

Subject: RE: Public Information Request (TX-SOS-21-1682) PIR 21-1124
Date: Friday, September 2, 2022 at 2:21:52 PM Eastern Daylight Time
From: GeneralCounsel
To: AO Records
CC: GeneralCounsel
Attachments: 9.2.22 Documents.zip

EXTERNAL SENDER

Good afternoon,

Consistent with our August 26 email, please find the attached zipped folder containing the remaining documents responsive to this request. We have completed the review of our records and do not anticipate any additional production of documents in response to your request.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, August 26, 2022 2:44 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1682) PIR 21-1124

Good afternoon,

Regarding our August 5 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on September 16, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, August 5, 2022 2:46 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1682) PIR 21-1124

Good afternoon,

Consistent with our July 8 email, please see the attached documents responsive to your January 24 clarified request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on August 26, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, July 8, 2022 4:34 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1682) PIR 21-1124

Good afternoon,

Consistent with our June 10 email, please see the attached documents responsive to your January 24 clarified request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on August 5, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, June 10, 2022 4:13 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1682) PIR 21-1124

Good afternoon,

Consistent with our June 3 email, please see the attached zipped folder containing documents responsive to your January 24 clarified request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on July 8, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, June 3, 2022 3:57 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1682) PIR 21-1124 (1 of 2)

Good afternoon,

Consistent with our May 6 email, please see the attached zipped folder containing documents responsive to your January 24 clarified request for information under Chapter 552 of the Texas Government Code. Due to file sizes, an additional email with zipped folder will follow.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an

attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on June 10, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, May 6, 2022 3:58 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1682) PIR 21-1124

Good afternoon,

Regarding our April 8 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on June 3, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, April 8, 2022 3:55 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1682) PIR 21-1124

Good afternoon,

Regarding our March 4 email, please see the attached zipped folder containing documents responsive to your January 24 clarified request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized

all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on May 6, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, March 4, 2022 1:40 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1682) PIR 21-1124

Good afternoon,

We appreciate your patience as we continue to process your clarified request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on April 8, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Monday, February 7, 2022 3:36 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1682) PIR 21-1124

Good afternoon,

This email responds to your request for information under Chapter 552 of the Texas Government Code (the “PIA”). We are processing your request in accordance with the terms of the PIA. We require additional time to review our records and produce responsive documents. We will provide you any responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on March

4, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel
Sent: Wednesday, January 26, 2022 1:57 PM
To: 'AO Records' <records@americanoversight.org>
Subject: RE: Public Information Request (TX-SOS-21-1682) PIR 21-1124

Thank you for contacting the Office of the Texas Secretary of State. This email acknowledges receipt of your clarified request for information under the Public Information Act, and we will process it in accordance with Chapter 552 of the Texas Government Code.

We will let you know if we have any questions or need clarification.

Regards,

Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Monday, January 24, 2022 1:56 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Re: Public Information Request (TX-SOS-21-1682)

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to informationsecurity@sos.texas.gov.

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to informationsecurity@sos.texas.gov.

Good afternoon,

Thank you for reaching out for clarification regarding this request. In response to your inquiries, American

Oversight states:

1. American Oversight seeks both formal complaints submitted under Section 31.006 of the Texas Elections Code, and any other reports or complaints submitted to your office by the described individuals. The reports and complaints described in the records request encompass correspondence sent to your office by email, text, or other forms of communication by which a report or complaint may be made. If you have further questions regarding this portion of the request, please let me know.
2. American Oversight only seeks the underlying complaints and records sufficient to identify the final status or disposition of each report or complaint. To the extent that this information would be kept in a final disposition letter, a spreadsheet, or other form, those records would be sufficient to satisfy the request. If a final determination regarding a complaint was made in an internal communication and not recorded elsewhere, then that communication would be responsive to this request. Please let me know if this explanation is unclear.
3. American Oversight can agree to narrow this request to communications from individuals communicating from any email address ending in @tarrantcounty.com or those identifying themselves as a poll watcher or other appointing authority.

Best,

Emma Lewis
Counsel
American Oversight

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Date: Monday, December 13, 2021 at 3:11 PM
To: AO Records <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1682)

EXTERNAL SENDER

Good afternoon,

Please see the attached letter in response to your request for information under Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Tuesday, November 23, 2021 5:36 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Public Information Request (TX-SOS-21-1682)

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments

unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to informationsecurity@sos.texas.gov.

Dear Public Information Officer:

Please find attached a request for records under the Texas Public Information Act.

Sincerely,

--

Sarah Wishingrad

Pronouns: she/her

Paralegal

American Oversight

records@americanoversight.org

www.americanoversight.org | @weareoversight

PIR: TX-SOS-21-1682

From: Troy C. Havard <TCHavard@tarrantcounty.com>
Sent: Sunday, November 1, 2020 1:58 PM
To: Elections Internet
Subject: Central Counting Station Plan - Tarrant County
Attachments: Central Counting Station Plan 092019.pdf

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

I think I was supposed to have this to you earlier – apologies.

Attached is our Central Counting Station Plan for Tarrant County.

Have a blessed day!



Troy Havard
Assistant Elections Administrator
Tarrant County



Office: 817-831-6463
Business Cell: 682-305-4568

"Direction, not intention, determines destination" – Adam Stanley

I would rather live my life as if there is a God and die to find out there isn't,
Than to live my life as if there isn't a God and die to find out there IS.

HEIDER GARCIA, CERA
Elections Administrator



TROY HAVARD
Assistant Elections Administrator

TARRANT COUNTY ELECTIONS ADMINISTRATION

15 Sept 2019

CENTRAL COUNT STATION PLAN

A. PURPOSE:

Section 127.007 of the Texas Election Code requires the *Manager* of the central counting station ("CCS") to "establish and implement a written plan for the orderly operation of the central counting station." this plan be made available to the public on request not later than 5 p.m. on the fifth day before the date of the election.

Section 127.007(b) provides that a CCS plan "must address the process for comparing the number of voters who signed the combination form with the number of votes cast for an entire election."

B. LOCATION:

The Tarrant County Central Counting Station will be located at Tarrant County Elections Administration, 2700 Premier St, Fort Worth, TX 76111.

C. CENTRAL COUNTING STATION PERSONNEL:

The following are the roles and responsibilities inside the Central Counting Station, as contained in Sections 127.002-127.006 of the Texas Election Code:

- The Elections Administrator will serve as the Central Counting Station Manager to manage the overall administration of the station and supervision of personnel.
- The Assistant Elections Administrator will serve as the Tabulation Supervisor to operate automatic tabulating equipment.
- The Operations Manager, Technology Resource Supervisor and Assistant Technology Resource Supervisor will serve as Assistant Tabulation Supervisors to assist the Tabulation Supervisor.
- The *Presiding Judge* of the Early Voting Ballot Board will serve as the Presiding Judge to maintain order at the Central Counting Station, administer oaths, and receive ballots to be counted.

Note: The *Presiding Judge* is entitled to compensation at the same rate as a precinct *Presiding Judge*, except that the counting station judge is entitled to a minimum compensation of five hours' pay regardless of the amount of time worked. (127.005 d)

- *Central Counting Station Clerks* may be appointed as needed by the Central Counting Station Manager and the *Presiding Judge* as outlined Section 127.006 of the Election Code.

Note: To be eligible to serve as a clerk a person must be a qualified voter of the county in which the central counting station is located. The general custodian of election records, an employee of the custodian, or any other employee of a political subdivision is not ineligible to serve as a clerk under this section because the person is a qualified voter of a county other than the county in which the central counting station is located or because of the custodian's status as a candidate or officeholder. (127.006 b)

A clerk appointed by the *Manager* serves under the *Manager* and shall perform the functions directed by the *Manager*. A clerk appointed by the *Presiding Judge* serves under the *Presiding Judge* and shall perform the functions directed by the *Presiding Judge*. (127.006 c)

A clerk is entitled to compensation at the same rate as a precinct election clerk, except that a clerk who serves for the entire time a counting station is in operation is entitled to a minimum compensation of three hours' pay regardless of the amount of time worked. (127.006 d)

D. PROCEDURES FOR CONVENING THE CENTRAL COUNTING STATION:

Section 87.0241 of the Texas Election Code dictates when an entity is permitted to count ballots.

The Central Counting Station will convene based on the size and type of election as determined by the *Central Counting Station Manager* and the *Presiding Judge*.

The Central Counting Station may not begin the process to count early voting ballots until:

- (1) the polls open on election day; or
- (2) in an election conducted by an authority of a county with a population of 100,000 or more or conducted jointly with such a county, the end of the period for early voting by personal appearance.

E. ADMINISTRATION OF OATHS:

Section 127.0015 of the Texas Election Code prescribes a required oath for all CCS personnel. The administration of oaths must take place prior to those individuals commencing any of their duties at the central counting station.

This oath should be administered verbally to all members of the early voting ballot board and all personnel at the central counting station prior to the performance of any duties by the board or the central counting station.

For use in Primary Elections, General Elections for State and County Officers and Elections ordered by the Governor:

"I swear (or affirm) that I will objectively work to be sure every eligible voter's vote is accepted and counted, and that only the ballots of those voters who violated the Texas Election Code will be rejected. I will make every effort to correctly reflect the voter's intent when it can be clearly determined. I will not work alone when ballots are present and will work only in the presence of a member of a political party different from my own. I will faithfully perform my duty as an officer of the election and guard the purity of the election."

For use in all Other Elections that do not contain Party Affiliation:

"I swear (or affirm) that I will objectively work to be sure every eligible voter's vote is accepted and counted, and that only the ballots of those voters who violated the Texas Election Code will be rejected. I will make every effort to correctly reflect the voter's intent when it can be clearly determined. I will not work alone when ballots are present. I will faithfully perform my duty as an officer of the election and guard the purity of the election."

F. INTAKE OF BALLOTS, ELECTRONIC MEDIA AND SUPPLIES:

Sections 129.051 and 129.052 of the Texas Election Code require the general custodian of election records to develop certain procedures related to inventory control and chain of custody of voting system equipment and electronic media associated with this equipment, providing for verification of equipment identifiers, verification of seals, and verification of chain of custody.

1. Election Judge, or their designee, brings paper ballots (in ballot transfer bags) and V-Drives (in V-Drive bag) to the Tarrant County Elections Administration Rally Site closest to their location.
2. Intake personnel will verify location tags and verify the seals on the bags are the same as the seal numbers on the Registry of Seals.
3. The Rally Site Managers will use V-drive duplicators to duplicate the V-drive onto a T-drive, then place the V-drive in a security bag.
4. The Rally Site Manager will use the Verity Transmit to transmit the UNOFFICIAL results of the T-drive to the CCS using the Verity Transmit.
5. The Rally Site Manager will deliver the ballot transfer bags and V-Drive bags to the Tabulation Room where the *Presiding Judge* will verify the seal numbers with the Register of Seals.

G. DUPLICATION OF BALLOTS:

Certain ballots that are counted with automatic tabulating equipment may have to be duplicated if the ballot is damaged or cannot be read with the equipment.

1. The *Presiding Judge*, with any assistants they deem necessary, will duplicate any damaged ballots in accordance with Section 127.126 of the Texas Election Code.

H. RESOLVING VOTER INTENT:

At the direction of the *Presiding Judge*, EVBB members will resolve any voter intent questions on the ballots as they are duplicated or manually counted, as applicable.

1. Ballots that are not damaged will be resolved in the Central Count System upon successfully capturing the image of the ballot.
2. Ballots that are damaged and cannot be scanned by the Central Count System will be duplicated. Prior to duplicating the ballot, the *Presiding Judge*, or an appointed ballot board team with members from different parties, will determine the manner in which the voter intent was deciphered.

I. TABULATION PROCEDURES:

1. The *Presiding Judge* will break the seal on the ballot transfer bag and/or V-Drive bag.

2. The *Tabulation Supervisor* or *Assistant Tabulation Supervisor* will scan all un-scanned ballots into Verity Central in batches relative to quantity and type (Early Voting, Absentee, Election Day) as appropriate.
3. All scanned ballots will be reviewed by the software which will identify any that need human review (under-votes, over-votes, damaged, etc).
4. Once written to the V-Drive(s), the Verity Count system will be used to produce zero reports to illustrate that no pre-existing votes exist on the official database.
5. The V-Drive will then be read into Verity Count for addition to the database.
6. The *Tabulation Supervisor* will confirm that the number of V-Drives read into the system is accurate.
7. On Election Day, Early Voting ballots, including absentees received up that point, may be tabulated, but in no case will they be released prior to 7:00PM.

J. RECONCILIATION:

The process for comparing the number of voters listed as having voted and the number of ballots cast is done in three ways:

1. Early Voting in Person – Compare the number of early voting check-ins from the ePollbooks, minus any ballots-thrown-out, to the number of ballots cast.
2. Early Voting By Mail – Compare the number of ballots entered on the “Ballot Transmittal Form” from the early voting ballot board to the number of ballots counted. (87.021, 87.1221)
3. Election Day – Compare the number of voters on the ePollbooks, plus the Omissions List entries, minus any ballots-thrown-out, to the total number of ballots cast. (127.007(b))

K. PRINTING OF PRECINCT RETURNS AND ELECTION TOTALS:

Under Section 127.127, the *Tabulation Supervisor* and the *Assistant Tabulation Supervisor* are the only ones authorized to operate the automatic tabulating equipment or handle ballots that are automatically counted. After the counting of ballots (or accumulation of vote totals) has occurred, the *Presiding Judge* of the CCS is responsible for preparing the precinct election returns. The *Presiding Judge* is required to sign the precinct returns to certify their accuracy.

The printed “precinct by precinct” report that has been adjusted to include any hand-counted ballots (if necessary) constitutes the certified precinct returns. (Section 127.127(e), Texas Election Code).

The unofficial election results shall be released as soon as available after the polls close.

Unofficial election results will be released via Tarrant County’s Election Night Results webpage, beginning no earlier than 7:00PM. Election Day results will be released incrementally as processed through acceptance and tabulation until all results are in.

L. REPORTING RESULTS TO THE SECRETARY OF STATE, if applicable:

For certain elections, including primary elections, the general election for state and county officers, and constitutional amendment elections, the SOS is required to tabulate the unofficial results statewide. (68.001, Texas Election Code). This information can be reported to the SOS through their online portal or via telephone.

1. The *Tabulation Supervisor* will prepare reports with the requested totals for the Secretary of State.
2. The *Assistant Tabulation Supervisor* will report the totals to the Secretary of State using the SOS online portal or via telephone as appropriate.

M. POLL WATCHERS:

Poll watchers are entitled to be present during the time the CCS has convened for the “purpose of processing or preparing to process election results and until the election officers complete their duties at the station.” (Section 33.055, Texas Election Code).

The poll watcher must deliver their certificate of appointment to the *Presiding Judge* of the CCS and the *Presiding Judge* must countersign their certificate.

Poll watcher(s) are permitted to stand or sit to observe the counting activities. The *Presiding Judge* may dictate where the poll watcher(s) may stand and/or sit in order to prevent interference with the duties of the Central Counting Station personnel while still being able to observe all activities.

All activities of poll watcher(s) shall be in compliance with the current *Poll Watchers Guide* issued by the Secretary of State.

N. DELIVERY OF MATERIALS TO THE GENERAL CUSTODIAN OF ELECTION RECORDS:

1. After the completion of the counting of ballots both on election day and after election day, if necessary, voted ballots, electronic media, election records, and election equipment will be retained by this office, who is the general custodian of election records, through the appropriate retention period.

From: Troy C. Havard <TCHavard@tarrantcounty.com>
Sent: Thursday, April 22, 2021 4:58 PM
To: Elections Internet
Subject: Central Counting Station Plan
Attachments: Central Counting Station Plan 20210422.docx

Importance: High

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Good evening.

Attached is the Central Counting Station Plan that I'm working on for release. Since we're rapidly approaching the deadline for when I have to release it publicly, please take a look at what I've highlighted in yellow and let me know if I'm safe to remove it from the plan or if I actually need to expand it to include more detail.

Basically, I'm trying to see what the scope of the plan should involve.

Thank you.

Have a blessed day!



Troy Havard
Assistant Elections Administrator
Tarrant County



Office: 817-831-6463
Business Cell: 682-305-4568

"Direction, not intention, determines destination" – Adam Stanley

I would rather live my life as if there is a God and die to find out there isn't,
Than to live my life as if there isn't a God and die to find out there IS.

HEIDER GARCIA, CERA
Elections Administrator



TROY HAVARD
Assistant Elections Administrator

TARRANT COUNTY ELECTIONS ADMINISTRATION

20 Apr 2020

CENTRAL COUNT STATION PLAN

A. PURPOSE:

Section 127.007 of the Texas Election Code requires the *Manager* of the central counting station ("CCS") to "establish and implement a written plan for the orderly operation of the central counting station." this plan be made available to the public on request not later than 5 p.m. on the fifth day before the date of the election.

Section 127.007(b) provides that a CCS plan "must address the process for comparing the number of voters who signed the combination form with the number of votes cast for an entire election."

B. LOCATION:

The Tarrant County Central Counting Station will be located at Tarrant County Elections Administration, 2700 Premier St, Fort Worth, TX 76111.

C. CENTRAL COUNTING STATION PERSONNEL:

The following are the roles and responsibilities inside the Central Counting Station, as contained in Sections 127.002-127.006 of the Texas Election Code:

- The Elections Administrator will serve as the Central Counting Station Manager to manage the overall administration of the station and supervision of personnel.
- The Technology Resources Coordinator will serve as the Tabulation Supervisor to operate automatic tabulating equipment.
- The Voting Systems Analyst will serve as Assistant Tabulation Supervisor to assist the Tabulation Supervisor.
- The *Presiding Judge* of the Early Voting Ballot Board will serve as the Presiding Judge to maintain order at the Central Counting Station, administer oaths, and receive ballots to be counted.

Note: The *Presiding Judge* is entitled to compensation at the same rate as a precinct *Presiding Judge*, except that the counting station judge is entitled to a minimum compensation of five hours' pay regardless of the amount of time worked. (127.005 d)

- *Central Counting Station Clerks* may be appointed as needed by the Central Counting Station Manager and the *Presiding Judge* as outlined Section 127.006 of the Election Code.

Note: To be eligible to serve as a clerk a person must be a qualified voter of the county in which the central counting station is located. The general custodian of election records, an employee of the custodian, or any other employee of a political subdivision is not ineligible to serve as a clerk under this section because the person is a qualified voter of a county other than the county in which the central counting station is located or because of the custodian's status as a candidate or officeholder. (127.006 b)

A clerk appointed by the *Manager* serves under the *Manager* and shall perform the functions directed by the *Manager*. A clerk appointed by the *Presiding Judge* serves under the *Presiding Judge* and shall perform the functions directed by the *Presiding Judge*. (127.006 c)

A clerk is entitled to compensation at the same rate as a precinct election clerk, except that a clerk who serves for the entire time a counting station is in operation is entitled to a minimum compensation of three hours' pay regardless of the amount of time worked. (127.006 d)

D. PROCEDURES FOR CONVENING THE CENTRAL COUNTING STATION:

Section 87.0241 of the Texas Election Code dictates when an entity is permitted to count ballots.

The Central Counting Station will convene based on the size and type of election as determined by the *Central Counting Station Manager* and the *Presiding Judge*.

The Central Counting Station may not begin the process to count early voting ballots until:

- (1) the polls open on election day; or
- (2) in an election conducted by an authority of a county with a population of 100,000 or more or conducted jointly with such a county, the end of the period for early voting by personal appearance.

E. ADMINISTRATION OF OATHS:

Section 127.0015 of the Texas Election Code prescribes a required oath for all CCS personnel. The administration of oaths must take place prior to those individuals commencing any of their duties at the central counting station.

This oath should be administered verbally to all members of the early voting ballot board and all personnel at the central counting station prior to the performance of any duties by the board or the central counting station.

For use in Primary Elections, General Elections for State and County Officers and Elections ordered by the Governor:

"I swear (or affirm) that I will objectively work to be sure every eligible voter's vote is accepted and counted, and that only the ballots of those voters who violated the Texas Election Code will be rejected. I will make every effort to correctly reflect the voter's intent when it can be clearly determined. I will not work alone when ballots are present and will work only in the presence of a member of a political party different from my own. I will faithfully perform my duty as an officer of the election and guard the purity of the election."

For use in all Other Elections that do not contain Party Affiliation:

"I swear (or affirm) that I will objectively work to be sure every eligible voter's vote is accepted and counted, and that only the ballots of those voters who violated the Texas Election Code will be rejected. I will make every effort to correctly reflect the voter's intent when it can be clearly determined. I will not work alone when ballots are present. I will faithfully perform my duty as an officer of the election and guard the purity of the election."

