

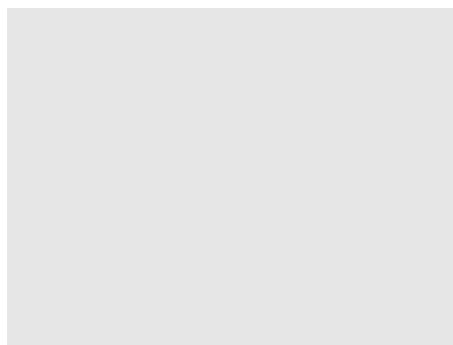
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TOP STORY

Documents detail investigation into voter fraud case involving Gregg County commissioner

By Jo Lee Ferguson jferguson@news-journal.com

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State Rep. Jay Dean




Gregg County Pct. 4 Commissioner Shannon Brown and his wife, Marlena Jackson, enter the 124th District Court on Thursday before pleading guilty to a single misdemeanor count of voter fraud before Judge Alfonso Charles.

Les Hassell/News-Journal Photo

During the 2018 Democratic primary, the Gregg County voting office received an application for a ballot by mail from a resident indicating he was disabled.

The man — identified in documents as a city of Longview employee — knew Shannon Brown, who is now the Pct. 4 commissioner, and later told investigators he accepted an offer from Brown to help registering to vote. The man was already registered, but he didn't have his voter registration card and thought that by completing an application for a ballot by mail, which he said Brown brought him, that he could obtain a new card.



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“(The employee) stated that (he) was not disabled and further did not check the ‘disability’ block on the application for ballot by mail,” an investigative document from the Texas Attorney General’s law enforcement division says. “(The employee) stated that neither Shannon Brown nor the woman assisting (the employee) [believed to be Marlena Jackson, who is now married to Brown] mentioned anything about the issue of voting by mail during the discussion. (The employee) admitted that (he) should have read the document before signing the document, but had trusted that Shannon Brown was being fully informative during the discussion.”

In the investigative document, the city employee told investigators he did not realize the form Brown had him sign “had anything to do with voting by mail....”

A ballot was mailed to the employee, but the man ultimately did not vote by mail.

“(The employee) reported that he would have never reported being disabled on the application for ballot by mail,” the investigative document says.

At the time, Brown was running in the Democratic primary for the Pct. 4 commissioner seat against former Longview Councilwoman Kasha Williams.

The offense report created by the state AG’s office was filed Thursday during a hearing in which Brown and Jackson pleaded guilty to a single misdemeanor count of voter fraud. They each were sentenced to a year or probation and a fine of \$2,000. They also must perform 48 hours of community service at a rate of four hours a month.

In exchange for their pleas, the remaining charges were dismissed. Voter fraud cases against two other men, Charlie Burns Jr. and DeWayne Ward, also are expected to be treated in a similar fashion, officials said.

The offense report was created as part of the investigation into the voter fraud allegations and includes details of interviews investigators from the state AG's office and Gregg County conducted with people who sought to vote by mail in the 2018 Democratic primary, including talking to people who claimed a disability when they filed their mail ballot application.

Defense attorneys objected to the document's filing because it includes information that would be related to charges Brown and Jackson did not plead guilty to and that were dismissed, but 124th Judge Alfonso Charles overruled them, saying "the entire offense report is relevant."

The charge Brown and Jackson pleaded guilty to involved a woman named Linda Carrier, with Brown saying he campaigned at her house asking her to vote for him while she was still in possession of her mail-in ballot. He said he didn't realize that was a misdemeanor crime.

'Unfair' outcome

The case against Brown and the other three defendants helped prompt legislation, authored in the Texas Senate by Republican Sen. Bryan Hughes of Mineola, to more clearly define who is considered disabled for the purposes of voting by mail.

Republican state Rep. Jay Dean, a former Longview mayor, on Friday said the outcome of the case against Brown was "unfair" to the people of Pct. 4 and to Williams, and it's exactly why the legislation was needed.

Mail-in ballot fraud has been a problem in Gregg County for decades, he said.

"I think it is unfair to the honest and good people of Precinct 4 with this outcome," Dean said of the plea agreement with Brown and his wife. "I think it's terribly unfair to former City Council member Kasha Williams, to lose by five votes in a runoff, due to this voter fraud."

Brown was not prohibited from holding or running for office as part of his guilty plea. He is facing three challengers in the March Democratic primary: Danny E. Craig Sr., Gary "G" Floyd and Daryl Williams.

