

From: Frank Phillips Frank.Phillips@dentoncounty.com 
Subject: RE: MASS EMAIL ADVISORY - (CC/EA/VR - 700) - Advisory 2020-12- Actions for May 2, 2020 Uniform Election (COVID-19)

FP

Date: March 20, 2020 at 4:54 PM

To: Amy Bieber abieber@winstead.com, ashelley@ci.southlake.tx.us, Angela Scott ascott@nisdtx.org, Anne Carnes anne.carnes@flower-mound.com, Anne Craig amcraig@prosper-isd.net, April Hill ahill@roanoketexas.com, Ashley Owens aowens@coppelltx.gov, Becky Ross b.ross@crossroadstx.gov, Brittany Andrews bandrews@cityofjustin.com, Cheryl Price cprice@sangertexas.org, Christel Pettinos cpettinos@coppelltx.gov, christie.hobbs@nisdtx.org, Connie Hansen chansen@pv-tx.com, Dan Culver dculver@mphlegal.com, Donna Butler d.butler@crossroadstx.gov, Donna Crider dcrider@ponderisd.net, Erika McComis emccomis@argyletx.com, Jeff Gulbas jgulbas@mphlegal.com, Jenny Huckabee jhuckabee@aubreytx.gov, JoAnn Wright jwright@cityofpilotpoint.org, Jonathan Finke JFinke@crawlaw.net, Judy Marcantel jmarcantel@sklaw.us, Judy McAngus jmcangus@winstead.com, JDavidson@friscotexas.gov, KDabbs@crawlaw.net, Kim Campbell kcampbell@ldisd.net, kim.pence@cityofcorinth.com, Kimberly Castanon castanonk@cfbisd.edu, Kristi Morrow KMorrow@friscotexas.gov, Laura Grant grantl@cfbisd.edu, lslaght@tcmud.org, laurie.wilson@cityofcarrollton.com, Leticia Vacek lvacek@trophyclub.org, Liz Nelson enelson@wabsa.com, Marilyn Pelzel mpelzel@pilotpointisd.com, Marlo Gordon MGordon@crawlaw.net, drews@sklaw.us, Mary Kayser mary.kayser@fortworthtexas.gov, Melissa Lee Melissa_Lee@prospertx.gov, Michele Crutcher CrutcheM@friscoisd.org, rhonda.harrison@krumisd.net, Robyn Battle Robyn_Battle@prospertx.gov, rosa.rios@cityofdenton.com, Sharon David sdavid@trophyclub.org, Sheila Morales smorales@coppercanyontx.com, Sheri Clearman sclearman@pondertx.com, Shirley Rogers srogers@town.northlake.tx.us, soniaflores@leisd.ws, Tammy Dixon tdixon@townofbartonville.com, Theresa Scott theresa.scott@flower-mound.com, tillmant@cfbisd.edu, vtarrant@celina-tx.gov, Will Trevino will@txmunicipallaw.com, Yvolene McGarvey ymcgarvey@argyleisd.com, Zolaina Parker Zolaina.Parker@cityofdenton.com

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All,

In follow-up to my email to everyone Wednesday, strongly recommending that your entity postpone your May 2, 2020 election as authorized by the Proclamation issued by Governor Abbott, for entities declining postponement of your election, I have decided to take a position that I have not exercised in my 11 years as an elections administrator. I have given much thought to the potential serious impact caused by the COVID-19 pandemic and the need to follow guidelines outlined under the disaster declaration and in particular how it relates to conducting a May 2nd election. Under the current circumstances and unknowns, and as permitted under 41.001(d) of the Texas Election Code, I will not be offering the usual contract election services as normally provided by the Elections Department for a May 2, 2020 Election.

If you choose to move forward with your election on May 2, 2020, the county is willing to lease voting equipment to your entity for you to conduct your election. However, you will be responsible to perform all election code requirements of an election including, but not limited to, the following: mailing absentee ballots, finding and training poll workers, programming and testing equipment, requirements of posting daily early voting and absentee rosters, set up of polling locations, finding ballot board workers, etc. These are just a few of the required election responsibilities. If you would like the vendor contact information for programming your election, just let me know, they are working on tight deadlines as these changes are developing.