F. INTAKE OF BALLOTS, ELECTRONIC MEDIA AND SUPPLIES:

Sections 129.051 and 129.052 of the Texas Election Code require the general custodian of election records to develop certain procedures related to inventory control and chain of custody of voting system equipment and electronic media associated with this equipment, providing for verification of equipment identifiers, verification of seals, and verification of chain of custody.

1. Election Judge, or their designee, brings paper ballots (in ballot transfer bags) and V-Drives (in Verity Scan) to a Tarrant County Elections Administration Rally Site – typically the site closest to their location.
2. Intake personnel will verify location tags and verify the seals on the equipment are the same as the seal numbers on the Official Register of Seals.
3. Tarrant County Elections Staff will use the V-drive duplicator to duplicate the V-drive onto a duplicate V-drive, then place the original V-drive in a security bag.
4. Tarrant County Elections Staff will use the Verity Transmit to transmit the UNOFFICIAL results of the duplicated V-drive to the CCS.
5. The ballot transfer bags and V-Drive bags will be delivered to Tarrant County Elections, where the *Presiding Judge* will verify the seal numbers with the Register of Seals. Transport may be done using Law Enforcement personnel or Tarrant County Elections Staff as provided for by Section 85.071 of the Texas Election Code.

G. DUPLICATION OF BALLOTS:

Certain ballots that are counted with automatic tabulating equipment may have to be duplicated if the ballot is damaged or cannot be read with the equipment.

1. The *Presiding Judge*, with any assistants they deem necessary, will duplicate any damaged ballots in accordance with Section 127.126 of the Texas Election Code.

H. RESOLVING VOTER INTENT:

At the direction of the *Presiding Judge*, EVBB members will resolve any voter intent questions on the ballots as they are duplicated or manually counted, as applicable.

1. Ballots that are not damaged will be resolved in the Central Count System upon successfully capturing the image of the ballot.
2. Ballots that are damaged and cannot be scanned by the Central Count System will be duplicated. Prior to duplicating the ballot, the *Presiding Judge*, or an appointed ballot board team with members from different parties, will determine the manner in which the voter intent was deciphered.

I. TABULATION PROCEDURES:

1. The *Presiding Judge* will break the seal on the ballot transfer bag.
2. The *Tabulation Supervisor* or *Assistant Tabulation Supervisor* will scan all un-scanned ballots into Verity Central in batches relative to quantity and type (Early Voting, Absentee, Election Day) as appropriate.
3. All scanned ballots will be reviewed by the software which will identify any that need human review (under-votes, over-votes, damaged, etc).
4. the Verity Count system will be used to produce zero reports to illustrate that no pre-existing votes exist on the official database.
5. The V-Drive will then be read into Verity Count for addition to the database.
6. The *Tabulation Supervisor* will confirm that the number of V-Drives read into the system is accurate.
7. On Election Day, Early Voting ballots, including absentees received up that point, may be tabulated, but in no case will they be released prior to 7:00PM.

J. RECONCILIATION:

The process for comparing the number of voters listed as having voted and the number of ballots cast is done in three ways:

1. Early Voting in Person – Compare the number of early voting check-ins from the ePollbooks, minus any ballots-thrown-out, to the number of ballots cast.
2. Early Voting By Mail – Compare the number of ballots entered on the “Ballot Transmittal Form” from the early voting ballot board to the number of ballots counted. (87.021, 87.1221)
3. Election Day – Compare the number of voters on the ePollbooks, plus the Omissions List entries, minus any ballots-thrown-out, to the total number of ballots cast. (127.007(b))

K. PRINTING OF PRECINCT RETURNS AND ELECTION TOTALS:

Under Section 127.127, the *Tabulation Supervisor* and the *Assistant Tabulation Supervisor* are the only ones authorized to operate the automatic tabulating equipment or handle ballots that are automatically counted. After the counting of ballots (or accumulation of vote totals) has occurred, the *Tabulation Supervisor and Assistant Tabulation Supervisor* of the CCS is responsible for preparing the precinct election returns. The *Presiding Judge* is required to sign the precinct returns to certify their accuracy.

The printed “precinct by precinct” report that has been adjusted to include any hand-counted ballots (if necessary) constitutes the certified precinct returns. (Section 127.127(e), Texas Election Code).

The unofficial election results shall be released as soon as available after the polls close.

Unofficial election results will be released via Tarrant County’s Election Night Results webpage, beginning no earlier than 7:00PM. Election Day results will be released incrementally as processed through acceptance and tabulation until all results are in.

L. REPORTING RESULTS TO THE SECRETARY OF STATE, if applicable:

For certain elections, including primary elections, the general election for state and county officers, and constitutional amendment elections, the SOS is required to tabulate the unofficial results

statewide. (68.001, Texas Election Code). This information can be reported to the SOS through their online portal or via telephone.

1. The Assistant *Tabulation Supervisor* will prepare reports with the requested totals for the Secretary of State.
2. The *Tarrant County Elections Staff* will report the totals to the Secretary of State using the SOS online portal or via telephone as appropriate.

M. POLL WATCHERS:

Poll watchers are entitled to be present during the time the CCS has convened for the “purpose of processing or preparing to process election results and until the election officers complete their duties at the station.” (Section 33.055, Texas Election Code).

The poll watcher must deliver their certificate of appointment to the *Presiding Judge* of the CCS and the *Presiding Judge* must countersign their certificate.

Poll watcher(s) are permitted to stand or sit to observe the counting activities. The *Presiding Judge* may dictate where the poll watcher(s) may stand and/or sit in order to prevent interference with the duties of the Central Counting Station personnel while still being able to observe all activities.

All activities of poll watcher(s) shall be in compliance with the current *Poll Watchers Guide* issued by the Secretary of State.

N. DELIVERY OF MATERIALS TO THE GENERAL CUSTODIAN OF ELECTION RECORDS:

1. After the completion of the counting of ballots both on election day and after election day, if necessary, voted ballots, electronic media, election records, and election equipment will be retained by this office, who is the general custodian of election records, through the appropriate retention period.

From: Heidi Martinez
Sent: Friday, November 20, 2020 11:44 AM
To: [REDACTED]
Cc: Elections Internet
Subject: Fraud, Waste and/or Abuse Hotline (EI Response)

Sensitivity: Personal

As an initial matter, thank you for your concern for the integrity of Texas elections and for taking the time to send in the inquiry. This is in response to a complaint submitted to the State Auditor's Office.

Please note, pursuant to Section 31.006 of the Texas Election Code, our office has the ability to refer election complaints to the Office of the Attorney General if, after receiving a complaint alleging criminal conduct in connection with an election, the Secretary of State determines that there is reasonable cause to suspect that the alleged criminal conduct occurred. Voters are welcome to submit a formal complaint to the Secretary of State by completing the information in the link provided: [Election Complaint Form \(PDF\)](#)

If submitting a complaint, we respectfully request that you also submit copies of the screenshots referenced in your email below.

We hope this information will be helpful to you.

Heidi Martinez
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.state.tx.us/elections

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.

-----Original Message-----

From: System-Generated Email <webmaster@sao.texas.gov>
Sent: Saturday, October 31, 2020 3:50 PM
To: Hotline Intake <HotlineIntake@sao.texas.gov>
Subject: Fraud, Waste and/or Abuse Hotline

The following fraud, waste, or abuse report was received

Control Number: 210973

Name: Robbie McCormick

Phone: 5754999834

Email: [REDACTED]

Agency/University: 999 - All State Agencies

Organization/Company/Individual: FlipTexas and

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.vote-texas.net%2F&data=04%7C01%7CLegalTeam%40sos.texas.gov%7C6701f907ba694128078c08d87f342d8b%7C760188c0f63443a096dfec1b8eca6719%7C0%7C0%7C637399209356236838%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=QzfoOs0Q3dnakeZYJxsjcUFZr9H%2FhKS%2Fxfp1ro1XUu8%3D&reserved=0>

I received a registration form wanting me to register at my new address. I am already registered at my new address and have already voted. I began looking at the information on the form and the flyer and noticed it came from a group called "FlipTexas", but had no contact information. The only website listed was

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.vote-texas.net%2F&data=04%7C01%7CLegalTeam%40sos.texas.gov%7C6701f907ba694128078c08d87f342d8b%7C760188c0f63443a096dfec1b8eca6719%7C0%7C0%7C637399209356236838%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=QzfoOs0Q3dnakeZYJxsjcUFZr9H%2FhKS%2Fxfp1ro1XUu8%3D&reserved=0>, which had ZERO information about FlipTexas. Also, the street address to mail these documents was correct to Tarrant County Elections, but it was the wrong zip code. When searching the zip code, several cites came up: "Iamavoter" and "whenweallvote". Following either of those led to what appears to be a blog about voting, but nothing official. There were also immediate porn pop-ups. I didn't click on anything for these cites as I didn't trust it. I did take screen shots though.

This message contains information which may be an audit working paper and/or may be confidential, privileged, or otherwise exempt from open records. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete the message. Please contact the State Auditor's Office at publicinformation@sao.texas.gov before releasing this document in response to an open records request.

From: Elections Internet
Sent: Friday, June 11, 2021 9:58 AM
To: [REDACTED]
Subject: FW: election
Attachments: complaintform-sos.pdf; Rebecca Norris.pdf

Thank you for contacting the Elections Division of the Office of the Texas Secretary of State.

Attached is a response to your complaint that was submitted to our office regarding your concerns about not being able to vote for the Mayor of Fort Worth.

Again, thank you for contacting our office. If you have any additional questions or if we can be of further assistance, please contact our office at 1.800.252.8386 or email us at Elections@sos.texas.gov.

Elections Division

Office of the Secretary of State
800-252-VOTE(8683)

www.sos.state.tx.us/elections/index.shtml

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 legal advice for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

From: rebecca norris [REDACTED] >
Sent: Saturday, June 5, 2021 12:27 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: election

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Sent from [Mail](#) for Windows 10

The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Ruth R. Hughs
Secretary of State

June 11, 2021

Via electronic mail: [REDACTED]

Dear Mrs. Norris,

This letter is in response to the complaint you submitted to our office regarding your complaint about not being able to vote for Mayor of Fort Worth.

The Office of the Texas Secretary of State does not have any authority to investigate allegations of criminal conduct. However, if our office receives a complaint that provides reasonable cause to suspect that alleged criminal conduct occurred in connection to an election, our office is required to refer the complaint to the Texas Attorney General for investigation. Tex. Elec. Code § 31.006 (2015).

Our office has reviewed each of your concerns, but none of the facts that you have presented to us in your complaint appear to involve criminal matters under the election code. Therefore, our office is not referring this matter to the Texas Attorney General for investigation. If you have additional information that was not included in your complaint that demonstrates that criminal conduct may have occurred, please send it to us for further review.

If you have any further questions, please do not hesitate to contact the Elections Division toll-free at 1-800-252-(VOTE) 8683.

Sincerely,

A handwritten signature in blue ink, appearing to read "Keith Ingram".

Keith Ingram
Director of Elections

KITS

ELECTION COMPLAINT TO THE TEXAS SECRETARY OF STATE

Docket Number

**OFFICE USE
ONLY**Date Hand-delivered or Date Postmarked
/ /

Please read the Important Information at the end of this document. The Secretary of State has no authority to order a new election, change an election result, or conduct a criminal investigation. A complaint filed with this form will not alter the results of an election.

This complaint form **MUST BE SIGNED** before it is submitted to the Secretary of State; therefore, you must print it out and sign it before mailing or faxing a copy or emailing a scanned, signed copy.

I. IDENTITY OF COMPLAINANT

1 COMPLAINANT NAME	MS / MRS / MR	FIRST	MI
	MRS Rebecca		L
	NICKNAME	LAST	SUFFIX
		Norris	
2 COMPLAINANT PHYSICAL ADDRESS	ADDRESS (TO INCLUDE APT / SUITE # IF APPLICABLE)		CITY STATE ZIP CODE
	136 Smallwood Dr.		Fort Worth Tx 76114
(Full home or business address, including street, city, state, and zip code)			
3 COMPLAINANT MAILING ADDRESS ☐ (check if same as above)	ADDRESS (TO INCLUDE APT / SUITE # IF APPLICABLE)		CITY STATE ZIP CODE
	(Full home or business address, including street, city, state, and zip code)		
4 COMPLAINANT TELEPHONE NUMBER	AREA CODE	PHONE NUMBER	EXT
	(817)	897-0063	
5 COMPLAINANT E-MAIL ADDRESS			

II. IDENTITY OF RESPONDENT

PERSON OR ENTITY COMMITTING ALLEGED VIOLATION(S)

6 RESPONDENT NAME	MS / MRS / MR	FIRST	MI
	NICKNAME	LAST	SUFFIX
7 RESPONDENT POSITION OR TITLE			
8 RESPONDENT PHYSICAL ADDRESS	ADDRESS (TO INCLUDE APT / SUITE # F APPLICABLE)		CITY STATE ZIP CODE
	(Full home or business address, including street, city, state, and zip code)		
9 RESPONDENT MAILING ADDRESS ☐ (check if same as above)	ADDRESS (TO INCLUDE APT / SUITE # F APPLICABLE)		CITY STATE ZIP CODE
	(Full home or business address, including street, city, state, and zip code)		
10 RESPONDENT TELEPHONE NUMBER	AREA CODE	PHONE NUMBER	EXT
11 RESPONDENT E-MAIL ADDRESS (IF KNOWN)			

GO TO PAGE 2

NOTICE THIS COMPLAINT IS PUBLIC RECORD ONCE REVIEW IS COMPLETED BY THE SECRETARY OF STATE AND/OR ATTORNEY GENERAL.

Revised 2/28/2014

TX-SOS-21-1682-F-000017

III. NATURE OF ALLEGED VIOLATION**Page2**

If you believe that a criminal violation of the Code has occurred, please state the specific acts committed by the person or entity named in this complaint, along with a reference to the section of the Code alleged to have been violated, if known. If you need more space, please attach a separate sheet.

The fact that I pay for Fort Worth water and school taxes and I cannot vote for Fort Worth Mayor is wrong. I have lived in Fort Worth for nineteen years and have always voted for Fort Worth Mayor. Now they tell me I can't because I am considered Westworth Village. We pay or taxes to the ISD, Water, hospitals, ect, however we cannot vote for the mayor or where our funds go? Since when? I am concerned that my voice has been blocked and want this looked at and fixed. It should not matter if you are a village, a small part of a whole city, in this case Fort Worth, I should be able to vote for Mayor of Fort Worth. Not to mention that I voted for mayor on May 1, 2021, the general election. However, I am not allowed for the run-off?

ATTACH ADDITIONAL PAGES AS NEEDED

IV. STATEMENT OF FACTS

Page 3

State the facts constituting the alleged violation(s), including the dates on which or the period of time in which the alleged violation(s) occurred. Identify allegations of fact not personally known to the complainant, but alleged on information and belief. Please use simple, concise, and direct statements.

ELECTION IN WHICH VIOLATION(S) OCCURRED

NAME OF ELECTION Run-Off for Fort Worth Mayor DATE OF ELECTION 06 / 05 / 21
MM/DD/YYYY
COUNTY OR POLITICAL SUBDIVISION Tarrant PRECINCT ?

ATTACH ADDITIONAL PAGES AS NEEDED

V. LISTING OF DOCUMENTS AND OTHER MATERIALS

Page 4

List all documents and other materials filed with this complaint. Additionally, list all other documents and other materials that are relevant to this complaint and that are within your knowledge, including their location, if known.

ATTACH ADDITIONAL PAGES AS NEEDED

VI. SIGNED STATEMENT**Page 5**

rebecca norris
I, _____, the undersigned,
PRINTED NAME OF COMPLAINANT
under penalty of perjury do swear or affirm that the information contained in this
complaint is true and correct to the best of my knowledge.

I have read and understand the accompanying instructions, and I am aware that
completion of this form cannot and will not alter the outcome of the election.

SIGNATURE OF COMPLAINANT

**NOTICE: THIS COMPLAINT IS NOT CONFIDENTIAL; ONCE REVIEWED BY
THE SECRETARY OF STATE, IT WILL BE TREATED AS A PUBLIC RECORD.**

PRINT

RESET

REMINDER: YOU MUST SIGN THIS FORM PRIOR TO SUBMITTING**IF MAILING, PLEASE SEND TO:**

Texas Secretary of State
Elections Division
c/o Legal Dept.
P.O. Box 12060
Austin, TX 78711

IF FAXING, PLEASE SEND TO:

512.475.2811

IF EMAILING, PLEASE SEND TO:

elections@sos.texas.gov

VII. IMPORTANT INFORMATION

Pursuant to Section 31.006 of the Texas Election Code (the "Code"), the Office of the Secretary of State (the "Secretary of State") has the ability to refer elections complaints to the Office of the Attorney General (the "Attorney General"). If, after receiving a complaint alleging criminal conduct in connection with an election, the Secretary of State determines that there is reasonable cause to suspect that the alleged criminal conduct occurred, the Secretary of State shall promptly refer the complaint to the Attorney General. The Secretary of State shall deliver to the Attorney General all pertinent documents in the Secretary of State's possession.

Any person who believes that a criminal violation of the Code has occurred may file a complaint. In order to initiate the complaint process, a written and signed complaint must be filed with the Secretary of State. The complaint must allege the violation with particularity, identify the person(s) or entity responsible for the alleged violation, and contain a reference to the section of the Code alleged to have been criminally violated, if known.

The Secretary of State has no authority to order a new election, change an election result, or conduct a criminal investigation. This form is to be used solely to document alleged election irregularities and submit allegations of criminal violations of the Code to be referred to the Attorney General. Often complaints will be Code violations that do not amount to criminal violations or acts. These violations are election irregularities which may form the basis of an election contest, but do not carry a criminal penalty. These election irregularities will not be referred to the Attorney General for possible criminal prosecution.

Challenging an election result can be done either through (1) a recount or (2) an election contest. If you are seeking to alter the outcome of the election, you will need to use one of these methods of challenging the results, described below. **A complaint filed with this form will not alter the results of an election.**

Legal Remedies That May Alter the Election Outcome

1. Recount

Recounts are used only to recount the votes in a particular race (office) or measure. A recount does not have the scope or authority of an election contest in court, i.e., the recount committee will not look at the manner in which voters were qualified to vote in person or by mail or whether voters were eligible to vote in the election. The governing body of an entity cannot conduct a recount on its own motion, e.g., at the canvass.

Please note that recount request deadlines occur soon after the canvass - a recount must be requested not later than two days following the canvass. More information on filing recounts (including form, deposit information, and who and how to file) is available on the Secretary of State's website.

2. Election Contest

If a candidate disputes the outcome of the election, regardless of whether or not a recount has been conducted, and has discovered irregularities, fraud, or mistakes in the conduct of the election that affected or could have affected the outcome, he/she can file an election contest to challenge the election results. The legal question raised by an election contest is whether the outcome of the contested election, as shown by the final canvass, is not (or cannot be conclusively determined to be) the true outcome because (1) illegal votes were counted, or because (2) an election officer or other official administering the election either (i) prevented eligible voters from voting, (ii) failed to count legal votes, (iii) engaged in fraud or illegal conduct, or (iv) erred in some material way.

Contests involving county elections are filed in the district court in the relevant county. In most circumstances, the filing deadline for an election contest is 30 days after the canvass, except in the case of a primary or an election where a runoff is necessary, in which case the deadline for filing is 10 days after the final canvass. If a recount is held and the votes are changed, the date of the canvass of the recount (i.e., final canvass) becomes the new date by which the contest deadline is calculated.

Any losing candidate may contest an election. In a contest of an officer election, the contestant files suit against the election's winner (or in the event that the election outcome is determined by majority vote rather than plurality vote, the person or persons entitled to a place on the runoff ballot). Voters at large within a political subdivision do not possess standing to intervene as parties to an election contest for public office.

In an election contest, the court has the authority to: (1) examine ballots and equipment; (2) compel voters to reveal how they voted; (3) declare an election void if illegal votes are greater than or equal to the number of votes necessary to change the outcome or cannot ascertain the true outcome of the election; (4) order a new election (or new runoff election), if unable to ascertain true outcome; (5) subtract illegal votes, if able to determine the side for which an illegal vote was cast; or (6) declare outcome of election, if able to ascertain true outcome.

If you think either a recount or an election contest is the proper procedure for the remedy you seek, you may wish to consult private legal counsel regarding your legal options. The Secretary of State staff can provide general guidance on these procedures as well.