"I think that, fortunately, there's some good, honest people that are now running for the Precinct 4 commissioner seat, and I'll hope and pray that the good citizens of Precinct 4 remember this," Dean said. "The reason we passed in the last legislative session the Voter Integrity Bill was to provide more tools to prosecute and discourage this type of voter fraud."

Dean also praised all the people who talked with investigators and spoke “very honestly and candidly about how they were misled with this mail-in ballot situation” and how it relates to disabilities.

“They were led to believe that if they had to work, they were disabled, if their truck or vehicle was broken down, they were disabled,” he said, describing conversations he had with representatives of the state AG’s office as well as the Gregg County DA’s office.

Women who were pregnant were told they could claim a disability for the sake of voting by mail, Dean said.

“That’s an absolute mischaracterization of when and how mail-in ballots are to be used,” he said.

The issue with the plea agreement, though, is that voting laws at the time put the attorney general’s office “at a little bit of a disadvantage for prosecution.” The Voter Integrity Bill that was approved in the most recent Texas legislative session provides “more teeth” for prosecuting these kinds of cases.

“The new legislation will not be so kind as hand slaps and wrist slaps and misdemeanors,” Dean said.

“I’m hopeful and prayerful that the good citizens of Precinct 4 — they’ve got real good options this next election with some good honest people that won’t buy elections for their vote,” Dean said.

Other interviews

Here’s a look at some of the other conversations investigators had with people who had requested ballots by mail from the offense report filed in court this past week. Interviews, or attempts to interview, with hundreds of people were described in the document:

- Investigators spoke with an employee at the state’s child support division office in Longview, who told them she had received an application to vote by mail from Shannon Brown, whom she worked with at UPS at night.

“... She remembers checking disabled (on the application) because she suffered from migraines during that time as well as back problems,” and the investigator explained the definition of disabled under the election code at that time. Her ballot didn’t make it to the

election office. Jackson was listed as the person who assisted her in completing the application to vote by mail.

■ Investigators went to what turned out to be an assisted living facility to talk to two residents and ended up talking to a manager there. One of the residents they were there to talk to could not see and didn't appear to have "full mental capacity at the time." The other resident wasn't there at the time. An investigator asked the manager if the two women voted regularly.

"The manager said that two guys come over as they have been for years and assisted the residents in voting. That manager was not sure of their names, but said that this has been the way it was done since she has been working at the facility," the report states. The investigator asked if the women they were inquiring about were disabled and if they understood what they were doing when voting.

The report says the manager became "agitated."

"The manager began questioning why (the investigator) was asking these questions and if (the investigator) was trying to stop the residents from voting. The manager said if they want to vote they should be allowed to vote. (The investigator) told the manager that he was not trying to stop the residents from voting but rather obtaining information for the investigation regarding possible voter fraud ..."

■ An investigator spoke with Linda Carrier, who voted by mail and who at first said she did not receive any assistance in filling out her mail ballot application, but the investigator pointed out that Jackson had signed indicating she helped her complete it.

The woman said Jackson didn't help her fill it out but did "explain to her the back of the 'voting thing' as far as what helps the community and what doesn't help. ... She couldn't remember if she was told to check the disability box on the application or if she just checked it herself. (The woman) said that Jackson came by a few times to check to see if she received her application... and that a guy named Shannon that was running for office also stopped by with Jackson."

"Carrier advised that she voted by mail because she didn't have a vehicle ...," the report states.

■ An investigator spoke with a woman who at first said she didn’t vote by mail during the March 2018 primary, but then said she did when an investigator showed her the mail ballot application she filled out.

She said nothing prevented her from going to a polling place and voting, although her mother, who she was living with at the time, is disabled.

“(The woman) said she did not check the ‘disabled’ box on the ballot application. (She) said that Shannon Brown and his wife were the people who went to her mother’s house and provided her with the mail ballot application. She also identified a subject by the name of Charlie Burns that was with Shannon Brown and his wife.... (The woman) said her mother is disabled and always votes by mail. (The woman) was told by Brown that she could go ahead and vote by mail as well.”

Jackson was listed as assisting her with her application, but the woman said she didn’t know who that was.

“(The woman) also stated that she did not mail in her ballot application or ballot but gave it to Brown when they visited her and her mother, and they left with the applications. (The woman) said she completed her ballot on her own, but Brown was telling her which candidates were Democrats....”

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