I apologize for any inconvenience that this decision has caused your entity.

Frank Phillips
Denton County Elections Administrator
701 Kimberly Drive
Denton, TX 76208
940-349-3200



From: Frank Phillips

Sent: Wednesday, March 18, 2020 1:27 PM

To: Amy Bieber <abieber@winstead.com>; ashelley@ci.southlake.tx.us; Angela Scott <ascott@nisdtx.org>; Anne Carnes <anne.carnes@flower-mound.com>; Anne Craig <amcraig@prosper-isd.net>; April Hill <ahill@roanoketexas.com>; Ashley Owens <aowens@coppelltx.gov>; Becky Ross <b.ross@crossroadstx.gov>; Brittany Andrews <bandrews@cityofjustin.com>; Cheryl Price <cprice@sangertexas.org>; Christel Pettinos <cpettinos@coppelltx.gov>; christie.hobbs@nisdtx.org; Connie Hansen <chansen@pv-tx.com>; Dan Culver <dculver@mphlegal.com>; Donna Butler <d.butler@crossroadstx.gov>; Donna Crider <dcrider@ponderisd.net>; Erika McComis <emccomis@argyletx.com>; Jeff Gulbas <jgulbas@mphlegal.com>; Jenny Huckabee <jhuckabee@aubreytx.gov>; JoAnn Wright <jwright@cityofpilotpoint.org>; Jonathan Finke <JFinke@crawlaw.net>; Judy Marcantel <jmarcantel@sklaw.us>; Judy McAngus <jmcanthus@winstead.com>; JDavidson@friscotexas.gov; KDabbs@crawlaw.net; Kim Campbell <kcampbell@ldisd.net>; kim.pence@cityofcorinth.com; Kimberly Castanon <castanonk@cfbisd.edu>; Kristi Morrow <kmorrow@friscotexas.gov>; Laura Grant <grantl@cfbisd.edu>; Islaght@tcmud.org; laurie.wilson@cityofcarrollton.com; Leticia Vacek <lvacek@trophyclub.org>; Liz Nelson <enelson@wabsa.com>; Marilyn Pelzel <mpelzel@pilotpointisd.com>; Marlo Gordon <MGordon@crawlaw.net>; drews@sklaw.us; Mary Kayser <mary.kayser@fortworthtexas.gov>; Melissa Lee <Melissa_Lee@prospertx.gov>; Michele Crutcher <CrutcheM@friscoisd.org>; rhonda.harrison@krumisd.net; Robyn Battle <Robyn_Battle@prospertx.gov>; rosa.rios@cityofdenton.com; Sharon David <sdavid@trophyclub.org>; Sheila Morales <smorales@coppercanyontx.com>; Sheri Clearman <sclearman@pondertx.com>; Shirley Rogers <sr Rogers@town.northlake.tx.us>; soniaflores@leisd.ws; Tammy Dixon <tdixon@townofbartonville.com>; Theresa Scott <theresa.scott@flower-mound.com>; tillmant@cfbisd.edu; vtarrant@celina-tx.gov; Will Trevino <will@txmunicipallaw.com>; Yvolene McGarvey <ymcgarvey@argyleisd.com>; Zolaina Parker <Zolaina.Parker@cityofdenton.com>

Cc: Brandy Grimes <Brandy.Grimes@dentoncounty.com>; Judith Evans <Judith.Evans@dentoncounty.com>; Bruce Sherbet <bsherbet@co.collin.tx.us>; Hieder Garcia (higarcia@tarrantcounty.com) <higarcia@tarrantcounty.com>; Toni Pippins-Poole <Toni.Pippins-Poole@dallascounty.org>; Jana Onyon <jana.onyon@co.ellis.tx.us>; Andy Eads <Andy.Eads@dentoncounty.com>; Peggy Heinkel-Wolfe <pheinkel-wolfe@dentonrc.com>