From: Heidi Martinez
Sent: Friday, November 20, 2020 11:49 AM
To: 'saointake@sao.texas.gov'
Cc: Elections Internet
Subject: FW: Fraud, Waste and/or Abuse Hotline (EI Response)

Sensitivity: Personal

Below please find the response provided by our office to Robbie McCormick's complaint.

Heidi Martinez
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.state.tx.us/elections

For Voter Related Information, please visit:



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From: Heidi Martinez
Sent: Friday, November 20, 2020 11:44 AM
To: [REDACTED] >
Cc: Elections Internet <Elections@sos.texas.gov>
Subject: Fraud, Waste and/or Abuse Hotline (EI Response)
Sensitivity: Personal

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Heidi Martinez
Staff Attorney – Elections Division

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-----Original Message-----

From: System-Generated Email <webmaster@sao.texas.gov>
Sent: Saturday, October 31, 2020 3:50 PM
To: Hotline Intake <HotlineIntake@sao.texas.gov>
Subject: Fraud, Waste and/or Abuse Hotline

The following fraud, waste, or abuse report was received

Control Number: 210973

Name: Robbie McCormick

Phone: 5754999834

Email: [REDACTED]

Agency/University: 999 - All State Agencies

Organization/Company/Individual: FlipTexas and
<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.vote-texas.net%2F&data=04%7C01%7CLegalTeam%40sos.texas.gov%7C6701f907ba694128078c08d87f342d8b%7C760188c0f63443a096dfec1b8eca6719%7C0%7C0%7C637399209356236838%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=QzfoOs0Q3dnakcZYJxsjcUFZr9H%2FhKS%2Fxfp1ro1XUu8%3D&reserved=0>

I received a registration form wanting me to register at my new address. I am already registered at my new address and have already voted. I began looking at the information on the form and the flyer and noticed it came from a group called "FlipTexas", but had no contact information. The only website listed was
<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.vote-texas.net%2F&data=04%7C01%7CLegalTeam%40sos.texas.gov%7C6701f907ba694128078c08d87f342d8b%7C760188c0f63443a096dfec1b8eca6719%7C0%7C0%7C637399209356236838%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=QzfoOs0Q3dnakcZYJxsjcUFZr9H%2FhKS%2Fxfp1ro1XUu8%3D&reserved=0>, which had ZERO information about FlipTexas. Also, the street address to mail these documents was correct to Tarrant County Elections, but it was the wrong zip code. When searching the zip code, several cites came up: "Iamavoter" and "whenweallvote". Following either of those led to what appears to be a blog about voting, but nothing official. There were also immediate porn pop-ups. I didn't click on anything for these cites as I didn't trust it. I did take screen shots though.

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not use, copy, or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete the message. Please contact the State Auditor's Office at publicinformation@sao.texas.gov before releasing this document in response to an open records request.

From: Krystine Ramon
Sent: Friday, March 26, 2021 3:47 PM
To: [REDACTED]
Subject: RE: Mail in Ballot Processing Question (EI Response)
Attachments: EVBB -SVC 2021 (KR) (Final).pdf; EVBB 2021 (KR) (FINAL).pdf

Hello David,

I understand your question to be that if a signature on the carrier envelope is below the flap where the voter should sign, would that be accepted by the ballot board?

The answer is yes. Our office has said that if the signature is on the carrier envelope somewhere, it should be accepted if all other qualifications are met in order to accept a ballot by mail.

I am including a presentation our office did this week on ballot board and signature verification committee. On the signature verification committee presentation this specific question is on slide 22.

Please let us know if you have any questions.

Krystine N. Ramon
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
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.

From: David Lambertsen [REDACTED]
Sent: Friday, March 26, 2021 11:58 AM
To: Joe Esparza <JEsparza@sos.texas.gov>
Cc: Heider I. Garcia <HIGarcia@tarrantcounty.com>; Rick Barnes <[REDACTED]>
Subject: Mail in Ballot Processing Question

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to informationsecurity@sos.texas.gov.

Good Morning Joe:

In accordance with our conversation this morning I am requesting clarification on a certain matter. The question pertains to the proper

processing of mail in ballots where the party has signed their name under the sealing flap on the carrier envelope.

Does such action disqualify the ballot?

Is it proper to tamper with the flap in any manner to look at the signature?

A definitive answer would be appreciated so that these ballots may be processed properly. There may be other questions for you as we get closer to the election.

Thank you for your service and attention to this matter.

Cheers,

David Lambertsen

Tarrant County Ballot Bd Judge

817-880-4202

TEXAS SECRETARY OF STATE

Signature Verification Committee



Presented by: Krystine Ramon

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TEXAS SECRETARY OF STATE

Purpose of SVC

- *A separate SVC is optional for elections on the May uniform date, this may be left with the EVBB.*
- Compares signatures on applications and corresponding carrier envelopes only to determine that the signatures on these documents are of the same person. Sec. 87.027(i)

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TEXAS SECRETARY OF STATE

Signature Verification Committee

- Who can appoint?
- General Election:
 - County Election Board

May not begin operating before the 20th day before election day. Sec. 87.027
- EV Clerk:
 - Orders creation by written order, posts order continuously for 10 days before first day the committee meets
 - **Recommended** date for ordering:
 - Not later than 30th day before Election Day
 - Determines place, day(s) and hours of operation
 - Determines number of members (must consist of not fewer than five members)

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TEXAS SECRETARY OF STATE

Signature Verification Committee

Type of Election	Chair	SVC Clerks
General Election for State and County Officers	County Election Board appoints who is the chair, in an election for which the board is established --from list provided by the county chairs	County Election Board appoints, in an election for which the board is established - -from list provided by the county chairs
Primary Elections	County Chair of Political Party with approval of County Executive Committee	County Chair of Political Party with approval of County Executive Committee
All Other County ordered elections	Commissioners Court	Commissioners Court
All other Elections	Authority ordering election	Authority ordering election

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TEXAS SECRETARY OF STATE

Signature Verification Committee

- Comparison of voter signatures on:
 - Application for Ballot by Mail AND
 - Carrier Envelope
- Board may also compare signatures with two or more signatures the voter made within the preceding **6 years** and on file with VR, EA or county clerk.
- SB 5 from the 2017 Legislative Session removed the prohibition against the committee using the registration application signature to determine that the signatures are not those of the same person. The bill authorizes the early voting ballot board to compare a voter's signature on a ballot application or carrier envelope certificate with two or more signatures of the voter made within the preceding six years and on file with the county clerk, in addition to the board's existing authority to make such a comparison with signatures on file with the voter registrar, to determine whether the signatures are those of the same person. The bill removes the prohibition against the board using such signatures on file to determine that the signatures are not those of the same person.

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TEXAS SECRETARY OF STATE

Signature Verification Committee

- Determination that signatures are not the same person must be made by majority vote.
- Determination that signatures are different can be overridden by majority vote of EVBB.
- EVBB CANNOT override a decision that signatures are from the same person.

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FAQ'S

1. Do signatures have to be identical?

As part of the Signature Verification Committee their duty is to compare signatures, however we understand that the SVC are not handwriting experts. With that said it is at the discretion of the committee members to use their best judgment and to verify if these signatures are the same. The committee chair or committee members may request from the county clerk, election administrator, or voter registrar ahead of time signatures that are on file from the past six years. This may be provided electronically. The committee members must use their best judgement if the signatures match. The committee must decide by a majority vote that the signatures are of the same person, or not of the same person. **The standard should be whether the two signatures could have been made by the same person.**

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FAQ'S

2. When is the earliest the SVC can meet?

The first day the SVC can meet is 20 days before the Election. There is no county population requirement for meeting 20 days before Election Day.

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TEXAS SECRETARY OF STATE

FAQ'S

3. Is there a limit on how many times the SVC may meet?

No. There is no limit on the times the SVC may meet. The clerk shall post notice of the time of each delivery. The notice must remain posted continuously for at least two days before the date of the delivery. [87.027(h)] Postings required by this section shall be made on the bulletin board used for posting notice of meetings of the commissioners court, in an election for which the county election board is established or a primary election, or of the governing body of the political subdivision in other elections. [87.027(k)] The SVC may meet after Election Day to verify signatures of late ballots, however that is to the discretion of the Early Voting Clerk.

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TEXAS SECRETARY OF STATE

FAQ'S

4. May a vacancy be filled if the SVC has convened?

Yes. A vacancy on the committee shall be filled by appointment from the original list or from a new list submitted by the appropriate county chair. [87.027(d)]

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FAQ'S

5. May the signature verification committee also serve on the early ballot board?

Not recommended. Since the ballot board members may override a rejected signature decision by the committee, a signature verification committee member should not serve on the early voting ballot board. [87.027]

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**Signature Verification Committee**

Role A	Role B	Okay?
Signature Verification Committee Member	Election Judge/Alternate Judge	Yes – If no conflicts with timing of work on signature verification committee (87.027), or appointed to EVBB under 87.004.
Signature Verification Committee Member	Election Clerk	Yes – If no conflicts with timing of work on signature verification committee (87.027), or appointed to EVBB under 87.004.
Signature Verification Committee Member	Early Voting Clerk or Deputy Early Voting Clerk	Unadvisable – Duties conflict in scope of duties and time for performance.
Signature Verification Committee Member	Early Voting Ballot Board Judge/Member	No - Conflicts with role on early voting ballot board. (87.027)
Signature Verification Committee Member	Central Counting Station	Maybe – If no conflicts with timing of work on ballot board.
Signature Verification Committee Member	Employee of Political Subdivision	Yes – no requirement stated in the Election Code, but unadvisable if employee of candidate.
Signature Verification Committee Member	Candidate/Officeholder	Unadvisable – May create perception of bias.
Signature Verification Committee Member	Employee of Candidate	Unadvisable – May create perception of bias.
Signature Verification Committee Member	Relative of Candidate	Unadvisable – May create perception of bias.
Signature Verification Committee Member	Campaign Employee – Manager or Treasurer	Unadvisable – May create perception of bias.

TEXAS SECRETARY OF STATE

Convening the SVC

- The early voting clerk may determine whether or not the committee will need to reconvene after election day to verify signatures or leave that authority with the early voting ballot board.
- Recommendations:
 - This decision should be made prior to election day.
 - If the authority is left with the committee, the committee should coordinate with the board and the early voting clerk for delivery of the jacket envelope ballots by mail.
- If there is a SVC, the SVC must verify the signatures before the EVBB meets. The SVC would follow the same procedures used when first convening.

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TEXAS SECRETARY OF STATE

Notice Requirements

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TEXAS SECRETARY OF STATE

SVC Notices

- The following notices must be posted on an entity's website if available: (HB 933 86R)
 - Copy of order calling for the appointment
 - EV Clerk's notice of names and addresses of members
 - Notice of delivery of ballots

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TEXAS SECRETARY OF STATE

Security of Ballots

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TEXAS SECRETARY OF STATE

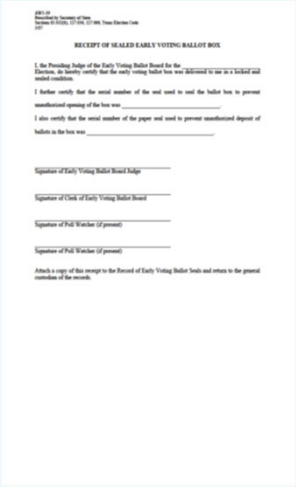
Security of Ballots

- Presiding judge must inspect box, seals, numbers on seals and indicate on receipt any discrepancies.
- Presiding Judge cannot refuse delivery of ballot boxes.
- Custodian of second ballot box key must deliver key when requested.

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TEXAS SECRETARY OF STATE

Security of Ballots



- PJ must **lock and seal** each ballot box before delivering to the custodian of records
- PJ must complete [Ballot Security Form AW5-39](#)
- Form must be signed by another member of SVC that witnessed the procedure.
 - In November of even-numbered year election, Co-signer must be from a different political party.
- PJ retains the key to ballot boxes.
 - If PJ unwilling to retain keys, keys delivered to appropriate authority under (66.060 (a))

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Administrative Duties

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TEXAS SECRETARY OF STATE

Return of Materials to Custodian

- Delivered to General Custodian of Election Records.
 - Re-locked ballot boxes containing ballots
 - Key to ballot box returned to general custodian
 - List of Provisional Voters
- General custodian prepares amended unofficial return
- Ballots and Envelopes retained for preservation period
- Rejected Ballots may only be opened by court order (TAC Rule 81.176)

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TEXAS SECRETARY OF STATE

FREQUENT SITUATIONS FOR SVC

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TEXAS SECRETARY OF STATE

Situation 1: Voter's Signature is not on the Signature Line for the Carrier Envelope

1. If a voter's signature does not appear on the signature line also known as the certificate of the carrier envelope, but is located elsewhere on the envelope, then the signature is valid. As long as the signature is somewhere on the envelope, then the signature would be valid.

2. What if the ABBM is signed by the voter, but their carrier envelope is witnessed? A voter may complete their ABBM and then have their carrier envelope witnessed. An example of this would be if a person breaks their hand (or an injury that would prevent them from signing) after they submit their ABBM, the voter may have a person witness their carrier envelope. The answer would be the same if a person has someone witness their ABBM, however they signed their carrier envelope.

3. What if the signature that is signed by the witness on the carrier envelope and the application for ballot by mail do not match? A voter may have someone witness their application for ballot by mail and their carrier envelope. The voter does not have to use the same witness. As long as the witness has included the print of the person that cannot sign, affix their own signature to the document, print their own name, state their residence address or official title, if election officer. The only time a witness may not fill out their information would be if the witness is a relative within the 2nd degree by affinity or 3rd degree by consanguinity OR witness was physically living in the same dwelling as the voter at the time of witnessing the carrier, Sec. 85.0051(a),(e). If the witness fits under one of these categories, then they would need to include that on the carrier.

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TEXAS SECRETARY OF STATE

Situation 2: Creating Subcommittees (This applies to EVBB)

1. If more than 12 members are appointed to serve on the signature verification committee, the early voting clerk may designate two or more subcommittees of not less than six members. If subcommittees have been designated, a determination under Subsection (i) of 87.027 is made by a majority of the subcommittee.
2. If the SVC has less than 12 members you still may have a subcommittee. Please keep in mind that the subcommittees need to be even. If there is an election where party alignment is indicated on the ballot, you should take that into consideration when making subcommittees. If possible, try to have balanced party representation in each subcommittee. This should be done amongst the committee and before the committee begins verifying signatures. Whatever process is decided should be used throughout the whole verification process.
3. If a subcommittee is created the chair should be the tie breaker, therefore the chair should not be part of a subcommittee.
4. If there are subcommittees, the full signature verification committee needs to decide whether the subcommittees have authority to accept or reject ballots using a majority vote of the subcommittee members. Alternative, the whole committee could decide to give the subcommittee only authority to accept ballots and set aside rejected ballots and decide as whole which ones should be rejected by a majority.

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TEXAS SECRETARY OF STATE

FAQ'S**1. For an FPCA, does the voter need to sign the signature sheet and carrier envelope?**

The voter may sign either the signature sheet if one was provided or sign the carrier envelope. There is nothing under Texas law that requires for both to be signed and submitted.

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TEXAS SECRETARY OF STATE

FAQ'S

2. If a voter hand delivers their ballot by mail in person, does the early voting clerk compare the signature on the carrier envelope to the signature roster for hand delivery that the voter must sign?

No. It is the job of the SVC to compare the signatures from the application to vote by mail, to the carrier envelope and not the early voting clerk. The SVC may ask for additional signatures on file with the voter registrar, election administrator or county clerk within the past six years and the signature roster for hand delivery may be used to compare signatures.

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TEXAS SECRETARY OF STATE

Thank you for your time.

Questions?

Elections@sos.texas.gov

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TEXAS SECRETARY OF STATE

Early Voting Ballot Board



Presented by: Krystine Ramon

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TEXAS SECRETARY OF STATE

Purpose of EVBB

- ***The Early Voting Ballot Board is not optional and is mandatory unlike the Signature Verification Committee.***
- To serve as the authority that processes early voting ballots and provisional ballots.
- The Early Voting Ballot Board (the “Board”) generally meets twice during an election. First, the Board meets to qualify ballots by mail on election day or after the last day to vote early by personal appearance. Second, the Board meets after election day to review any provisional ballots and to qualify mail-in ballots received by the NBD/5th/6th day after the election from voters casting a ballot from outside the country.

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TEXAS SECRETARY OF STATE

Composition of EVBB

- Presiding judge and at least 2 other members
- Presiding Judge appoints clerks
- How many members are appointed?
 - General Election for State and County officers (if joint ballot board):
 - The same number of members must be appointed from each list provided by political parties.
 - County Ordered Election
 - Commissioner's Court appoints Presiding Judge and Presiding Judge appoints clerks.
 - Local elections:
 - Authority ordering election sets number of members.

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TEXAS SECRETARY OF STATE

Who appoints Presiding Judge and Clerks?

Type of Election	Presiding Judge	EVBB Clerks
General Election for State and County Officers	County Election Board -- from list provided by political party whose nominee for Gov received the most votes in the county	County Election Board -- from lists provided by political parties (same number from each list)
Primary Elections	County Chair of Political Party with approval of County Executive Committee	Presiding Judge of EVBB
All Other County ordered elections	Commissioners Court	Presiding Judge of EVBB
All other Elections	Authority ordering election	Presiding Judge of EVBB

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TEXAS SECRETARY OF STATE

Eligibility to Serve on Board

- Same qualifications for Election Judges/Clerks
 - Qualified voter of the political subdivision served by the early voting clerk. Sec. 32.051
 - **Must take oath of office prior to service**
- Ineligible if:
 - Hold public elective office
 - Opposed candidate in election on the same day
 - Related to an opposed candidate within 2nd degree by blood or marriage
 - Serving as campaign treasurer/campaign manager for candidate in election

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TEXAS SECRETARY OF STATE

Compensation

- Same hourly compensation as election judges EXCEPT Sec. 32.091
 - If work is less than 10 hours – payable for up to 10 hours.
 - Board members serving as election judges/clerks cannot be compensated for performing both tasks at the same time.

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TEXAS SECRETARY OF STATE

FAQ's

1. Our entity doesn't have any ballots by mail, do we have to have a ballot board?

Yes. All entities must have a ballot board. An early voting ballot board shall be created in each election to process early voting results and provisional ballots from the territory served by the early voting clerk. [87.001] You must always appoint a ballot board because you will not know until Election Day whether there will be provisional ballots that need to be reviewed by the EVBB.

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TEXAS SECRETARY OF STATE

FAQ's

2. May the deputy early voting clerks or election day workers serve on the ballot board?

This depends. Our office advises that a deputy early voting clerk may not serve on the EVBB. Duties conflict in scope and time for performance. An election day officer may serve on the EVBB. Please keep in mind that both duties may not be done at the same time.

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TEXAS SECRETARY OF STATE

FAQ'S

3. May the early ballot board members serve on the signature verification committee?

Not recommended. Since the ballot board members may override a rejected signature decision by the committee, a ballot board member should not serve on the signature verification committee. [87.027]

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Texas Secretary of State Elections Division

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**Early Voting Ballot Board**

Role A	Role B	Okay?
Early Voting Ballot Board Judge/Member	Election Judge/Alternate Judge	Yes – Except for during primary or general election for state and county officers. (87.004)
Early Voting Ballot Board Judge/Member	Election Clerk	Yes – Except for during primary or general election for state and county officers. (87.004)
Early Voting Ballot Board Judge/Member	Early Voting Clerk or Deputy Early Voting Clerk	Unadvisable – Duties conflict in scope and time for performance.
Early Voting Ballot Board Judge/Member	Signature Verification	No - Conflicts with role on early voting ballot board. (87.027)
Early Voting Ballot Board Judge/Member	Central Counting Station	Maybe – If no conflicts with timing of work on ballot board. (87.027)
Early Voting Ballot Board Judge/Member	Employee of Political Subdivision	No – per eligibility requirements of a presiding judge. (Ch. 32)
Early Voting Ballot Board Judge/Member	Candidate/Officeholder	No – per eligibility requirements of a presiding judge. (Ch. 32)
Early Voting Ballot Board Judge/Member	Employee of Candidate	No – per eligibility requirements of a presiding judge. (Ch. 32)
Early Voting Ballot Board Judge/Member	Relative of Candidate	No – per eligibility requirements of a presiding judge if within 2 nd degree. (Ch. 32)
Early Voting Ballot Board Judge/Member	Campaign Employee – Manager or Treasurer	No – per eligibility requirements of a presiding judge. (Ch. 32)

FAQ'S

4. Do members from the ballot board have to be from different parties?

Yes. The same number of members must be appointed from each list provided by political parties with party affiliation on the ballot. Lists may be submitted by all parties that have a nominee on the general election ballot, including the Green and Libertarian Party.

