

COMMISSIONERS COURT BRIEFING



DATE: 1/16/2018

SUBMITTING DEPARTMENT: Elections

THROUGH:

SUBJECT: Request to Implement Policy Related to Mail Ballot Applications and to Post "Ballot-By-Mail Application Special Notice"

BACKGROUND:

Dallas County Elections Department (DCED) seeks to restrict the number of printed Ballot-by-Mail Applications (Applications) it provides to the public. Due to significant reduction in DCED's printing budget, DCED cannot provide an unrestricted number of copies to the public.

In making this request, DCED has also considered new legislation passed in Texas that is expressly intended to curtail the fraudulent use of mail ballots and their related materials. During the Texas 85 Legislative Regular and Special Sessions, legislation was clarified and/or implemented that restrict the use of Ballot-by-Mail materials, and the penalty for the fraudulent use of this process. This process will help to educate and inform the campaigns of the new legislation and the new requirements and penalties related to the legislation.

- Texas Election Code Section 276.011 establishes a penalty of up to a state jail felony as punishment for "Engaging I Organized Election Fraud."
- Section 64.012 establishes a second degree felony for the offense of illegal voting.
- Section 84.0041 states that a person who fraudulently uses the application for ballot by mail is subject to being charged with a state jail felony.
- Section 86.0051 carries a penalty of up to a state jail felony for individuals that fraudulently witnesses and/or deposits Carrier Envelope.
- Section 86.006 establishes a penalty of up to a state jail felony for individual that knowingly possess an official ballot or an official carrier envelope of someone else if they have the intent to defraud the voter or an election authority.
- Sections 86.010 and 86.051 provides for penalties up to Class-A misdemeanor for someone other than the voter who knowingly fails to provide assistance and witness information on a carrier envelope.

DCED requests permission to restrict the number of Applications that can be obtained as follows:

RECOMMENDED BY:	Elections	PREPARED BY:	Robert Heard
		APPROVED BY DEPT HEAD:	Robert Heard

1. For Verified (Officially filed) Candidate or Candidate Representative: 200 per candidate/campaign;
2. For All Other Requesters: Limited to 5 per/person-per/election;

Candidates must have officially filed. Candidate representatives must provide proof of representation that is signed/provided by the candidate. Applications are and will remain posted on the DCED DallasCountyVotes.ORG website and can be downloaded and printed without restriction.

Along with permission to restrict the number of Applications as stated above, DCED requests permission to post a notice that list the requirements and restrictions outlined in this brief. DCED requests ability to require that requesters sign a "Request Log" and fill out a form to Request Ballot-by-Mail Applications.

OPERATIONAL IMPACT:

Implementing this request should provide greater transparency not only to the process and purpose of obtaining ballot by mail application, and how they are utilized.

FINANCIAL IMPACT:

Allowing the restriction and posting of notice will lower DCED's printing expense. Candidates and campaigns will be minimally affected because the forms and information regarding this process will also be posted on the DCED website.

LEGAL IMPACT:

DCED will provide information to all requesters that educates them on the proper use of, and their responsibilities related to the ballot-by-mail process, along with the penalties for the fraudulent use of materials related to this process.

PROJECT SCHEDULE:

The restrictions and posting of policy will become effective immediately upon approval of the Court.

M/WBE PARTICIPATION:

N/A

ADMINISTRATIVE PLAN COMPLIANCE:

Approval of the above is/are consistent with the County's Administrative Plan vision to be an operational model as a governmental entity, in that it allows DCED to provide sound, financially responsible, and accountable governance, as it also improves the customer experience by implementing standards of operation, innovation and technology.

RECOMMENDATION:

Approve Dallas County Elections Department's request to restrict provision of pre-printed Ballot-by-Mail Applications as follows:

1. For Verified (Officially filed) Candidate or Candidate Representative: 200 per person;
2. For Volunteer Deputy Registrars & Individuals: 5 per/person-per/election;
3. Requesters must complete a Ballot-by-Mail Application Request form that contains a disclaimer;
4. Provide information pamphlet to requesters detailing the penalties for fraudulent use and/or misuse of ballot-by-mail ballots and related materials; and,
5. To allow posting of restrictions within the Elections Department
6. To require requesters to sign in on a log (tracking) sheet