Subject: RE: MASS EMAIL ADVISORY - (CC/EA/VR - 700) - Advisory 2020-12- Actions for May 2, 2020 Uniform Election (COVID-19)

Sensitivity: Personal

Good afternoon everyone,

It is the STRONG recommendation of Denton County Elections Administration that you each move your elections to November based on the following:

- The COVID-19 pandemic is still a fluid situation with an unknown outcome. We do not know if we are on the downward side of the pandemic or if cases are still on the rise. This will not be known for some time.
- The public unease is also present in the people that you ask to work your elections. It is a certainty that we will have some difficulty in finding people who are willing to serve as poll workers, and remember that a vast majority of poll workers fall into the senior age bracket. In fact, Florida had some polling sites that were unopened because they could not get anyone to work them. We do not want to have such a scenario in Denton County.
- Denton County, as most other jurisdictions, is currently under a disaster declaration that has an unknown ending date. Part of that declaration includes “social distancing” which is extremely difficult in an election scenario. This is also the case with training. Current CDC guidelines recommend gatherings of no more than 10 people; this would make training of poll workers very difficult and maintaining CDC’s guideline of 10 people would be extremely difficult in a polling site.
- The availability of buildings that some of you offered as polling sites have now been shut to the public. So even now, there is some confusion whether those buildings are still available for use as a polling location.
- The pandemic has caused the availability of sanitation supplies to become almost non-existent. We recently tried to purchase some so we could ensure the safety of your voters and election workers, but these items were on backorder with no expected delivery date.

The cost of your election is something that is extremely important to you and your tax payers. If you hold your election in May it will cost you roughly twice as much as it will cost you in November because you will be splitting the cost with Denton County in November. Additionally, whoever chooses to remain on the May election date, will incur a reprogramming expense and additional public testing expense because the entire election will have to be reprogrammed and public tested. To be clear, if everyone goes to November, there will be no additional expenses and your election cost will be roughly half of May would have been. If any entity chooses to remain with the May date, and other overlapping entities do not, the entity that stays with May will see an increase in their election cost because they are no longer sharing expenses.

The State did not provide a deadline for you to make your decision. We would ask that you let us know by noon this Friday, March 20th, of your decision. I understand that you may not be able to take formal action by that date, but if you can give us written guidance we

can take actions to move in the necessary direction.

We understand that these are trying times, but the safety of the citizens of Denton County are of utmost importance.

Frank Phillips
Denton County Elections Administrator
701 Kimberly Drive
Denton, TX 76208
940-349-3200



From: Theresa Scott <theresa.scott@flower-mound.com>
Sent: Wednesday, March 18, 2020 11:29 AM
To: Brandy Grimes <Brandy.Grimes@dentoncounty.com>; Amy Bieber <abieber@winstead.com>; Amy Shelley (ashelley@ci.southlake.tx.us) <ashelley@ci.southlake.tx.us>; Angela Scott <ascott@nisdtx.org>; Anne Carnes <anne.carnes@flower-mound.com>; Anne Craig <amcraig@prosper-isd.net>; April Hill <ahill@roanoketexas.com>; Ashley Owens <aowens@coppelltx.gov>; Becky Ross <b.ross@crossroadstx.gov>; Brittany Andrews <bandrews@cityofjustin.com>; Cheryl Price <cprice@sangertexas.org>; Christel Pettinos <cpettinos@coppelltx.gov>; Christie Hobbs (christie.hobbs@nisdtx.org) <christie.hobbs@nisdtx.org>; Connie Hansen <chansen@pv-tx.com>; Dan Culver <dculver@mphlegal.com>; Donna Butler <d.butler@crossroadstx.gov>; Donna Crider <dcrider@ponderisd.net>; Erika McComis <emccomis@argyletx.com>; Jeff Gulbas <jgulbas@mphlegal.com>; Jenny Huckabee <jhuckabee@aubreytx.gov>; JoAnn Wright <jwright@cityofpilotpoint.org>; Jonathan Finke <JFinke@crawlaw.net>; Judy Marcantel <jmarcantel@sklaw.us>; Judy McAngus <jmcangus@winstead.com>; Julie Davidson (JDavidson@friscotexas.gov) <JDavidson@friscotexas.gov>; Kelli Dabbs (KDabbs@crawlaw.net) <KDabbs@crawlaw.net>; Kim Campbell <kcampbell@ldisd.net>; Kim Pence (kim.pence@cityofcorinth.com) <kim.pence@cityofcorinth.com>; Kimberly Castanon <castanonk@cfbisd.edu>; Kristi Morrow <kmorrow@friscotexas.gov>; Laura Grant <grantl@cfbisd.edu>; Laurie Slaght - Trophy Club MUD (lslaght@tcmud.org) <lslaght@tcmud.org>; Laurie Wilson (laurie.wilson@cityofcarrollton.com) <laurie.wilson@cityofcarrollton.com>; Leticia Vacek <lvacek@trophyclub.org>; Liz Nelson <enelson@wabsa.com>; Marilyn Pelzel <mpelzel@pilotpointisd.com>; Marlo Gordon <MGordon@crawlaw.net>; Mary Drews (drews@sklaw.us) <drews@sklaw.us>; Mary Kayser <mary.kayser@fortworthtexas.gov>; Melissa Lee <Melissa.Lee@prosperity.gov>; Michele