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FAQ'S

5. What if our county does not have a chair from one of the political parties, what do we do?

The party first needs to fill the vacancy of the party chair. Then the chair would be able to provide a list of names. If there is no vacancy filed then the Presiding Judge or County Election Board whichever is applicable should appoint members.

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TEXAS SECRETARY OF STATE

FAQ'S

6. If the EVBB is verifying signatures and not the SVC, when does the board need to ask for copies of signatures within the past 6 years from the County Clerk, EA or VR?

There is nothing in the Election code that states when this may be done. The board members may ask for these documents of voters signatures in advance as long as it is reasonable. We recommend that this may be done within ample time to allow for the County Clerk, EA or VR to prepare all these documents. Electronic copies of these documents may be sent to the board.

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TEXAS SECRETARY OF STATE

FAQ'S

7. What is a majority vote of the EVBB?

The Election Code does not state what constitutes as a majority for the EVBB. Some counties will determine by the full board members present, or members of the subcommittees. Our recommendation is that the board comes to an agreement of what constitutes as a majority and that the board use that throughout the process.

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FAQ'S

8. May the EVBB keep notes?

The EVBB may not disclose the results of the accepted and rejected ballots. With that said, the Board may keep notes. Please keep in mind that these notes are subject to public information requests.

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FAQ'S

9. Are the carrier envelopes and applications public information?

Yes. A copy of an application for a ballot to be voted by mail is not available for public inspection, except to the voter seeking to verify that the information pertaining to the voter is accurate, until the first business day after the election day of the earliest occurring election for which the application is submitted. Originals of the applications and carrier envelopes are not available for public inspection until those materials are delivered to the general custodian of election records after the election. [86.014]

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TEXAS SECRETARY OF STATE

FAQ'S

10. Does the EVBB separate rejected and accepted ballots?

Yes. The EVBB needs to separate the rejected and accepted ballots. If the board did not separate rejected and accepted ballots and cannot determine which ones were accepted or rejected, the board will need to start the process over as they have the authority to do so. However, if the SVC does not separate these ballots they have no authority to start this process over again and the ballots will be sent to the EVBB to verify signatures.

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TEXAS SECRETARY OF STATE

Convening the Early Voting Ballot Board

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TEXAS SECRETARY OF STATE

Convening the EVBB

- The board **must** convene to complete the following tasks:
 - Qualify and Process Regular Ballots by Mail
 - Qualify and Process Various Late Ballots
 - Qualify and Process Provisional Ballots
- The EVBB usually meets a minimum of **two** times.
- At first meeting, take oath.

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TEXAS SECRETARY OF STATE

Convening the EVBB

- **On or before Election Day:**
 - Qualify ballots by mail
- **After Election Day:**
 - Process Provisional Ballots
 - Qualify “Late Ballots”
 1. Ballots mailed within US (received by next business day 5pm and postmarked by Election Day) voters using ABBM
 2. Ballots mailed from non military voters outside the US (received by 5th day)
 3. Ballots mailed military voters using FPCA (received by 6th day)

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TEXAS SECRETARY OF STATE

Convening: Early Voting Ballots by Mail

- **General Rule:**
 - Qualifying and Processing Ballots:
 - May convene at the end of Early Voting by Personal Appearance (3rd day before) to qualify ballots
 - Ballots may not be counted until after the polls open on election day.
- **Rule for Counties with a population of 100,000 or more (this includes CSO conducting an election jointly with the county):**
 - Qualifying and Processing Ballots:
 - May convene on the 9th day before the last day of the period of early voting
 - EVBB may deliver ballots to the central counting station for early counting after the end of the early voting period. Results may not be released until the close of polls on election day.

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TEXAS SECRETARY OF STATE

Convening: Late Ballots Outside the US

- The Board **must** reconvene to count mail ballots that were:
 - Cast from outside US (FPCA or ABBM)
 - Placed in delivery before polls closed
 - Received by 5th day after election (non-military) Sec. 86.007
 - Late Ballots mailed from outside US (received by 6th day) military voters using FPCA Sec. 101.057
- The board shall re-convene no earlier than the **6th day** after the election for these ballots, unless the EV clerk certifies that all ballots from outside the US have already been received.

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TEXAS SECRETARY OF STATE

Convening: Late Ballots (“next business day after election day”) from ABBM voters Inside the US

- General Rule is The 9th day after election day deadline. Sec. 87.125(a)
- For General Elections for State and County Officers the 13th day after election day deadline. Sec. 87.125(a-1)

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Texas Secretary of State Elections Division

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TEXAS SECRETARY OF STATE

Convening: Late Ballots (“6th day after election day”) from military FPCA voters Inside the US

- General Rule is The 9th day after election day deadline. Sec. 87.125(a)
- The 13th day after election day deadline for General Elections for State and County Offices. Sec. 87.125(a-1)

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Convening: Provisional Ballots

- May convene as soon as practicable after the Voter Registrar completes their review.
- **General Rule:** Cannot convene a **final time** until after the 6th day after the election due to Voter ID verification.
- **SOS RECOMMENDATION:** Review provisional ballots on a rolling basis.

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Texas Secretary of State Elections Division

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When is the last day the EVBB can complete their duties?

- Review of all late-qualified ballots **must** be completed by:
 - The general rule is the **9th day after the date of election** and the **13th day after the date of the election**, (Elections held on the date of the general election for state and county officers.

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TEXAS SECRETARY OF STATE

WARNING

If the EVBB does not complete their duties by the last day allowed under Texas law, they MUST get a court order to continue their review of ballots.

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TEXAS SECRETARY OF STATE

Notice Requirements

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TEXAS SECRETARY OF STATE

Notice of Delivery of Ballots

- Early Voting Clerk must post **Notice of Delivery of Ballots** to the EVBB 24 hours before each delivery that is made prior to the time the polls open on election day.
- SOS has prescribed forms for this notice: AW6-6 (Mail ballots only) & AW6-7 (Mail and paper balloting materials)
- Recommendation: Notices should be posted on website if possible

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KR2 XAS SECRETARY OF STATE

Delivery of Provisional Ballots

- Presiding Judge must post notice of the EVBB meeting on provisional ballots on the same bulletin board used for posting notices of meetings of the governing body ordering election.
- Notice must be posted no later than 24 hours before EVBB meets.
- Recommendation: Notices should be posted on website if possible.

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Slide 30

KR2

Poll Watchers

Krystine Ramon, 7/18/2019

TEXAS SECRETARY OF STATE

Security of Ballots

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TEXAS SECRETARY OF STATE

Security of Ballots

- Presiding judge must inspect box, seals, numbers on seals and indicate on receipt any discrepancies.
- Presiding Judge cannot refuse delivery of ballot boxes.
- Custodian of second ballot box key must deliver key when requested.

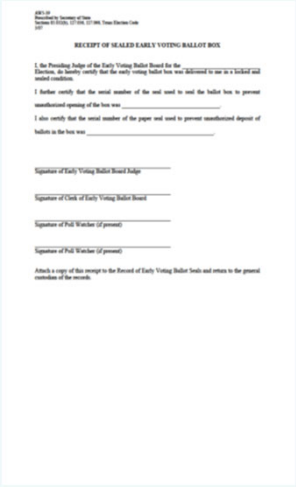
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TEXAS SECRETARY OF STATE



Security of Ballots

- PJ must **lock and seal** each ballot box before delivering to the custodian of records
- PJ must complete [Ballot Security Form AW5-39](#)
- Form must be signed by another member of EVBB that witnessed the procedure.
 - In November of even-numbered year election, Co-signer must be from different political party.
- PJ retains the key to ballot boxes.
 - If PJ unwilling to retain keys, keys delivered to appropriate authority under (66.060 (a))

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TEXAS SECRETARY OF STATE

Timeliness of Overseas Ballots

- Carrier envelope must:
 - Be properly addressed with postage
 - Bear a cancellation mark from the postal service or a receipt mark (**unless** military voter using FPCA)
 - However, it is timely even without cancellation mark if arrives by regular deadline of 7 pm election day.

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TEXAS SECRETARY OF STATE

Overseas Ballot

- Should I reject an overseas non military ballot from a voter using an FPCA or ABBM if it was mailed in the U.S.?
 - No, the EVBB should not be considering where the ballot was mailed.
 - While in certain circumstances you should be checking to ensure it has a timely postmark, you should not be considering where the postmark is from.

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TEXAS SECRETARY OF STATE

Ballot By Mail Procedures

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TEXAS SECRETARY OF STATE

Ballot by Mail Procedures

- Review of ABBM/FPCA & Carrier Envelope
 - Reasons for voting by mail
 - Voter registration status
 - Procedures for submitting ballot properly followed
- Signature Verification
- Return materials to General Custodian

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TEXAS SECRETARY OF STATE

Qualifying Ballots By Mail

- Signature Verification
 - Authorized to use electronic copies of balloting materials
 - Board may also compare signatures with two or more signatures the voter made within the preceding 6 years and on file with EA, VR or County Clerk.
- “ID” Voters
 - Must provide copy of one of the 7 valid forms of photo identification OR RID plus supporting form of ID
- Witnessing v. Assisting a voter
 - NO limit on number of carrier envelopes that a person may witness or assist.
 - A Witness may only witness 1 ABBM unless certain exceptions apply.

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TEXAS SECRETARY OF STATE

Provisional Ballot Procedures

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TEXAS SECRETARY OF STATE

Provisional Ballot Procedures

- Review Provisional Ballot Envelope
- Return of Materials to General Custodian

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TEXAS SECRETARY OF STATE

Reviewing Provisional Ballots

- Authority appointing EVBB may determine which members of the board will review the provisional ballots
- Entire board does not need to be present
- Minimum of three EVBB members must be present.

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Administrative Duties

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TEXAS SECRETARY OF STATE

Return of Materials to Custodian

- Delivered to General Custodian of Election Records.
 - Re-locked ballot boxes containing ballots
 - Key to ballot box returned to general custodian
 - List of Provisional Voters
- General custodian prepares amended unofficial return
- Ballots and Envelopes retained for preservation period
- Public Records
 - Carrier Envelopes
 - Application for Ballot By Mail (Annual ABBMS available after earliest occurring election for which the application was submitted)
 - Provisional Ballot Affidavit Envelope
 - List of Provisional Voters
- Rejected Ballots may only be opened by court order (TAC Rule 81.176)

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TEXAS SECRETARY OF STATE

Notice to Voters

- Ballots by Mail
 - [Notice of Rejected Ballot](#)
 - Within 10 days of election
- Provisional Ballots
 - [Notice of Outcome to Provisional Voters](#)
 - No later than 10th day after the local canvass
 - Use mailing address provided on Provisional Ballot Affidavit.

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TEXAS SECRETARY OF STATE

Notice of Rejected Ballot

The EV clerk shall, not later than the 30th day after election day, deliver notice to the Attorney General, including certified copies of the carrier envelope and corresponding ballot application, of any ballot rejected because:

- 1) the voter was deceased;
- 2) the voter already voted in person in the same election;
- 3) the signatures on the carrier envelope and ballot application were not executed by the same person;
- 4) the carrier envelope certificate lacked a witness signature; or
- 5) the carrier envelope certificate was improperly executed by an assistant [Sec. 87.0431]

For questions, you may contact: mailinballotreporting@oag.texas.gov.

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TEXAS SECRETARY OF STATE

FREQUENT SITUATIONS FOR EVBB

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TEXAS SECRETARY OF STATE

Situation 1: Two Ballots in One Carrier Envelope

1. If you receive an envelope or package with two or more carrier envelopes from individuals registered at the same address inside may you accept the ballots?

This depends. If you receive an envelope or package with two carrier envelopes from individuals registered at the same address inside and the carrier envelopes are separated (meaning two different carrier envelopes with two different ballots), then you may accept the ballots. If you receive an envelope or package with two or more carrier envelopes from individuals registered at the same address inside and the carrier envelopes are not separated (meaning two or more ballots are in one carrier), then you may not accept both ballots and they would be rejected. This scenario is often found when a couple mails both their ballots in the same carrier envelope.

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TEXAS SECRETARY OF STATE

Situation 2: Carrier Envelope Witness/Assistance Portion Filled Out Incorrectly

1. If you receive a carrier envelope with the witness/assistant portion filled out incorrectly, do you accept it?

No. The Witness/Assistance portion must be filled out correctly.

2. If the Early Voting Clerk receives a timely carrier envelope that does not fully comply with the applicable requirements prescribed by this title, the clerk may deliver the carrier envelope in person or by mail to the voter and may receive, before the deadline, the corrected carrier envelope from the voter, or the clerk may notify the voter of the defect by telephone and advise the voter that the voter may come to the clerk's office in person to correct the defect or cancel the voter's application to vote by mail and vote on election day. If the early voting clerk chooses to do this with one voter, this must be applied uniformly to all carrier envelopes. A poll watcher is entitled to observe the procedures if this is done. This procedure may be used if the early voting clerk can determine that two carrier envelopes are in one. (86.011(d))

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TEXAS SECRETARY OF STATE

Situation 3: Voters Mailing Address on ABBM is Different than Voter Registration Address on File

1. If the grounds for voting by mail is either being 65 or over, or disability, and the applicant has not provided his or her official mailing address as shown on the list of registered voters as the address for mailing his or her ballot, the address provided must be that of a hospital, nursing home, other long term care facility, retirement center, or the address of a relative within the second degree of affinity or third degree of consanguinity with whom the applicant is living. If this information was not provided on the Application for Ballot by Mail, the ballot should be rejected per Section 87.041 of the Code.

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Texas Secretary of State Elections Division

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Thank you for your time.

Questions?

Elections@sos.texas.gov

3/23/2021

Texas Secretary of State Elections Division

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From: Christina Adkins
Sent: Tuesday, November 3, 2020 2:26 PM
To: Ann L. Diamond
Cc: Mark C. Kratovil
Subject: RE: My contact info for your convenience
Attachments: Court Order to Recount.pdf; filed NOTICE OF HEARING.pdf; Petition to re open central count.docx; TPP Affidavit_20200306_180019.pdf; Terry County.pdf; VICTORIA COUNTY'S PETITION FOR OFFICIAL ELECTION RECOUNT.pdf

Attached are handful of sample orders I have regarding late counting of ballots.

From: Ann L. Diamond <ADiamond@tarrantcountytx.gov>
Sent: Tuesday, November 3, 2020 2:22 PM
To: Christina Adkins <CAdkins@sos.texas.gov>
Cc: Mark C. Kratovil <mckratovil@tarrantcountytx.gov>
Subject: My contact info for your convenience

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to informationsecurity@sos.texas.gov.

Hi Christina,

Thank you for offering to send court orders on continuing counting if needed. Yes, I would appreciate seeing what you have.

Best wishes for a good day,

A.D.
817.884.2435 direct

Ann Diamond
Assistant Criminal District Attorney
Tarrant County Criminal District Attorney's Office – Civil Division
Tim Curry Criminal Justice Center
401 W. Belknap
Fort Worth, Texas 76196
817.884.1233 phone
817.884.1675 FAX
adiamond@tarrantcountytx.gov

Sharen Wilson
Criminal District Attorney
Tarrant County, Texas



CONFIDENTIALITY NOTICE: This electronic transmission and any documents or other writings sent with it may contain information that is confidential, proprietary and/or privileged. It is intended for the sole use of the intended recipient. If you have received this communication in error, please promptly notify the sender at the Tarrant County Criminal District Attorney's Office by reply email and destroy the original message. Any inadvertent disclosure does not constitute a waiver of the attorney-client privilege or any other privilege. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication or any attachment(s) by anyone other than the intended recipient is strictly prohibited.

CAUSE NO. DC-20-03724

IN THE INTEREST OF
THE STATE OF TEXAS

§
§
§
§
§

IN THE DISTRICT COURT
298TH JUDICIAL DISTRICT
DALLAS COUNTY, TEXAS

**ORDER GRANTING PETITION TO RE-OPEN THE CENTRAL COUNTING STATION
FOR RECOUNT AND RE-TABULATION OF THE DALLAS COUNTY MARCH 3, 2020
DEMOCRATIC AND REPUBLICAN PRIMARY ELECTIONS**

On this day, the Court considered the *Petition to Re-Open the Central Counting Station for Recount and Re-Tabulation of the Dallas County March 3, 2020 Democratic and Republican Primary Elections*, and after reviewing the petition, listening to the testimony, and the arguments of counsel, the Court finds the petition should be granted. Thus, an official recount and re-tabulation of the March 3, 2020 Democratic and Republican Primary Elections conducted by the Dallas County Elections Administrator is hereby **ORDERED** for the votes cast on the list of scanner and tabulators attached to this Order as Exhibit "A".

IT IS FURTHER ORDERED:

1. An official recount of the paper back up ballots from votes cast on the scanner and tabulator machines in Exhibit "A" shall be conducted at the Dallas County Elections Department located at 1520 Round Table Drive, Dallas, Texas 75247 at 8 A.M. on March 11, 2020.
2. The Dallas County Central Counting Station is authorized and directed to re-open for this recount.
3. The Dallas County Elections Administrator is authorized and directed to recount the paper back up ballots by using the central counting station tabulator.
4. The Dallas County Elections Administrator shall report the results of the recount to the Dallas County Democratic and Republican Party chairs.

5. The parties shall comply with Section 33.007
of the Texas Elections Code in connection with
the recount described above.
-
-

SIGNED on this the 10th day of March, 2020.

Amely H. Fobuelli
JUDGE PRESIDING

EXHIBIT "A"

VC#	Location	Address	City	Zip
V1015D	MULTIPLE CAREERS MAGNET CENTER	4528 RUSK AVE	DALLAS	75204
V1029R	RICHLAND COLLEGE-LECROY CENTER	9596 WALNUT ST	DALLAS	75243
V1063D	GEORGE TRUETT ELEM SCHOOL	1811 GROSS RD	DALLAS	75228
V1079R	S S CONNER ELEM SCHOOL	3037 GREENMEADOW DR	DALLAS	75228
V1085D	URBAN PARK ELEM SCHOOL	6901 MILITARY PKWY	DALLAS	75227
V1088R	SKYLINE BRANCH LIBRARY	6006 EVERGLADE RD	DALLAS	75227
V1090D	SAN JACINTO ELEM SCHOOL	7900 HUME DRIVE	DALLAS	75227
V1092D	EDWARD TITCHE ELEM SCHOOL	9560 HIGHFIELD DR	DALLAS	75227
V1092R	EDWARD TITCHE ELEM SCHOOL	9560 HIGHFIELD DR	DALLAS	75227
V1109D	SURE FOUNDATION BAPTIST CHURCH	8805 FIRESIDE DR	DALLAS	75217
V1134R	FORESTER FIELD HOUSE	8233 MILITARY PKWY	DALLAS	75227
V1302D	VERNON PRICE ELEM SCHOOL	630 STROUD LN	GARLAND	75043
V1302R	VERNON PRICE ELEM SCHOOL	630 STROUD LN	GARLAND	75043
V1720D	O'BANION MIDDLE SCHOOL	700 BIRCHWOOD DR	GARLAND	75043
V2006D	HARRY C WITHERS ELEM SCHOOL	3959 NORTHAVEN RD	DALLAS	75229
V2023D	BENJAMIN FRANKLIN MID SCH	6920 MEADOW RD	DALLAS	75230
V2068R	DAN D ROGERS ELEM SCHOOL	5314 ABRAMS RD	DALLAS	75214
V2712R	NORTHLAKE ELEM SCHOOL-GISD	1626 BOSQUE DR	GARLAND	75040
V2714R	LYLES MIDDLE SCHOOL	4655 S COUNTRY CLUB RD	GARLAND	75043
V2921D	DORSEY ELEM SCHOOL-GISD	6200 DEXHAM RD	ROWLETT	75089
V3000D	OAKLAWN UNITED METHODIST CHURCH	3014 OAK LAWN AVE	DALLAS	75219
V3000R	OAKLAWN UNITED METHODIST CHURCH	3014 OAK LAWN AVE	DALLAS	75219
V3047R	CFNI STUDENT CENTER	444 FAWN RIDGE DR	DALLAS	75224
V3055D	ADELLE TURNER ELEM SCHOOL	5505 S POLK ST	DALLAS	75232
V3061D	BOMLA @ A MACEO SMITH	3030 STAG RD	DALLAS	75241
V3064R	FRIENDSHIP WEST BAPTIST CHURCH	2020 WHEATLAND RD	DALLAS	75232
V3078D	PARK IN THE WOODS REC CTR	6801 MOUNTAIN CREEK PKWY	DALLAS	75249
V3304D	POTEET HIGH SCHOOL	3300 POTEET DR	MESQUITE	75150
V3304R	POTEET HIGH SCHOOL	3300 POTEET DR	MESQUITE	75150
V3313D	J R THOMPSON ELEM SCHOOL	2525 HELEN LANE	MESQUITE	75181
V3313R	J R THOMPSON ELEM SCHOOL	2525 HELEN LANE	MESQUITE	75181
V4050D	MOUNTAIN CREEK LIBRARY	6102 MOUNTAIN CREEK PKWY	DALLAS	75249

V4055R	LESLIE STEMMONS ELEM SCHOOL	2727 KNOXVILLE ST	DALLAS	75211
V4062R	LELIA P COWART ELEM SCHOOL	1515 S RAVINIA DR	DALLAS	75211
V4066R	ANSON JONES ELEM SCHOOL	3901 MEREDITH AVE	DALLAS	75211
V4067D	GEORGE PEABODY ELEM SCHOOL	3101 RAYDELL PL	DALLAS	75211
V4074R	SUNSET HIGH SCHOOL- ANNEX BLDG	2021 W TENTH ST	DALLAS	75208
V4300D	COCKRELL HILL CITY HALL	4125 W CLARENDON DR	DALLAS	75211
V4502R	BETTY WARMACK LIBRARY	760 BARDIN RD	GRAND PRAIRIE	75052
V4515D	TRAVIS WORLD LANGUAGE ACADEMY	525 NE 15TH ST	GRAND PRAIRIE	75050
V4515R	TRAVIS WORLD LANGUAGE ACADEMY	525 NE 15TH ST	GRAND PRAIRIE	75050
V4527D	HECTOR P GARCIA ELEM SCHOOL	2444 GRAHAM ST	GRAND PRAIRIE	75050
V4618R	DAVID CROCKETT MIDDLE SCHOOL	2431 HANCOCK ST	IRVING	75061
V4622R	W T HANES ELEM SCHOOL	2730 CHEYENNE ST	IRVING	75062

CAUSE NO. DC-20-03724

**IN THE INTEREST OF
THE STATE OF TEXAS**

§ **IN THE DISTRICT COURT**
§
§ **298TH JUDICIAL DISTRICT**
§
§ **DALLAS COUNTY, TEXAS**

NOTICE OF HEARING

The Petition to Re-Open the Central Counting Station for Recount and Re-Tabulation of the Dallas County March 3, 2020 Democratic and Republican Primary Elections will be heard in the 298th Judicial District Court at 10 A.M. on March 10, 2020.

