2019 constitutional amendment election date. Pursuant to Section 43.007 of the Texas Election Code, following the November 2019 constitutional amendment election under the program, Dallas County may apply for "successful" status with the Secretary of State to continue using the countywide polling place program in subsequent elections. Below please find additional information regarding the county's participation in this program for the upcoming election date.

Dallas County has confirmed to our office that it purchased 4,000 Tenex touch pad e-poll book devices in 2019 and that these devices were first used during the May 2019 uniform election and the June 8, 2019 election. The documentation provided by Dallas County reflects that the county deploys MiFi devices from two service carriers; one device from each carrier to deploy with each e-pollbook. In the event service fails from the primary device, the secondary device from another service carrier can be connected immediately. Dallas County also indicated that it recently purchased and began taking delivery of ES&S DS200 Precinct Counters and ExpressVote Ballot Marking Devices. The county confirmed to our office that it presently has sufficient equipment to conduct the November 5, 2019 constitutional amendment election.

In regards to voter accessibility, Dallas County provided that it has a database of approximately 500 bilingual poll workers and that it has also contracted with four temporary employment services companies to help provide bilingual workers for elections. The county confirmed that it will have adequate staffing in place and will use call centers so that in the event all locations are not properly staffed, all voters at all locations can still receive assistance using a call-in number to assist bilingual voters. It is of utmost importance that Dallas County continue to prioritize staffing language interpreters in the areas where they most efficiently meet the needs of your community.

The policy of our office is to permit non-disruptive exit polling within the 100-foot boundaries surrounding each early voting and election day polling place. We note that the early voting clerk or presiding judge at each polling place, as appropriate, must determine that such exit polling does not constitute either (1) "loitering" in violation of Section 61.003(a) of the Texas Election Code or (2) a disruption of order or a contribution to a breach of the peace at the early voting or election day polling place in violation of Section 32.075(a) of the Code, as applicable to early voting under Section 81.002 of the Code.

Please note, counties may not distribute written surveys to voters regarding the county's use of the countywide polling place program inside the polling place or within the 100-foot boundary surrounding each early voting and election day polling place. Further, election workers should not verbally solicit feedback from voters while at the polling place or within the 100-foot boundary regarding the county's use of the program.

Although changes to voting practices or procedures are no longer required to be submitted to the Department of Justice for preclearance under the federal Voting Rights Act, the county election authority is advised to consult with the County Attorney before changing polling place locations. Pursuant to Section 61.012 of the Texas Election Code, polling places are still required to be in compliance with the Americans with Disabilities Act. County officials must remain diligent to ensure that any changes to county voting practices or procedures are consistent with federal and state law.

The deadline for the elections administrator to submit a report to our office on the November 5, 2019 uniform election is Thursday, December 5, 2019. We ask that your report contain statements and opinions of interested parties, including persons who voted in the election, representatives of minority groups, and organizations concerned with persons with disabilities. Based on past elections, we would suggest that you stay in touch with these groups throughout the election process. While the county has the final word on polling place placement and the administration of the election, it is important that your local groups remain committed and involved in the countywide precinct election. If these groups have been involved in the project through the election period, it should be easier to gather their comments, complaints, and suggestions for your post-election report.

In addition to these statements, we would also request that your post-election report contain comparisons of voting patterns and turnout for the county between the November 5, 2019 uniform election and their two previous years of elections held on the November constitutional amendment election date. An example of a voting pattern would be persons voting at the polling place near their place of employment versus voting at the precinct nearest the voter's residence. Another example would be comparing early voting to election day turnout to review whether the countywide precincts had any effect on the ratio between the two voting periods.

Again, thank you very much for your participation, and we look forward to working with you to make this program a success.

Sincerely,



Keith Ingram  
Director of Elections

KI:HM

CC: Ms. Toni Pippins-Poole  
Dallas County Elections Administrator  
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Dallas, Texas 75207