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Subject: RE: MASS EMAIL ADVISORY - (CC/EA/VR - 700) - Advisory 2020-12- Actions for May 2, 2020 Uniform Election (COVID-19)

Sensitivity: Personal

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Thanks Brandy... so do I understand this correctly in that it is still at the discretion of each entity and Denton County would still be accommodating to holding a May election in the event the entity chose to do so?

Theresa Scott
Town Secretary, TRMC, MMC
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From: Brandy Grimes [<mailto:Brandy.Grimes@dentoncounty.com>]

Sent: Wednesday, March 18, 2020 11:20 AM

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Subject: FW: MASS EMAIL ADVISORY - (CC/EA/VR - 700) - Advisory 2020-12- Actions for May 2, 2020 Uniform Election (COVID-19)

Sensitivity: Personal

Please be advised of the most recent email below from the Secretary of State regarding your May 2nd Elections. If you have questions about how to proceed, please contact the SOS. Please notify our office how your entity intends to proceed with your May 2nd elections.

- Brandy

From: Elections Internet <Elections@sos.texas.gov>

Sent: Wednesday, March 18, 2020 11:11 AM

To: Elections Internet <Elections@sos.texas.gov>

Subject: MASS EMAIL ADVISORY - (CC/EA/VR - 700) - Advisory 2020-12- Actions for May 2, 2020 Uniform Election (COVID-19)

Sensitivity: Personal

Dear Election Officials:

Pursuant to a [proclamation](#) issued earlier today, Governor Greg Abbott has authorized all political subdivisions holding general or special elections on May 2, 2020 to postpone their election to the November 3, 2020 uniform election date. Please be advised that a postponement of your election does not happen automatically; the governing body of the political subdivision **MUST** take an official action for such a change to be effective.

Today, our office has issued [Advisory 2020-12 – Actions for May 2, 2020 Uniform Election Date](#), providing guidance to political subdivisions seeking to move their May 2, 2020 election date in accordance with the Governor’s proclamation.

We are in the middle of a public health crisis that is rapidly changing. Through this crisis, our primary concern is the health and safety of voters, election workers, and our local election officials. As the situation progresses, we stand ready to provide additional guidance regarding the upcoming elections. In the meantime, please continue to send us your questions so that we can revise and update our materials and guidance as necessary.

Please let us know if you have any additional questions or concerns. This advisory and other resources can be found on your [Conducting Elections](#) pages.

Thank you for all that you do for Texas elections.

Christina Worrell Adkins

Legal Director – Elections Division

Office of the Texas Secretary of State

1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701

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elections@sos.texas.gov | www.sos.texas.gov

For Voter Related Information, please visit:



The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.