Respectfully submitted,

/s/ JOHN CREUZOT
JOHN CREUZOT
CRIMINAL DISTRICT ATTORNEY
DALLAS COUNTY, TEXAS
TEXAS BAR No. 05069200
John.Creuzot@dallascounty.org
133 N. RIVERFRONT BLVD., LB 19
DALLAS, TEXAS 75207
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ASSISTANT DISTRICT ATTORNEY
TEXAS BAR No. 17132070
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ASSISTANT DISTRICT ATTORNEY
TEXAS BAR No. 14916900
Earl.nesbitt@dallascounty.org
RANDALL MILLER
ASSISTANT DISTRICT ATTORNEY
TEXAS BAR No. 24059181

randall.miller@dallascounty.org

BEN STOOL

ASSISTANT DISTRICT ATTORNEY

TEXAS BAR NO. 19312500

ben.stool@dallascounty.org

CIVIL DIVISION

411 ELM STREET, FIFTH FLOOR

DALLAS, TEXAS 75202

PHONE: (214) 653-7358

FAX: (214) 653-6134

ATTORNEYS FOR DALLAS COUNTY

ELECTIONS ADMINISTRATOR

ANTOINETTE "TONI" PIPPINS-POOLE

CERTIFICATE OF SERVICE

Pursuant to Rule 21 of the Texas Rules of Civil Procedure, I certify that a true and correct copy of foregoing document was served in compliance with Rule 21a of the Texas Rules of Civil Procedure to the following in the manner indicated below:

Via email and e-service:

Rodney Anderson, Chairman
Dallas County Republican Party
rodney@dallasgop.org

Via email and e-service:

Carol Donovan, Chair
Dallas County Democratic Party
carol@dallasdemocrats.org

Via email and e-service:

Keith Ingram
Director of Elections
Texas Secretary of State
KIngram@sos.texas.gov

Via email and e-service:

Christina Adkins

Legal Director
Elections Division
Texas Secretary of State
CAdkins@sos.texas.gov

DATED: March 9, 2020

/s/ John Creuzot

CAUSE NO. _____

IN THE INTEREST OF
THE STATE OF TEXAS

§
§
§
§
§

IN THE DISTRICT COURT
____ JUDICIAL DISTRICT
DALLAS COUNTY, TEXAS

**PETITION TO RE-OPEN THE CENTRAL COUNTING STATION FOR
RECOUNT AND RE-TABULATION OF THE DALLAS COUNTY MARCH 3,
2020 DEMOCRATIC AND REPUBLICAN PRIMARY ELECTIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, the Dallas County Dallas County Elections Administrator, Antoinette “Toni” Pippins-Poole (“Elections Administrator”) in her official capacity and files this Petition to Re-open the Central Counting Station for Recount and Re-tabulation of the Dallas County March 3, 2020 Democratic and Republican Primary Elections and would show the Court following:

**I.
Background**

1.1 The Elections Administrator in her official capacity is represented by the Dallas County Criminal District Attorney, John Creuzot, and the undersigned assistant criminal district attorneys.

1.2 The Elections Administrator conducted the March 3, 2020 Democratic and Republican Primary Elections in Dallas County pursuant to a contract as authorized by Tex. Elec. Code § 31.903(c). The Elections Administrator also served as the early voting

clerk for both the Democratic and Republican Primary elections pursuant to Tex. Elec. Code §§ 83.002; 31.907.

II. **Factual Background**

2.1 Prior to the March 3, 2020 Democratic and Republican Primary Elections, Dallas County purchased new voting equipment for the Dallas County Elections Department. This new election equipment records citizen votes electronically, but also creates a paper ballot record of the votes which were cast.

2.2 During the reconciliation process after election day it was determined that there were discrepancies with 44 precinct scanner and tabulator machines at certain vote centers throughout Dallas County. Because of these discrepancies and after conferring with the Texas Secretary of State, it has been determined that the most accurate records are the paper ballots from those locations. See the attached affidavit of Antoinette “Toni” Pippins –Poole for further explanation of the discrepancies.

III. **Venue**

3.1 Venue is mandatory in Dallas County under Tex. Civ. Prac. & Rem. Code § 15.002(a)(1) because Dallas County, Texas is the county in which all of the events or omissions giving rise to this action occurred.

IV. **Applicable Law**

4.1 Recounts are governed by Title 13 of the Texas Election Code.

4.2 Both the Dallas County Democratic and Republican political parties are required to canvass the results of the March 3, 2020 Primary elections by March 12, 2020 pursuant to Tex. Elec. Code § 172.116(b).

4.3 The state party chairs of the Texas Democratic and Republican parties are required to canvass the statewide election results by March 14, 2020 pursuant to Tex. Elec. Code § 172.120 (b).

4.4 A central counting station was established for both the Democratic and Republican Primary Elections for March 3, 2020 pursuant to Tex. Elec. Code § 127.001.

4.5 Unofficial election results were announced after the polls closed on March 3, 2020 and undated throughout the night in compliance with Tex. Elec. Code § 127.1311.

4.6 The procedure to request and obtain a recount is detailed in Chapter 212, Texas Elections Code.

V. **Argument**

5.1 It is a fundamental concept to our representative democracy that every vote is counted.

5.2 The Elections Administrator consulted with the Texas Secretary of State and reviewed Chapter 212, Texas Elections Code. After the review, there is no specific statute concerning counting errors as a ground for a recount on Electronic Voting Equipment analogous to Tex. Elec. Code § 212.034 concerning “Counting Errors as Grounds for Recount in Paper Ballot Precincts and Electronic Ballot Precincts.” In relevant part, Tex. Elec. Code § 212.034 states:

(a) To obtain a recount on the ground of counting errors in election precincts in which paper ballots were used, a person must attach to the recount petition an affidavit or affidavits from one or more presiding judges of the election stating that certain votes cast for the office or measure, as applicable, were either counted or not counted, as appropriate, with a brief description of the circumstances involved. . . .

(e) . . . after the date the copy of the recount petition and each affidavit is received by the secretary of state, the secretary shall deliver written certification of whether grounds exist for obtaining a recount on the basis of counting errors to the recount coordinator. . .

5.3 Because there is no direct statutory authority to proceed for a recount regarding errors of the electronically recorded votes along with the facts of this case, the Dallas County Elections Administrator asks the Court to authorize the recount of the paper ballots through the central counting station tabulator.

VI. **Prayer**

6.1 Now therefore, based on the foregoing, the Dallas County Elections Administrator requests this Court to order a recount, re-scan and re-tabulation of paper votes cast in the March 3, 2020 Democratic and Republican Primary elections similar to recounts allowed under Texas Election Code § 212.034 for the 44 scanner and tabulator machines in question. The recount requested would involve taking the paper ballots from the ballot boxes of those 44 scanner and tabulator machines and running the paper ballots through the central counting station tabulator. Further, the Dallas County Elections

Administrator asks the Court to set a date and time for the recount to occur so all parties authorized under the Texas Election Code may attend the recount and observe. The Dallas County Elections Administrator prays for all other relief in law and equity to which she is entitled.

Respectfully submitted,

/s/ JOHN CREUZOT

JOHN CREUZOT

CRIMINAL DISTRICT ATTORNEY

DALLAS COUNTY, TEXAS

TEXAS BAR No. 05069200

John.Creuzot@dallascounty.org

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RUSSELL RODEN

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TEXAS BAR No. 17132070

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EARL NESBITT

ASSISTANT DISTRICT ATTORNEY

TEXAS BAR No. 14916900

Earl.nesbitt@dallascounty.org

RANDALL MILLER

ASSISTANT DISTRICT ATTORNEY

TEXAS BAR No. 24059181

randall.miller@dallascounty.org

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ASSISTANT DISTRICT ATTORNEY

TEXAS BAR No. 19312500

ben.stool@dallascounty.org

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carol@dallasdemocrats.org

Via email and e-service:

Keith Ingram
Director of Elections
Texas Secretary of State
KIngram@sos.texas.gov

Via email and e-service:

Christina Adkins
Legal Director
Elections Division
Texas Secretary of State
CAdkins@sos.texas.gov

DATED: March 6, 2020

/s/ John Creuzot

AFFIDAVIT OF ANTOINETTE "TONI" PIPPINS-POOLE

STATE OF TEXAS §

§

COUNTY OF DALLAS §

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BEFORE ME, the undersigned notary public of the State of Texas,
on this day personally appeared ANTOINETTE 'TONI' PIPPINS-POOLE,
the affiant, a person whose identity is known to me. After I
administered an oath to affiant, affiant testified:

"My name is Antoinette 'Toni' Pippins-Poole. I am over the age of 18, have not been convicted of a felony or a crime involving moral turpitude and am otherwise fully competent to make this Affidavit.

"I am the Elections Administrator for Dallas County, Texas ('Dallas County') and am the department head of the Dallas County Elections Department ('Elections Department'). I entered into contracts with the Dallas County Democratic Party and the Dallas County Republican Party to administer the 2020 Democratic primary election in Dallas County and the 2020 Republican primary election in Dallas County ("primary elections") held on March 3, 2020 ('Election Day').

“Initially, Dallas County had 465 countywide polling places (‘vote centers’) set up for the 2020 primary elections so that any registered voter in Dallas County could cast a ballot at any vote center in Dallas County on Election Day as opposed to being limited to the polling place where the voter was registered to vote. The Dallas County Democratic Party and the Dallas County Republican Party agreed to close 10 vote centers because both political parties did not get contracts with the building locations for those 10 vote centers. Consequently, those 10

building locations for those 10 vote centers refused delivery of the precinct scanner and tabulator machines for those 10 vote centers. In addition, one voter center could not be opened on Election Day for other reasons, so ultimately there were 454 vote centers in operation on Election Day.

"Part of the administration of the primary elections included me serving as the manager of the central counting station ("central count") for both primary elections, which is inside the Elections Department. After the polls close on Election Day, there is a process to reconcile the number of voters accepted to vote at each vote center with the number of ballots received at central count from each vote center.

"During the reconciliation process at central count after the polls closed on Election Day, I determined that there were discrepancies between the number of voters accepted to vote at some vote centers and the number of ballots received at central count from those vote centers.

"Each vote center has electronic poll books where voters present themselves to vote and if they are accepted to vote, are given a ballot to cast in a ballot marking device. The information about each voter who is accepted to vote at each vote center is transmitted electronically to the voter registration system in the Dallas County Elections Department.

"Each vote center has one or more precinct scanner and tabulator machines that scan and tabulate the marked ballots cast by the voters and then store the marked ballots inside the precinct scanner and tabulator machine. 189 vote centers had both a Republican Election Judge and a Democratic Election Judge. 265 vote centers had only a single Election Judge. All 189 vote centers with both a Republican Election Judge and a Democratic Election Judge had two precinct scanner and tabulator machines.

Some vote centers with only one Election Judge had two precinct scanner and tabulator machines. Some vote centers with only one Election Judge had only one precinct scanner and tabulator machine. At vote centers with only one Election Judge and two precinct scanner and tabulator machines, the Election Judge was instructed to 'open' only one of the precinct scanner and tabulator machines.

"There are two thumb drives in each precinct scanner and tabulator that record the votes cast on each ballot fed into the precinct scanner and tabulator machine. One thumb drive is the primary thumb drive and one thumb drive is the backup thumb drive. The primary thumb drive is only ever connected to a precinct scanner and tabulator machine and then later to a desktop computer at central count, which is part of the air-gapped, central count tabulating system. Neither the precinct scanner and tabulating machines or the central count tabulating system are connected to the Dallas County computer network or the Internet.

"In order for each precinct scanner and tabulator machine to scan and tabulate ballots, the Election Judge for each vote center is trained to 'open' each precinct scanner and tabulator machine by using a metal key and password to unlock each precinct scanner and tabulator machine and then use a tabulator touchscreen built into each precinct scanner and tabulator machine to 'open' the precinct scanner and tabulator machine.

"The process of 'opening' the precinct scanner and tabulator machine 'opens' the primary and backup thumb drives in the precinct scanner and tabulator machine so that the thumb drives can record votes.

"As each ballot is scanned by a precinct scanner and tabulator machine, the votes on the ballot are tabulated and then recorded

on the primary thumb drive. No votes are recorded onto the backup thumb drive until the precinct scanner and tabulator is 'closed' after the polls close on Election Day.

"When the polls close on Election Day, the Election Judge for each vote center was instructed to 'close' each precinct scanner and tabulator machine by unlocking a door on the precinct scanner and tabulator machine and pressing a 'close button.' Then the Election Judge is trained to use the tabulator touchscreen that is built into each precinct scanner and tabulator machine to 'close' each precinct scanner and tabulator machine. As each Election Judge 'closes' each precinct scanner and tabulator machine, the votes recorded on the primary thumb drive in the precinct scanner and tabulator machine are automatically copied over to the backup thumb drive in the precinct scanner and tabulator machine.

"After each precinct scanner and tabulator machine in the Election Judge's vote center is 'closed', the Election Judge is trained to remove the primary and backup thumb drives from each precinct scanner and tabulator and place each thumb drive in separate bags to protect the thumb drives from static electricity. Then, the Election Judge is trained to put both bags with the primary and secondary thumb drives into a red envelope for transport to a regional collection site. The Election Judge for each vote center is trained to transport each red envelope from the Election Judge's vote center to one of 13 designated regional sites.

"The precinct scanner and tabulator machines are delivered to the vote centers during the early voting period, but before Election Day. It was determined that there would not be enough Election Judges to have both a Democratic Election Judge and a Republican Election Judge in 454 vote centers. Consequently, it was determined that 189 vote centers would have both a Democratic

Election Judge and a Republican Election Judge, but that 265 vote centers would have either a Democratic Election Judge or a Republican Election Judge, but not both. In the vote centers with only one Election Judge, that Election Judge conducted both primary elections in that Election Judge's vote center.

"As the 13 regional sites receive red envelopes from the Election Judges, Elections Department personnel at the 13 regional sites open the red envelopes and put only the backup thumb drives into a laptop in order to transfer the number of ballots with the votes to central count at the Elections Department for Election night reporting. The primary thumb drives are checked off as they are received at the 13 regional sites and set aside in a container with a physical locking mechanism. At the end of the night, the locked containers with the primary thumb drives and backup thumb drives are hand delivered to central count by the 13 regional site managers.

"As the votes come into central count from the 13 regional sites, the reconciliation process begins to compare the number of voters accepted at each voter center with the number ballots cast at each vote center.

"During the reconciliation process, the number of primary thumb drives sent out to vote centers was compared with the number of primary thumb drives received back at central count. It was initially believed that all of the ballots cast at all of the 454 vote centers had been received back at central count on the primary thumb drives that had come back to central count from the 13 regional sites. However, it was later determined that there are ballots from 44 of the precinct scanner and tabulator machines that are unaccounted for.

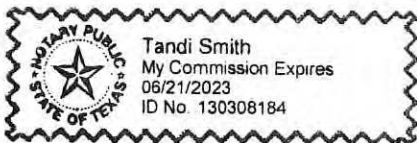
Consequently, I need to perform a paper recount of the ballots from 44 of the precinct scanner and tabulator machines that were not accounted for during the reconciliation process.

"Each and every statement contained in this Affidavit is true and correct and based on my personal knowledge or on public records available to me as Elections Administrator for Dallas County, Texas.

FURTHER AFFIANT SAYETH NAUGHT."


Antoinette "Toni" Pippins-Poole

Sworn to and subscribed before me on March 6th, 2020 to certify which witness my hand and seal of office.




Notary Public for the State of Texas

No. 18690

IN THE INTEREST OF
THE STATE OF TEXAS

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IN THE 121ST DISTRICT COURT
IN
TERRY COUNTY, TEXAS

FILED FOR RECORD
2010 MAR 11 AM 11:44
TERRY COUNTY CLERK
TERRY COUNTY DISTRICT CLERK

**EX PARTE PETITION FOR RECOUNT AND RETABULATION OF
DEMOCRATIC AND REPUBLICAN PRIMARY ELECTRONIC VOTES**

Now comes, Ramon Gallegos, Terry County Attorney on behalf of the State of Texas and Terry County, requesting a recount and/or retabulation of the votes cast in the Democratic and Republican Primary in Terry County, Texas.

Said recount and retabulation is sought because a mistake is believed to have been made by the main computer in tabulation of the votes cast on the individual electronic voting machines.

In support, the County Attorney would show:

1. The Democratic and Republican Party held Primary elections in Terry County on March 2, 2010; with early voting beginning on February 16, 2010 and ending on February 26, 2010.
2. The votes cast in the Primary election were electronically counted on the main computer after the Polls closed on march 2, 2010.
3. The purveyors of the electronic voting equipment, ES&S, had a representative available, known as "site support" to help operate the main computer which counts the votes.
4. On March 3, 2010, the Terry County Clerk realized the votes that had been counted by the main computer the night before, did not save the votes to a disk.
5. Upon realizing the mistake, the clerk notified ES&S.
6. The data collected by each individual voting machine was verified as correct, with the number of votes cast equaling the number of individual votor signatures. However, the main computer used for counting the voting machine data did not tabulate properly.
7. It is believed there is a malfunction with the main computer used for tabulating the votes.

8. ES&S, on a phone conversation with the County Clerk of Terry County attempted to review and fix any malfunctions of the tabulating computer to resolve the problem and was unable to do so.

The County Attorney would show that upon consulting with the Texas Secretary of State's Office Election Division; and reviewing the Election Code Section 212 (Recounts), there is no specific statute concerning Counting Errors as Grounds for Recounts on Electronic Voting Equipment analogous to Section 212.034 concerning "Counting Errors as Grounds for Recount in Paper Ballot Precincts".

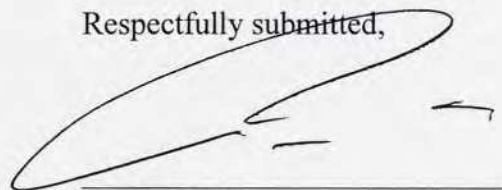
Section 212.034 says in part:

- (a) To obtain a recount on the ground of counting errors in election precincts in which paper ballots were used, a person must attach to the recount petition an affidavit or affidavits from one or more presiding judges of the election stating that certain votes cast for the office or measure, as applicable were either counted or not counted, as appropriate, with a brief description of the circumstances involved...
- (e) ...after the date the copy of the recount petition and each affidavit is received by the Secretary of state, the Secretary shall deliver written certification of whether grounds exist for obtaining a recount on the basis of counting errors to the recount coordinator.

NOW THEREFORE, based on the foregoing, we are requesting the District Court to Order a manual and electronic recount and/or retabulation of the votes cast in the Democratic and Republican Primary similar to the recounts allowed under Section 212.034 Texas Election Code.

In support, attached are the Affidavits of the Democratic and Republican Party Chair and the Terry County Clerk.

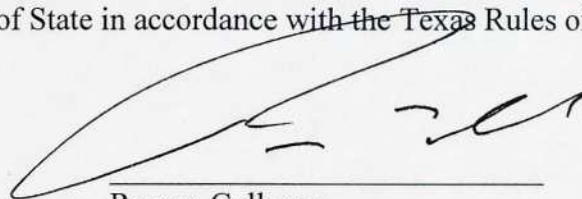
Respectfully submitted,



Ramon Gallegos
Terry County Attorney
500 West Main, Room 208E
Brownfield, Texas 79316
(806) 637-4984
(806) 637-4947 Fax
SBN 07588900

CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on the Terry County Democratic Chair, Republican Chair, and the Texas Secretary of State in accordance with the Texas Rules of Civil Procedure on March 10, 2010.

A handwritten signature in black ink, appearing to read 'Ramon Gallegos', is written over a horizontal line.

Ramon Gallegos
Terry County Attorney

No. 18690

IN THE INTEREST OF
THE STATE OF TEXAS

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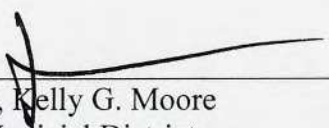
IN THE 121ST DISTRICT COURT
IN
TERRY COUNTY, TEXAS

**ORDER ON PETITION FOR RECOUNT AND RETABULATION OF
DEMOCRATIC AND REPUBLICAN PRIMARY ELECTRONIC VOTES**

After considering the Terry County Attorney's Petition for Recount and Retabulation of Democratic and Republican Primary Election Votes, the Court finds that the Democratic and Republican Primary Votes should be recounted and/or retabulated.

IT IS THEREFORE ORDERED that the votes cast in Terry County Democratic and Republican Primary be recounted manually and/or electronically immediately.

Date: 3-11-10



Judge, Kelly G. Moore
121st Judicial District

FILED FOR RECORD
2010 MAR 11 AM 11:44
TERRY COUNTY DISTRICT CLERK
FANGEL LINDSEY
BY 

FILED

CAUSE NO. _____

2016 NOV 15 PM 2:11

IN RE: §
RECOUNT OF VICTORIA COUNTY'S JOINT §
GENERAL ELECTION OF NOVEMBER 8, 2016 §

IN THE DISTRICT COURT
VICTORIA COUNTY, TEXAS
267TH JUDICIAL DISTRICT

VICTORIA COUNTY'S PETITION FOR OFFICIAL ELECTION RECOUNT (CORRECT BALLOT ERRORS)

To the Honorable Judge Robert E. Bell:

Now comes the Victoria County, Texas by and through its Criminal District Attorney and petitions the Court to order an official recount of the November 8, 2016 "Joint General Election." Such a recount of "State Senator District 18 Victoria County" if ordered would correct vote totals caused by ballot error by ordering the Elections Administrator of Victoria County, George Matthew, to remove "Straight party-line" Democrat votes erroneously attributed to the Libertarian candidate for reasons set forth herein:

I. Facts

1. The Petitioner is Victoria County, Texas, represented by her Criminal District Attorney.
2. On November 15, 2016, the Victoria County Elections Administrator provided the attached letter indicating the following facts:
 - a) In the Victoria County, Texas, November 8, 2016 Joint General Election, a programming error was made relative to the office of State Senator, District 18.
 - b) The ballot listed the incumbent Lois W. Kolkhorst correctly as a Republican; however, the ballot listed the challenger, Kathie L. Stone, as a Democrat, despite her being the Libertarian Party nominee.
 - c) The erroneous party listing resulted in Ms. Stone accumulating 5,344 votes unintentionally cast for her by the 5,344 "Straight party-line" Democrat voters.
 - d) Ms. Stone's current Victoria County total is 8,624, removal of the 5,344 unintended votes would reduce that total to 3,280.
3. On November 15, 2016, the Victoria County Commissioners Court, the governing body and canvassing authority of Victoria County, Texas, by and through the Victoria County Judge, authorized the Criminal District Attorney to file a petition in this Court requesting a court order for an official recount concerning "State Senator District 18 Victoria County" of the ballots cast in the November 8, 2016 Joint General Election.
4. Upon consultation with the Secretary of State's Office, the Petitioner was advised that such irregularities are corrected through a recount process provided for under Texas Election Code Section 66.059.

5. In order to maintain the integrity of all ballots cast in the Election, all voting machines and election records have been secured and un-tampered with since the November 8, 2016 Joint General Election.
6. On November 15, 2016, the Victoria County Elections Administrator provided a Summary Report of the results of the November 8, 2016 Joint General Election in accordance with Chapter 67 of the Texas Election Code.

II. Existing Law

1. "The name of each political party with a nominee on the ballot shall be printed at the top of the second and as many succeeding columns as necessary. The name of the nominee of each party for each office shall appear opposite the office in the appropriate party column. The party columns shall be of uniform width." TEX. ELEC. CODE ANN. § 52.065 (West 2016). When using a voting system ballot "party columns in the same manner as for a regular paper ballot on which a party nominee appears." TEX. ELEC. CODE ANN. § 124.002 (West 2016).
2. "[E]ach straight-party vote shall be tallied for the party receiving the vote instead of being tallied for the individual candidates of the party. The total number of straight-party votes tallied for each party shall be added to the total votes received for each of the party nominees individually. TEX. ELEC. CODE ANN. § 65.007 (West 2016).
3. "A vote on an office or measure shall be counted if the voter's intent is clearly ascertainable unless other law prohibits counting the vote." And, "The intent of the voter in marking a ballot may be determined by ... the name of each political party except one in a manner that clearly indicates a preference for the political party not marked." TEX. ELEC. CODE ANN. § 65.009 (West 2016).
4. The Texas Election Code defines "Recount" as the process for verifying the vote count of an election. TEX. ELEC. CODE §211.002 (1) (West 2016).
5. It is well settled by the Texas Supreme Court that the canvassing board does not have the power to recount election ballots. *Ferguson v. Huggins*, 52 S.W.2d 904, 906 (Tex. 1932).
6. Canvassing the votes of the election is a ministerial function and the commissioners court sitting as the canvassing board does not have the power to go behind the election returns. *Grant v. Ammerman*, 437 S.W.2d 547, 549-550 (Tex. 1969).
7. This Court has authority to order a ballot box containing voted ballots to be opened for the purposes of retrieving election records. TEX. ELEC. CODE §66.059 (a) (West 2016).

III. Argument

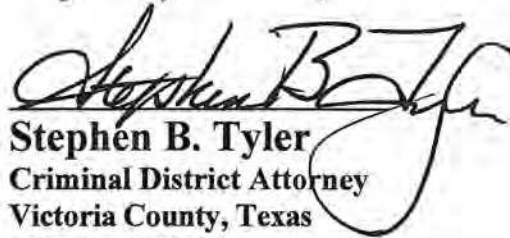
In order to obtain an official count of the ballots cast in the Election, this Court should order an official recount of the ballots cast in the Election. As shown in the facts above, the Victoria County Election Administrator, due to the erroneous party affiliation entered upon the ballot, mistakenly tabulated of the ballots on Election night. As such, an official recount must be conducted in order to verify the vote count of the Election and render an official final vote count. Petitioner does not have the authority to recount the ballots absent a court order; therefore, this

Court should order an official recount of the ballots cast in the November 8, 2016 Joint General Election.

IV. Prayer

WHEREFORE PREMISES CONSIDERED, the Petitioner, Victoria County, Texas prays that this Court order an official recount of the ballots cast in the November 8, 2016 Joint General Election.

Respectfully submitted,



Stephen B. Tyler
Criminal District Attorney
Victoria County, Texas
SBN: 24008186
205 N. Bridge St., Suite 301
Victoria, Texas 77901

ELECTION ADMINISTRATOR
VICTORIA COUNTY, TEXAS
2805 N. NAVARRO, SUITE 500
VICTORIA, TEXAS 77901-3947
(361) 576-0124

November 15, 2016

Stephen B. Tyler
Criminal District Attorney
Victoria County, Texas
205 N. Bridge St. Suite 301
Victoria, Texas 77901

Honorable Mr. Tyler:

For the November 8, 2016 Joint General Election held in Victoria County, Texas an error in programming was made regarding the office of State Senator, District 18. Candidate Lois W. Kolkhorst was correctly listed on the ballot as a Republican. Her opponent in the race, Kathie L. Stone was incorrectly listed as a Democrat when in fact Ms. Stone was a nominee of Libertarian party.

The error caused all Democratic straight party votes cast in Victoria County to be assigned to Ms. Stone. There were 5,324 unofficial straight party Democratic votes as of Monday, November 14, 2016.

Senator Kolkhorst is concerned that the current total vote of 8,602 for Ms. Stone does not reflect the true intent of Victoria County voters and Ms. Stone's vote total for the election should be corrected.

We are in the process of completing the provisional voting determination. The total number of straight party Democratic votes may change as part of the review by the Early Voting Ballot Board. An exact number should be available by Wednesday, November 16, 2016.

Please request a district court judge to order the removal of Democratic Straight Party votes cast in the November 8, 2016 General Election.

Sincerely,


George Matthews
Election Administrator

Victoria County does not discriminate on the basis of race, gender, religion or national origin.

SUMMARY REPORT

GENERAL ELECTION
VICTORIA COUNTY, TEXAS
NOVEMBER 8, 2016

RUN DATE:11/15/16 04:37 PM

	VOTES	PERCENT
PRECINCTS COUNTED (OF 35)	35	100.00
REGISTERED VOTERS - TOTAL VICTORIA COU.	50,331	
BALLOTS CAST - TOTAL VICTORIA COUNTY	31,476	
VOTER TURNOUT - TOTAL VICTORIA COUNTY		62.54

Straight Party

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
REPUBLICAN (REP)	11,815	67.80
DEMOCRATIC (DEM)	5,344	30.67
LIBERTARIAN (LIB)	200	1.15
GREEN (GRN)	67	.38

President and Vice President VICTORIA COUNTY

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
Donald J. Trump (REP)	21,275	67.92
Hillary Clinton (DEM)	8,866	28.30
Gary Johnson (LIB)	782	2.50
Jill Stein (GRN)	156	.50
WRITE-IN	245	.78

United States Representative District 27 VICTORIA COUNTY

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
Blake Farenthold (REP)	21,451	70.46
Raul (Roy) Barrera (DEM)	8,995	29.54

Railroad Commissioner VICTORIA COUNTY

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
Wayne Christian (REP)	19,905	65.51
Grady Yarbrough (DEM)	8,390	27.61
Mark Miller (LIB)	1,174	3.86
Martina Salinas (GRN)	915	3.01

Justice, Supreme Court, Place 3 VICTORIA COUNTY

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
Debra Lehmann (REP)	20,447	67.38
Mike Westergren (DEM)	7,932	26.14
Kathie Glass (LIB)	1,064	3.51
Rodolfo Rivera Munoz (GRN)	902	2.97

Justice, Supreme Court, Place 5 VICTORIA COUNTY

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
Paul Green (REP)	20,360	67.16
Dori Contreras Garza (DEM)	8,933	29.47
Tom Oxford (LIB)	787	2.60
Charles E. Waterbury (GRN)	237	.78

VOTES PERCENT

Justice, Supreme Court, Place 9 VICTORIA COUNTY

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
Eva Guzman (REP)	20,841	68.89
Savannah Robinson (DEM)	8,158	26.97
Don Fulton (LIB)	968	3.20
Jim Chisholm (GRN)	285	.94

Judge Court Criminal Appeals P1 2 VICTORIA COUNTY

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
Mary Lou Keel (REP)	20,448	67.75
Lawrence "Larry" Meyers (DEM)	8,465	28.05
Mark Ash (LIB)	918	3.04
Adam King Blackwell Reposa (GRN)	351	1.16

Judge Court Criminal Appeals P1 5 VICTORIA COUNTY

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
Scott Walker (REP)	20,612	68.17
Betsy Johnson (DEM)	8,272	27.36
William Bryan Strange, III (LIB)	714	2.36
Judith Sanders-Castro (GRN)	639	2.11

Judge Court Criminal Appeals P1 6 VICTORIA COUNTY

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
Michael E. Keasler (REP)	20,383	67.67
Robert Burns (DEM)	8,745	29.03
Mark W. Bennett (LIB)	995	3.30

State Senator, District 18 VICTORIA COUNTY

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
Lois W. Kolkhorst (REP)	21,654	71.52
Kathie L. Stone (DEM)	8,624	28.48

State Representative, District 30 VICTORIA COUNTY

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
Geanie W. Morrison (REP)	23,957	100.00

Justice 13th Court of Appeals P1 3 VICTORIA COUNTY

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
Greg Perkes (REP)	20,593	68.43
Leticia Hinojosa (DEM)	9,502	31.57

District Judge 24th Judicial District VICTORIA COUNTY

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
Jack W. Marr (REP)	23,731	100.00

District Judge, 135th Judicial District VICTORIA COUNTY

	VOTES	PERCENT
VOTE FOR NONE OR ONE 1		
Kemper Stephen Williams (REP)	23,868	100.00

SUMMARY REPORT

GENERAL ELECTION
VICTORIA COUNTY, TEXAS
NOVEMBER 8, 2016

RUN DATE:11/15/16 04:37 PM

	VOTES	PERCENT
District Judge 267th Dist Unexpired Term VICTORIA COUNTY		
VOTE FOR NONE OR ONE 1		
Robert E. "Bobby" Bell (REP)	23,183	100.00
Sheriff VICTORIA COUNTY		
VOTE FOR NONE OR ONE 1		
T. Michael O'Connor (REP)	22,241	72.48
Mike Henry (DEM)	8,444	27.52
County Tax Assessor-Collector VICTORIA COUNTY		
VOTE FOR NONE OR ONE 1		
Rena Scherer (REP)	24,348	100.00
County Commissioner PRECINCT 1		
VOTE FOR NONE OR ONE 1		
Kenneth Wells (REP)	2,070	39.88
Danny Garcia (DEM)	3,121	60.12
County Commissioner PRECINCT 3		
VOTE FOR NONE OR ONE 1		
Gary E. Burns (REP)	4,687	100.00
Constable PRECINCT 1		
VOTE FOR NONE OR ONE 1		
Jesse Garza (DEM)	3,640	100.00
Constable PRECINCT 2		
VOTE FOR NONE OR ONE 1		
James Calaway (REP)	8,740	100.00
Constable PRECINCT 3		
VOTE FOR NONE OR ONE 1		
Kenneth Easley, Jr. (REP)	4,588	100.00
Constable PRECINCT 4		
VOTE FOR NONE OR ONE 1		
Kyle R. Dalton (REP)	7,357	100.00
BISD Trustee, Place 2, Unexpired Term BLOOMINGTON		
INDEPENDENT SCHOOL DISTRICT		
VOTE FOR NONE OR ONE 1		
Blanca Wallace	566	100.00

	VOTES	PERCENT
Bloomington ISD Trustee, Place 4 BLOOMINGTON		
INDEPENDENT SCHOOL DISTRICT		
VOTE FOR NONE OR ONE 1		
Javier Chavana	345	41.87
John Corona	150	18.20
Eloy DeLaRosa	329	39.93
Bloomington ISD Trustee, Place 5 BLOOMINGTON		
INDEPENDENT SCHOOL DISTRICT		
VOTE FOR NONE OR ONE 1		
Deloris White	533	58.83
Bacilio Cantu	373	41.17
Bloomington ISD Trustee, Place 6 BLOOMINGTON		
INDEPENDENT SCHOOL DISTRICT		
VOTE FOR NONE OR ONE 1		
David Chacon	662	79.19
Paul Castilla	174	20.81
Bloomington ISD Trustee, Place 7 BLOOMINGTON		
INDEPENDENT SCHOOL DISTRICT		
VOTE FOR NONE OR ONE 1		
Joe Canales, Jr	707	82.88
WRITE-IN	146	17.12
Ground Water Conservation District PRECINCT 2		
VOTE FOR NONE OR ONE 1		
Thurman S. Clements, Jr.	5,134	100.00
Ground Water Conservation District PRECINCT 4		
VOTE FOR NONE OR ONE 1		
Mark Meek	4,541	100.00
Ground Water Conservation District VICTORIA COUNTY		
VOTE FOR NONE OR ONE 1		
Kenneth Leroy Eller	9,314	58.87
Lisa Davidson	6,508	41.13

STATE OF TEXAS
COUNTY OF VICTORIA
I, CLARENCE A. PATTON, County Clerk of Victoria County, Texas, do hereby certify that the foregoing is a true and correct copy of the summary report of the general election held on November 8, 2016, in Victoria County, Texas.
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15th day of November, 2016.
CLARENCE A. PATTON, County Clerk
By _____
AMERICAN OVERSIGHT

FILED

CAUSE NO. _____ 2016 NOV 16 PM 2:12

IN RE: §
RECOUNT OF VICTORIA COUNTY'S JOINT §
GENERAL ELECTION OF NOVEMBER 8, 2016 §

IN THE DISTRICT COURT
VICTORIA COUNTY, TEXAS
267TH JUDICIAL DISTRICT

**ORDER GRANTING PETITIONER VICTORIA COUNTY, TEXAS' PETITION FOR
OFFICIAL ELECTION RECOUNT**

BE IT REMEMBERED that on this day, the Court considered Petitioner Victoria County, Texas' Petition for Official Election Recount filed on November 15, 2016. This Court finds that said Petition should be granted and an official recount concerning "State Senator District 18 Victoria County" of the ballots cast in the November 8, 2016, Joint General Election conducted by the Victoria County Elections Administration Department is hereby ordered.

NOW THEREFORE, IT IS ORDERED:

I. Time and Location of Recount

1. An official recount of the ballots cast in the November 8, 2016, Joint General Election conducted by the Victoria County Election Administration Department shall begin on Friday, November 18, 2016 at 8:30 A.M.
2. The recount shall be conducted in the Victoria County Election Administration Department offices located at 2805 North Navarro, Suite 500, Victoria, Texas 77901-3947.

II. Recount Committee

1. Victoria County Election Administration George Matthews shall serve as the Recount Supervisor and shall manage and supervise the recount.
2. Before beginning a recount, each recount supervisor shall appoint a recount committee composed of as many members as the supervisor determines are necessary for a speedy recount. The committee must be composed of at least four members. The recount coordinator may appoint one member. TEX. ELEC. CODE ANN. § 213.002(a) (West 2016).
3. The recount supervisor shall appoint a chair from the membership. TEX. ELEC. CODE ANN. § 213.002(b) (West 2016).
4. The recount committee shall count the votes in a recount under the direct management and supervision of the chair. The recount supervisor or the supervisor's designee may exercise the chair's authority when present during the counting process. TEX. ELEC. CODE ANN. § 213.002(c) (West 2016).
5. Eligibility for appointment as a member of a recount committee, a person must be a qualified voter of the political subdivision served by the recount supervisor and must otherwise meet

the eligibility requirements prescribed by this code for precinct election judges and clerks. A person who served as an election judge or as judge of the early voting ballot board in the election is ineligible to serve as a member of the recount committee. An officer of a political party is eligible to serve as a member of the committee. TEX. ELEC. CODE ANN. § 213.003 (West 2016).

6. The following persons may be present during the “State Senator District 18 Victoria County” recount:
 - a) Recount Supervisor;
 - b) Recount Chair and Recount Committee members;
 - c) The candidates and their representatives specifically authorized under TEXAS ELECTION CODE §213.013;
 - d) The custodian of the voted ballots;
 - e) Any State of Texas or federal inspectors; and
 - f) Representatives from Election Systems & Software.

III. Recount Procedures

1. To the extent possible, the Recount Committee shall follow the counting procedures as laid out in Texas Election Code Chapter 214.
2. The Recount Committee shall reduce the total number of votes cast in the “State Senator District 18 Victoria County” Joint General Election conducted on November 8, 2016, for Kathie L. Stone by the total of “Straight party-line” Democrat voters so as to determine the actual number of voters intending to vote for Kathie L. Stone as the Libertarian Party nominee.

IV. Effect of Recount

1. After the recount is completed, the recount committee chair shall prepare a report of the committee's vote count and sign the report. Votes shall be reported separately by precinct. The chair shall deliver one copy of the report to the recount supervisor and one copy to the general custodian of election records. The copies of the report shall be preserved for the period for preserving the precinct election records. TEX. ELEC. CODE ANN. § 213.012 (West 2016). The Recount Supervisor's report is the official statement of the vote count for November 8, 2016, Joint General Election conducted by the Victoria County Election Administration Department.
2. As soon as practicable after completion of the recount, if there are changes to the number of votes received for a particular candidate or for or against a measure, the canvassing authority shall conduct a canvass for the office or measure involved using the Recount Committee's report in the Recount Supervisor's possession.

3. This recount shall not prejudice the rights of those entitled to seek a recount under the provisions of Title 13 of the Texas Election Code. As such, the deadlines for filing a petition for recount under Title 13 of the Texas Election Code shall be extended so that the day of completion of the Recount under this Order shall be considered the Election Day for purposes of requesting a recount under Title 13 of the Texas Election Code.

V. Notice to Retrieve Erroneously Placed Election Records

The recount supervisor shall give notice of the recount date, hour, and place for opening the physical or electronic ballot box by placement on the bulletin board on the first floor of the Victoria County Courthouse and anywhere the Commissioners Court Notices of Meetings are routinely and normally posted. TEX. ELEC. CODE ANN. § 213.009 (West 2016). A recount may begin earlier than 18 hours after notice. Tex. Elec. Code Ann. § 213.010 (West 2016).

SIGNED THIS THE 16th DAY OF NOVEMBER, 2016.



JUDGE PRESIDING

CAUSE NO. _____

IN RE: §
RECOUNT OF VICTORIA COUNTY'S JOINT §
GENERAL ELECTION OF NOVEMBER 8, 2016 §

IN THE DISTRICT COURT
VICTORIA COUNTY, TEXAS
267TH JUDICIAL DISTRICT

**PUBLIC NOTICE OFFICIAL ELECTION RECOUNT
GENERAL ELECTION OF NOVEMBER 8, 2016**

Notice is hereby given that the physical and electronic ballots cast for the General Election of November 8, 2016 conducted by the Victoria County Elections Administration Department will be opened on November 18, 2016, at 8:30 a.m.

The location will be 2805 North Navarro, Suite 500, Victoria, Texas 77901-3947.

Pursuant to District Court Order under Section 66.059 of the Texas Election Code the ballots will be opened for the purpose of recounting the ballots cast in the November 8, 2013 General Election. This Notice shall be posted no later than 24 hours immediately preceding November 18, 2016, 8:30 a.m. and shall remain posted continuously until such time. The Notice shall be posted at the Victoria County Courthouse and anywhere the Commissioners Court Notices of Meetings are routinely and normally posted.

In order to safeguard the contents of the ballots, the court further orders: Victoria County Elections Administrator to secure all voting machines and elections records and maintain security of such records as required by law.

SIGNED on this the 16th day of NOVEMBER, 2016.



JUDGE PRESIDING

From: Krystine Ramon
Sent: Thursday, August 20, 2020 10:03 AM
To: Christine Loven
Subject: RE: Questions regarding Ballot by Mail and Notifying you your phone lines disconnect after 68 seconds (EI Response)

I will look into this.

In regards to tracking a ballot, the Texas Election Code does not require tracking a ballot mandatory at this time. A county may do this on their own, however it is not mandated under current law. An FPCA has a tracking number, but that is for military and overseas voters.

A voter may send their ballot back by certified mail, UPS or FedEx if they would like to track their ballot.

Krystine N. Ramon
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
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.

From: Christine Loven <cloven@colleyville.com>
Sent: Thursday, August 20, 2020 8:36 AM
To: Krystine Ramon <KRamon@sos.texas.gov>
Subject: RE: Questions regarding Ballot by Mail and Notifying you your phone lines disconnect after 68 seconds (EI Response)

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Krystine,

Thank you for your continual response. My main concern is our resident said they were at the TX SOS site when they made the request. Perhaps the timing is coincidental and they will also be receiving a ballot by mail application from Tarrant County or from the SOS. My next question is, if this is coincidental timing, what is my answer regarding how are mailed ballots tracked and is there a potential for the registered voter to receive more than one ballot or no ballot at all because the application was sent outside of the state or to a wrong address.

I will respond to any further inquiries with the information you have provided. Again, I appreciate your responsive. Have a wonderful day.

Christine

Christine Loven, TRMC
City Secretary



817.503.1133

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ATTENTION ALL PUBLIC OFFICIALS: A "Reply to All" of this e-mail could lead to violations of the Texas Open Meeting Act. Please reply only to the sender.

From: Krystine Ramon [<mailto:KRamon@sos.texas.gov>]

Sent: Wednesday, August 19, 2020 4:57 PM

To: Christine Loven <cloven@colleyville.com>

Subject: RE: Questions regarding Ballot by Mail and Notifying you your phone lines disconnect after 68 seconds (EI Response)

You can file a complaint with our office or the FEC if you believe this to be fraud. Organizations and political parties may send application for ballot by mail to individuals.

Krystine N. Ramon

Staff Attorney – Elections Division

Office of the Texas Secretary of State

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

1.800.252.VOTE (8683)

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

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From: Christine Loven <cloven@colleyville.com>

Sent: Wednesday, August 19, 2020 4:53 PM

To: Krystine Ramon <KRamon@sos.texas.gov>

Subject: RE: Questions regarding Ballot by Mail and Notifying you your phone lines disconnect after 68 seconds (EI Response)

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In regard to Patriot Foundation.

Christine

Christine Loven, TRMC
City Secretary



817.503.1133

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ATTENTION ALL PUBLIC OFFICIALS: A "Reply to All" of this e-mail could lead to violations of the Texas Open Meeting Act. Please reply only to the sender.

From: Krystine Ramon [<mailto:KRamon@sos.texas.gov>]

Sent: Wednesday, August 19, 2020 3:38 PM

To: Christine Loven <cloven@colleyville.com>

Subject: RE: Questions regarding Ballot by Mail and Notifying you your phone lines disconnect after 68 seconds (El Response)

In regards to our phone system or the Patriot Foundation in Iowa? I just want to make sure I understand.

Krystine N. Ramon

Staff Attorney – Elections Division

Office of the Texas Secretary of State

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

1.800.252.VOTE (8683)

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

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From: Christine Loven <cloven@colleyville.com>

Sent: Wednesday, August 19, 2020 3:14 PM

To: Krystine Ramon <KRamon@sos.texas.gov>

Subject: RE: Questions regarding Ballot by Mail and Notifying you your phone lines disconnect after 68 seconds (El Response)

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Krystine,

Thank you so much for your response. I saw too many red flags. Do you suspect there is some type of fraud (internet phishing, etc.) occurring here which requires us to file a report?

Christine

Christine Loven, TRMC
City Secretary



817.503.1133

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ATTENTION ALL PUBLIC OFFICIALS: A "Reply to All" of this e-mail could lead to violations of the Texas Open Meeting Act. Please reply only to the sender.

From: Krystine Ramon [<mailto:KRamon@sos.texas.gov>]

Sent: Wednesday, August 19, 2020 2:32 PM

To: Christine Loven <cloven@colleyville.com>

Subject: RE: Questions regarding Ballot by Mail and Notifying you your phone lines disconnect after 68 seconds (EI Response)

1. When a Texas residents requests a ballot by mail through the TX SOS, is the application mailed to them from Patriot Foundation in Iowa? No, if someone requests a ballot from the SOS office this application comes from our office.
2. For the upcoming November election, is there a difference between requesting a ballot by mail or requesting an absentee ballot and is either request perpetual or must it be applied for every election, local , state, federal? There is no difference between absentee ballot and ballot by mail in Texas. Whether someone wants to vote, local state or federal the application is the same. There is a federal postcard application (FPCA) however that is for military and overseas voters.
3. If a Texas residents requests a ballot by mail for more than one person in the household, is it standard only one application is mailed and can/should the application be mailed for the other household member? A person may request more than one ballot by mail application. For example if a wife called and wanted an application for herself and her husband we would send two.

Krystine N. Ramon

Staff Attorney – Elections Division

Office of the Texas Secretary of State

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

1.800.252.VOTE (8683)

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

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From: Christine Loven <cloven@colleyville.com>

Sent: Wednesday, August 19, 2020 1:15 PM

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

Subject: Questions regarding Ballot by Mail and Notifying you your phone lines disconnect after 68 seconds

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Good afternoon,

I am a City Secretary with questions regarding the upcoming elections. I dialed you directly at: 512.463.5650. I was able to use the phone tree, selected #5 for other information, received a message the call was being transferred, and there was a live connection and message regarding waiting for the next available operator and then the call is terminated. All total both times, 68 seconds had elapsed from first answer to disconnect.

I have general questions which I need to ask regarding the ballot by mail process as our facility is a vote center and we contract with Tarrant County Elections:

1. When a Texas residents requests a ballot by mail through the TX SOS, is the application mailed to them from Patriot Foundation in Iowa?
2. For the upcoming November election, is there a difference between requesting a ballot by mail or requesting an absentee ballot and is either request perpetual or must it be applied for every election, local , state, federal?
3. If a Texas residents requests a ballot by mail for more than one person in the household, is it standard only one application is mailed and can/should the application be mailed for the other household member?

Thank you for your time, please do not hesitate to call me if my requests for information are not clear.

Christine

Christine Loven, TRMC
City Secretary



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From: Bonita Howard <[REDACTED]>
Sent: Wednesday, September 9, 2020 11:38 AM
To: Krystine Ramon
Subject: Re: SAO Hotline 20-3024 (EI Response)

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That is correct.

I was inquiring about the false address ... the previous address.

Sorry for the confusion.

BHumbleBKindBInspired

On Sep 9, 2020, at 11:34 AM, Krystine Ramon <KRamon@sos.texas.gov> wrote:

Hello Ms. Howard,

I have that the address has been updated to

645 YUCCA CT
ALEDO, TX 76008

Krystine N. Ramon

Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov

For Voter Related Information, please visit:

<image001.png>

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From: Bonita Howard <[REDACTED]>
Sent: Wednesday, September 9, 2020 11:13 AM
To: Krystine Ramon <KRamon@sos.texas.gov>
Subject: Re: SAO Hotline 20-3024 (EI Response)

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Good morning Ms. Ramon,

I changed it last month to my home address in Aledo.

On Sep 9, 2020, at 10:08 AM, Krystine Ramon <KRamon@sos.texas.gov> wrote:

Hello Ms. Howard,

I do have your information was updated. What address did you update this information to?

Krystine N. Ramon

Staff Attorney – Elections Division

Office of the Texas Secretary of State

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

1.800.252.VOTE (8683)

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

For Voter Related Information, please visit:

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From: Bonita Howard <[REDACTED]>

Sent: Wednesday, September 9, 2020 10:03 AM

To: Krystine Ramon <KRamon@sos.texas.gov>

Subject: Re: SAO Hotline 20-3024 (EI Response)

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Good morning Ms. Ramon,

Do you have an update on this situation? Also, I have attached another document regarding this matter.

v/r

Bonita Howard

From: Krystine Ramon <KRamon@sos.texas.gov>
Sent: Tuesday, July 21, 2020 2:03 PM
To: Howard, Bonita E <Bonita.Howard@hud.gov>
Subject: RE: SAO Hotline 20-3024 (EI Response)

I spoke with Tarrant County and spoke with Kinesha. She said you could request a copy of the voter registration applications by either mail, email or phone number. I included the mailing address below, the email of the county and Kinesha's direct line.

Address
TARRANT COUNTY
Elections Administrator
Heider Garcia
P.O. Box 961011, Fort Worth, TX 76161
2700 Premier Street, Fort Worth, TX 76111

Email
voterregistration@tarrantcounty.com

Kinesha
817-831-6479

Krystine N. Ramon
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov
For Voter Related Information, please visit:
<image001.png>

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From: Howard, Bonita E <Bonita.Howard@hud.gov>
Sent: Tuesday, July 21, 2020 1:32 PM
To: Krystine Ramon <KRamon@sos.texas.gov>
Subject: Re: SAO Hotline 20-3024 (EI Response)

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No worries. That's fine. I am free until 2.

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From: Krystine Ramon <KRamon@sos.texas.gov>
Sent: Tuesday, July 21, 2020 1:31:24 PM
To: Howard, Bonita E <Bonita.Howard@hud.gov>
Subject: RE: SAO Hotline 20-3024 (EI Response)

I can try calling you. I am sorry I was on the other line.

Krystine N. Ramon

Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov

For Voter Related Information, please visit:

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From: Howard, Bonita E <Bonita.Howard@hud.gov>
Sent: Tuesday, July 21, 2020 1:25 PM
To: Krystine Ramon <KRamon@sos.texas.gov>
Subject: Re: SAO Hotline 20-3024 (EI Response)

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Hi Ms. Ramon. Attempting to call you. Still can't get through.

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From: Howard, Bonita E <Bonita.Howard@hud.gov>
Sent: Tuesday, July 21, 2020 9:57:56 AM
To: Krystine Ramon <KRamon@sos.texas.gov>
Subject: Re: SAO Hotline 20-3024 (EI Response)

Good morning,

I attempted to call both numbers but am not able to get through or connected. I receive a message indicating the number is not available for the calling area.

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From: Krystine Ramon <KRamon@sos.texas.gov>
Sent: Tuesday, July 21, 2020 9:51:51 AM
To: Howard, Bonita E <Bonita.Howard@hud.gov>
Subject: RE: SAO Hotline 20-3024 (EI Response)

Good morning,

You can call 1-800-252-2216 option 2 and ask to speak with me. That is the direct line to the attorneys. If I do not answer another attorney will and they can transfer the call to me.

Krystine N. Ramon

Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov

For Voter Related Information, please visit:

<image001.png>

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From: Howard, Bonita E <Bonita.Howard@hud.gov>
Sent: Tuesday, July 21, 2020 8:38 AM
To: Krystine Ramon <KRamon@sos.texas.gov>
Cc: Howard, Bonita E <Bonita.Howard@hud.gov>
Subject: Re: SAO Hotline 20-3024 (EI Response)

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Do you have a direct dial?

From: Krystine Ramon <KRamon@sos.texas.gov>
Sent: Monday, July 20, 2020 3:53 PM

To: Howard, Bonita E <Bonita.Howard@hud.gov>

Subject: RE: SAO Hotline 20-3024 (EI Response)

Hello Ms. Howard,

I tried call you, but I got your voicemail. Would you be available to speak now?

Krystine N. Ramon

Staff Attorney – Elections Division

Office of the Texas Secretary of State

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

1.800.252.VOTE (8683)

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

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-----Original Message-----

From: Howard, Bonita E <Bonita.Howard@hud.gov>

Sent: Monday, July 20, 2020 3:43 PM

To: Krystine Ramon <KRamon@sos.texas.gov>

Cc: Howard, Bonita E <Bonita.Howard@hud.gov>

Subject: RE: SAO Hotline 20-3024 (EI Response)

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Hi Ms. Ramon,

Thank you for contacting me. My phone number is 404-788-1011.

Please let me know when you are available to discuss.

Bonita Howard

Region VI, Director, Program Compliance Branch U.S. Department of Housing & Urban Development Office of Fair Housing and Equal Opportunity (FHEO)

801 Cherry Street, Unit #45

Suite 2500

Fort Worth, TX 76102

Phone: 817-978-5890
Bonita.Howard@hud.gov

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-----Original Message-----

From: Krystine Ramon <KRamon@sos.texas.gov>
Sent: Monday, July 20, 2020 3:34 PM
To: Howard, Bonita E <Bonita.Howard@hud.gov>
Subject: RE: SAO Hotline 20-3024 (EI Response)

Hello Ms. Howard,

My name is Krystine Ramon. I am one of the staff attorney's with the Texas Secretary of State's Office. I received your complaint. I am very sorry to hear about this. I tried calling the number 409-788-1011 listed below but was unable to leave a voicemail. I would like to speak further with you in regards to this situation so that I can try to find out what happened. Please let me know a good phone number to call you.

Krystine N. Ramon
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE
(8683) elections@sos.texas.gov | <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.sos.texas.gov%2F&data=02%7C01%7Ckramon%40sos.texas.gov%7C9a1ce4d321de43fcc6ff08d82ced7e84%7C760188c0f63443a096dfec1b8eca6719%7C0%7C0%7C637308745836168159&sdata=smu4L5PyayCXXpKFvpdvTv3gKuVjif6in5gLiqjPaecY%3D&reserved=0> For Voter Related Information, please visit:

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-----Original Message-----

From: System-Generated Email <webmaster@sao.texas.gov>
Sent: Friday, July 17, 2020 8:36 PM
To: Hotline Intake <HotlineIntake@sao.texas.gov>
Subject: Fraud, Waste and/or Abuse Hotline

The following fraud, waste, or abuse report was received

Control Number: 203024

Name: Bonita Howard

Phone: 4047881011

Email: bonita.howard@hud.gov

Agency/University: 307 - Secretary of State

Organization/Company/Individual: Tarrant County Voting Office

Tarrant County Voting Office fraudulently changed my voting address. My voter's registration indicates an address for which I do not reside. Additionally, I did not make this change. I believe Lorraine Chambers or an affiliate used the voting registration system to change my address and not me. Further, I live in a totally different county and have voted in this county. My records did not reflect the address that is currently shown in your files.

This message contains information which may be an audit working paper and/or may be confidential, privileged, or otherwise exempt from open records. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete the message. Please contact the State Auditor's Office at publicinformation@sao.texas.gov before releasing this document in response to an open records request.

From: Keith Ingram
Sent: Monday, November 2, 2020 1:24 PM
To: 'Sonya Aston'
Cc: Mitch Carney; Tim Davis; higarcia@tarrantcounty.com; adiamond@tarrantcountytx.gov; Josh Helton; Joe Esparza [REDACTED]; Adam Bitter; Christina Adkins
Subject: RE: Tarrant County Ballot by Mail

Agreed. 65.002 requires continuous counting until finished. All materials have to be submitted back to the election office by the 24th hour as 66.053 below says.

66.053 is from the old days when precinct returns were counted by hand at the precinct before the returns were brought back to the election office for accumulation. In this context it means that the counting of ballots has to be completed within 24 hours of the closing of the polls.

If Tarrant County believes it needs more time than 24 hours after the polls close to process and count mail ballots, then it will need to get a court order allowing it to exceed the election code time limits.

From: Sonya Aston [REDACTED]
Sent: Monday, November 2, 2020 12:51 PM
To: Keith Ingram <KIngram@sos.texas.gov>
Cc: Mitch Carney <[REDACTED]>; Tim Davis <[REDACTED]>; higarcia@tarrantcounty.com; adiamond@tarrantcountytx.gov; Josh Helton [REDACTED]; Joe Esparza <JEsparza@sos.texas.gov>; [REDACTED]; Adam Bitter <ABitter@sos.texas.gov>; Christina Adkins <CAdkins@sos.texas.gov>
Subject: Re: Tarrant County Ballot by Mail

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I apologize. After speaking with you, I was not as precise as I could have been. From our discussion, the mail ballots that are in hand to date need to be processed by the end of election night/next morning.

In order to continue past 24 hours after the polls close on Election Night, they will have to go to court. Is that a correct statement?

Sec. 66.053. TIME FOR DELIVERING ELECTION RECORDS. (a) The precinct election records shall be delivered to the appropriate authorities immediately after the precinct returns are completed.

(b) If the presiding judge determines that the ballots will not be counted in time to allow delivery of the precinct election records by 2 a.m. of the day after election day, the presiding judge, between midnight of election day and 1 a.m. of the following day, shall notify the general custodian of election records by telephone of:

(1) the total number of voters who voted at the polling place as indicated by the poll list;

(2) the vote totals tallied for each candidate and for and against each measure at the time of notification; and

(3) the expected time of finishing the count.

(c) The precinct election records shall be delivered not later than 24 hours after the polls close in each election.

Sonya L. Aston

Attorney at Law
(713) 320-5808
[REDACTED]

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From: Keith Ingram <KIngram@sos.texas.gov>
Sent: Monday, November 2, 2020 12:08 PM
To: Sonya Aston <[REDACTED]>
Cc: Mitch Carney <[REDACTED]>; Tim Davis <[REDACTED]>; higarcia@tarrantcounty.com <higarcia@tarrantcounty.com>; adiamond@tarrantcountytx.gov <adiamond@tarrantcountytx.gov>; Josh Helton <[REDACTED]>; Joe Esparza <JEsparza@sos.texas.gov>; [REDACTED]; Adam Bitter <ABitter@sos.texas.gov>; Christina Adkins <CAdkins@sos.texas.gov>
Subject: Re: Tarrant County Ballot by Mail

I agree with Tarrant County on this point. Counties often continue counting mail ballots after 7 p.m. The requirement is to count continuously until all of it is done.

From: Sonya Aston <[REDACTED]>
Sent: Monday, November 2, 2020 12:04 PM
To: Keith Ingram <KIngram@sos.texas.gov>
Cc: Mitch Carney <[REDACTED]>; Tim Davis <[REDACTED]>; higarcia@tarrantcounty.com <higarcia@tarrantcounty.com>; adiamond@tarrantcountytx.gov <adiamond@tarrantcountytx.gov>; Josh Helton <[REDACTED]>; Joe Esparza <JEsparza@sos.texas.gov>; [REDACTED]
Subject: Tarrant County Ballot by Mail

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Dear Keith,

We are being told that the Tarrant County Election Administration is not planning on having all of the ballot by mail received to date ready for counting at 7:00 pm tomorrow. They are under the impression that they have more time. Their interpretation is that as long as they are doing continuous count under Chapter 65 they are in compliance.

Sonya L. Aston

Attorney at Law

(713) 320-5808

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From: Krystine Ramon
Sent: Thursday, November 18, 2021 11:15 AM
To: [REDACTED]
Subject: RE: VDR with question (EI Response)

Hello Deborah,

Thank you for serving as a VDR. You are correct that you cannot accept voter registration applications in which you are not a VDR in. However you may give regular voter registration applications to anyone who wants to complete an application. If the person wants to register in another county in which you are not a VDR, then the person may take an application and mail it on their own.

Under Section 13.042 of the Election, a VDR may only submit voter registration applications in person or through another VDR within 5 days of receiving an application. A VDR cannot mail voter registration applications as a form of submission, as that is not allowed under 13.042.

Sec. 13.042. DELIVERY OF APPLICATION TO REGISTRAR. (a) A volunteer deputy registrar shall deliver in person, or by personal delivery through another designated volunteer deputy, to the registrar each completed voter registration application submitted to the deputy, as provided by this section. The secretary of state shall prescribe any procedures necessary to ensure the proper and timely delivery of completed applications that are not delivered in person by the volunteer deputy who receives them.

(b) Except as provided by Subsection (c), an application shall be delivered to the registrar not later than 5 p.m. of the fifth day after the date the application is submitted to the volunteer deputy registrar.

(c) An application submitted after the 34th day before the date of an election and on or before the last day for a person to timely submit a registration application for that election as provided by Section [13.143](#) shall be delivered not later than 5 p.m. of the next regular business day after the date to timely submit a registration application for that election as provided by Section [13.143](#).

Krystine N. Ramon
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
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.

From: Deborah McKenzie <[REDACTED]>
Sent: Thursday, November 18, 2021 8:05 AM

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

Subject: VDR with question

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I am a VDR only in Tarrant County. From time to time, someone who does not live in Tarrant County will ask me for a voter-registration card. I always have provided them with one for them to mail in to the Secretary of State's office.

However, in the past few weeks I have had several persons ask me if they can fill out the card and then give it back to me to mail in for them.

I've always told these persons "no," and explained that they had to mail it in themselves.

Am I correct in telling them "no," or may I take their completed application and mail it in to the Secretary of State for the person?

Deborah Boone McKenzie
Deputy No. 261
Tarrant County

Sent from [Mail](#) for Windows

From: Tayler Weathers <[REDACTED]>
Sent: Wednesday, October 21, 2020 12:18 PM
To: Krystine Ramon
Subject: Re: Voter Participation Inquiry (EI Response)

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Thank you, I will do that.

On Wed, Oct 21, 2020 at 12:15 PM Krystine Ramon <KRamon@sos.texas.gov> wrote:

Hello Ms. Weathers,

I am seeing based on our records that you did vote in the 2018 General Election. On our records it states you voted by mail.

If this is incorrect I would recommend you contact your county and ask for a copy of the application and carrier envelope. Since you are the voter, you are able to see this. If you did not request or sign this ballot you may report it to your local district/county attorney's office. You may also file a complaint with our office.

Krystine N. Ramon

Staff Attorney – Elections Division

Office of the Texas Secretary of State

[1019 Brazos Street](#) | Rudder Building, 2nd Floor | Austin, Texas 78701
[1.800.252.VOTE](tel:1800252VOTE) (8683)

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

For Voter Related Information, please visit:



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From: Tayler Weathers <[REDACTED]>
Sent: Wednesday, October 21, 2020 11:22 AM
To: Elections Internet <Elections@sos.texas.gov>
Subject: Voter Participation Inquiry

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To Whom It May Concern,

I recently received a letter from the Voting Participation Center, which gave my "Voting Report Card." This report indicated that I voted in the 2018 General Election, as well as the 2016 General Election. I know for a fact I did vote in 2016, and did not in 2018. Should I be concerned about this information being incorrect? I just want to make sure a vote was not registered using my name in 2018, as if it was, it was not me. Please let me know if there is any action I need to take or any additional information I can provide you with.

Thank you for your time,

Tayler Noelle Weathers

Registered Voter in Tarrant County, TX

From: Ann L. Diamond <ADiamond@tarrantcountytx.gov>
Sent: Wednesday, November 4, 2020 2:42 PM
To: Christina Adkins
Cc: Heider I. Garcia; Mark C. Kratovil
Subject: Tarrant County continuous counting after 24 hours - application and court order
Attachments: Signed Court Order Tarrant County continue counting.pdf; ACCEPTED- Application by Election Administrator.pdf

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Christina,

Attached is a file-marked copy of the Application filed on behalf of the Tarrant County Elections Administrator and a copy of the signed Order issued by the Court.

Thank you for your assistance.

Best regards,

A.D.

Ann Diamond

Assistant Criminal District Attorney – Civil
817.884.2435

FILED
TARRANT COUNTY
2020 NOV -4 PM 2:11
THOMAS A. WILDER
DISTRICT CLERK

NO. 141-321399-20

EX PARTE

IN THE DISTRICT COURT

IN THE MATTER OF
THE NOVEMBER 3, 2020
ELECTION RESULTS IN
TARRANT COUNTY, TEXAS

§
§
§
§
§
§

TARRANT COUNTY, TEXAS

141st JUDICIAL DISTRICT

**ORDER GRANTING APPLICATION BY
TARRANT COUNTY ELECTIONS ADMINISTRATOR
HEIDER GARCIA TO CONTINUE COUNTING ELECTION RESULTS**

On this day came on the application of Heider Garcia, the Tarrant County Elections Administrator, in the above matter.

The Court heard the testimony of the Tarrant County Elections Administrator. And the Court, having heard the same and having considered the matter presented, finds that the time limitation contained in section 66.053 of the Texas Election Code does not apply to the processing of mail ballots because mail ballots are not "precinct election records" as defined by section 66.002 of the Texas Election Code. The Application of the Tarrant County Elections Administrator should be GRANTED.

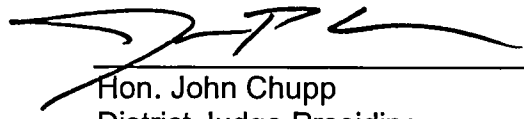
It is therefore ORDERED that Tarrant County Elections Administrator Heider Garcia, the Early Voting Ballot Board, and other officials take such action as needed to continuously count ballots timely cast in Tarrant County, Texas for the federal, state, and local election held on November 3, 2020, from day to day until all the timely and properly cast ballots received by Election Day are counted, as required by the Texas Election Code.

AMERICAN OVERSIGHT
E-MAILED
11/04/20

Ballot Board teams shall have at least one Republican, one Democrat and one Libertarian, if those people are available. Unavailability of sufficient members of the Early Voting Ballot Board to serve will not delay counting or limit the number of teams. Nothing in this Order is intended to modify the Texas Election Code.

A Status Conference shall be held virtually on Monday, November 9, 2020 at 12:00 p.m. (Noon)

It is so ORDERED. Signed on this the 4th day of November 2020



Hon. John Chupp
District Judge Presiding

NO. 067-321399-20

EX PARTE

§
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§

IN THE DISTRICT COURT

IN THE MATTER OF
THE NOVEMBER 3, 2020
ELECTION RESULTS IN
TARRANT COUNTY, TEXAS

TARRANT COUNTY, TEXAS

_____ JUDICIAL DISTRICT

**APPLICATION BY TARRANT COUNTY ELECTIONS ADMINISTRATOR
HEIDER GARCIA FOR ORDER TO CONTINUE COUNTING ELECTION RESULTS**

Comes now Heider Garcia, the Tarrant County Elections Administrator ["EA"],
and says:

1. This Application is presented as an urgent matter on information and belief. Time is of the essence. Applicant EA respectfully requests that this matter be assigned to a civil District Court where the presiding judge is not on the November 3, 2020 ballot. EA understands that the two civil Tarrant County District Courts where the presiding judges are not on the November 3, 2020 ballot are the 141st District Court and the 236th District Court.

2. It has come to the notice of the EA, who is also the Early Voting Clerk and the general custodian of election records, through the regular post-election activities conducted by the EA's staff, the Early Voting Ballot Board, and other officials charged with processing and counting election results, that the counting of ballots received by Election Day for the November 3, 2020, federal, state, and local elections conducted by EA, including mail-in ballots received by Election Day, will likely not be concluded until after November 4, 2020, at 7:00 p.m.. Accordingly, counting may need to continue for

APPLICATION BY TARRANT COUNTY ELECTIONS ADMINISTRATOR
HEIDER GARCIA FOR ORDER TO CONTINUE COUNTING
ELECTION RESULTS

Page 1 of 7

an unknown number of days into the future to not disenfranchise voters who properly cast their ballots and are entitled to have their votes counted. [Note: This Application relates only to those ballots voted on Election Day or voted early in person, or those sent by mail/absentee and received by 7:00 p.m. on Election Day. Other legal provisions apply to mail/absentee ballots received after Election Day but within the time required by law. Those other ballots are not covered by this Application as it appears they will be timely counted.]

3. Texas Election Code Sec. 65.002(c) provides that “After the polls close or the last voter has voted, whichever is later, the counting of ballots shall be conducted continuously until all the ballots are counted.” This Application seeks the Court’s approval to continuously count ballots until all the ballots received by Election Day are counted.

4. Since the time the polls closed at 7:00 p.m. on Election Day, November 3, 2020, that is exactly what has been happening: the counting of ballots has been conducted continuously and it is not yet done. Workers are present 24/7 to accomplish this. Ballots cast by voters who timely voted and who are entitled to have their votes counted remain in process and will most likely not be counted by 7:00 p.m. on November 4, 2020.

5. The ballots in process and not yet counted are mostly mail/absentee ballots, all of which were received timely. The counting of mail/absentee ballots has been slowed by a confluence of several factors:

- a. The inability of the mail ballot scanners to read a large number of the returned mail ballots for reasons that may be either defective printing

or a scanner issue or a combination of factors, as may better be determined later, in addition to a smaller number that may be damaged or illegible for other reasons;

- b. The resulting need to remake the large number of ballots that cannot be scanned so that they may be counted by the certified counting system, and the deliberate election integrity procedural safeguards that require remaking in the presence of at least two people, and the validation of the remade ballots by at least two appointed members of the Early Voting Ballot Board of different political parties before the ballots can be processed into the counting system;
- c. The unforeseen unavailability of many of the previously appointed members of the Early Voting Ballot Board due to the Covid-19 pandemic and other reasons unknown to the EA, at the same time that more of them than usual are needed to resolve the ballot remake issues; and
- d. The large increase in the number of voters choosing to vote by mail, some of whom may have voted in person in times prior to the Covid-19 pandemic, which increases the raw number of returned unreadable ballots that will need to be remade to be counted, as described above.

6. The Texas Secretary of State, the Chief Election Officer of the State, has taken the position through her Election Division that if Tarrant County believes processing and counting of ballots must continue after 7:00 p.m. on November 4, 2020, it is necessary to obtain a court order. Exhibit A is a true and correct copy of the email

from the Secretary of State's office taking this position, with non-governmental email addresses redacted. The Secretary of State cites Election Code Sec. 66.053, the precinct election records delivery law, which provides:

Sec. 66.053. TIME FOR DELIVERING ELECTION RECORDS. (a) The precinct election records shall be delivered to the appropriate authorities immediately after the precinct returns are completed.

(b) If the presiding judge determines that the ballots will not be counted in time to allow delivery of the precinct election records by 2 a.m. of the day after election day, the presiding judge, between midnight of election day and 1 a.m. of the following day, shall notify the general custodian of election records by telephone of:

- (1) the total number of voters who voted at the polling place as indicated by the poll list;
- (2) the vote totals tallied for each candidate and for and against each measure at the time of notification; and
- (3) the expected time of finishing the count.

(c) The precinct election records shall be delivered not later than 24 hours after the polls close in each election.

In the same chapter, "precinct election records" are defined as follows:

Sec. 66.002. PRECINCT ELECTION RECORDS. In this chapter, "precinct election records" means the precinct election returns, voted ballots, and other records of an election that are assembled and distributed under this chapter.

Mail ballots are governed by Chapters 86 and 87. Mail ballots are not precinct election records assembled or distributed under Chapter 66, and they are not sent out to the precincts. Therefore, the mail ballots have no need to be returned to the EA within 24 hours from the precincts. By law, mail ballots are sent to the Elections Administrator by the voter. Texas Election Code Sec. 86.002. And, all in-person votes cast at polling locations on Election Day are anticipated to easily be timely returned to the EA long

before 24 hours following the close of the polls. Accordingly, EA does not agree that the 24-hour period to return precinct election records from the precincts to the EA within 24 hours of polling sites closing limits the continuous counting of mail ballots received by 7:00 p.m. or ballots cast on Election Day. However, in an abundance of caution and to address any concern regarding the Secretary of State's statement that the County should obtain a court order to continue to process and count the ballots after 7:00 p.m., EA seeks a court order. More time is needed to ensure that every valid and timely cast vote is properly processed and counted.

Accordingly, the EA submits this Application seeking the Court's Order that the EA, the Early Voting Ballot Board, and the other election officials working to count ballots in Tarrant County, Texas, for the November 3, 2020, election are authorized to and shall continue to take all steps that are necessary to count ballots continuously until all the ballots received by Election Day are counted.

Prayer for Relief

Applicant Tarrant County EA Heider Garcia prays for the Order sought above that the EA, the Early Voting Ballot Board and other officials take such action as needed to continuously count ballots until all the ballots received by Election Day are counted, and for general relief, including such further orders as may be necessary to safeguard and continue the count of the vote for the November 3, 2020, election in Tarrant County, Texas.

Respectfully submitted,

SHAREN WILSON
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

/s/ Ann Diamond
ANN DIAMOND
Assistant Criminal District Attorney
State Bar No. 05802400
817.884.2435 direct
adiamond@tarrantcountytx.gov

/s/ Mark Kratovil
MARK KRATOVIL
Assistant Criminal District Attorney
State Bar No. 24076098
817.212.6861 direct
mckratovil@tarrantcountytx.gov

Tarrant County Criminal
District Attorney's Office -- Civil
Tarrant County Justice Center
401 West Belknap, 9th Floor
Fort Worth, Texas 76196
(817) 884-1233 – Phone
(817) 884-1675 – Facsimile

ATTORNEYS FOR APPLICANT
HEIDER GARCIA
Tarrant County Elections Administrator

Certificate of Notice

Courtesy notice of this filing was made via email to the following attorneys at the time of filing:

Timothy Davis

Attorney at Law

CANTEY HANGER LLP

600 West 6th Street, Suite 300

Fort Worth, Texas 76102

817.877.2804 - Direct Phone

817.877.2807 - Fax

tdavis@canteyhanger.com

Attorney for the Tarrant County Republican Party

Stephen C. Maxwell

Attorney at Law

Bailey & Galyen

1300 Summit Ave., Ste. 650

Fort Worth, Texas 76102

800-529-8008

817.276.6000 – Main Phone

817.276.6010 - Fax

smaxwell@galyen.com

Attorney for the Tarrant County Democratic Party

Jared G. LeBlanc

Attorney at Law

Gordon, Arata, Montgomery, Barnett, McCollam, Duplantis & Eagan, LLC

2229 San Felipe, Suite 1100

Houston, TX 77019

713.333.5500 -- Main Phone

713.333.5561 -- Direct Phone

jleblanc@gamb.com

Attorney for the Tarrant County Libertarian Party

Signed this the 4th day of November, 2020.

/s/ Ann Diamond/ /s/ Mark Kratovil

Attorneys for Applicant

Exhibit A

Ann L. Diamond

From: Keith Ingram <KIngram@sos.texas.gov>
Sent: Monday, November 2, 2020 1:24 PM
To: 'Sonya Aston'
Cc: Mitch Carney; Tim Davis; Heider I. Garcia; Ann L. Diamond; Josh Helton; Joe Esparza; [REDACTED]; Adam Bitter; Christina Adkins
Subject: RE: Tarrant County Ballot by Mail

EXTERNAL EMAIL ALERT! Think Before You Click!

Agreed. 65.002 requires continuous counting until finished. All materials have to be submitted back to the election office by the 24th hour as 66.053 below says.

66.053 is from the old days when precinct returns were counted by hand at the precinct before the returns were brought back to the election office for accumulation. In this context it means that the counting of ballots has to be completed within 24 hours of the closing of the polls.

If Tarrant County believes it needs more time than 24 hours after the polls close to process and count mail ballots, then it will need to get a court order allowing it to exceed the election code time limits.

From: Sonya Aston <saston@texasgop.org>
Sent: Monday, November 2, 2020 12:51 PM
To: Keith Ingram <KIngram@sos.texas.gov>
Cc: Mitch Carney [REDACTED]; Tim Davis [REDACTED]; higarcia@tarrantcounty.com; adiamond@tarrantcountytx.gov; Josh Helton [REDACTED]; Joe Esparza <JEsparza@sos.texas.gov>; [REDACTED]; Adam Bitter <ABitter@sos.texas.gov>; Christina Adkins <CAdkins@sos.texas.gov>
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I apologize. After speaking with you, I was not as precise as I could have been. From our discussion, the mail ballots that are in hand to date need to be processed by the end of election night/next morning.

In order to continue past 24 hours after the polls close on Election Night, they will have to go to court. Is that a correct statement?

Sec. 66.053. TIME FOR DELIVERING ELECTION RECORDS. (a) The precinct election records shall be delivered to the appropriate authorities immediately after the precinct returns are completed.

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(2) the vote totals tallied for each candidate and for and against each measure at the time of notification; and

(3) the expected time of finishing the count.

(c) The precinct election records shall be delivered not later than 24 hours after the polls close in each election.

Sonya L. Aston

Attorney at Law

(713) 320-5808

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From: Keith Ingram <KIngram@sos.texas.gov>

Sent: Monday, November 2, 2020 12:08 PM

To: Sonya Aston <[REDACTED]>

Cc: Mitch Carney <[REDACTED]>; Tim Davis <[REDACTED]>; higarcia@tarrantcounty.com <higarcia@tarrantcounty.com>; adiamond@tarrantcountytexas.gov <adiamond@tarrantcountytexas.gov>; Josh Helton <[REDACTED]>;

Adam Bitter <ABitter@sos.texas.gov>; Christina Adkins <CAkins@sos.texas.gov>

Subject: Re: Tarrant County Ballot by Mail

I agree with Tarrant County on this point. Counties often continue counting mail ballots after 7 p.m. The requirement is to count continuously until all of it is done.

From: Sonya Aston <[REDACTED]>

Sent: Monday, November 2, 2020 12:04 PM

To: Keith Ingram <KIngram@sos.texas.gov>

Cc: Mitch Carney <[REDACTED]>; Tim Davis <[REDACTED]>; higarcia@tarrantcounty.com <higarcia@tarrantcounty.com>; adiamond@tarrantcountytexas.gov <adiamond@tarrantcountytexas.gov>; Josh Helton <[REDACTED]>;

Joe Esparza <JEsparza@sos.texas.gov>

Subject: Tarrant County Ballot by Mail

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Dear Keith,

We are being told that the Tarrant County Election Administration is not planning on having all of the ballot by mail received to date ready for counting at 7:00 pm tomorrow. They are under the impression that they have more time. Their interpretation is that as long as they are doing continuous count under Chapter 65 they are in compliance.

Senya L. Nelson

Attorney at Law

(713) 320-5808

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NO. _____

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IN THE DISTRICT COURT

IN THE MATTER OF
THE NOVEMBER 3, 2020
ELECTION RESULTS IN
TARRANT COUNTY, TEXAS

TARRANT COUNTY, TEXAS

_____ JUDICIAL DISTRICT

**ORDER GRANTING APPLICATION BY
TARRANT COUNTY ELECTIONS ADMINISTRATOR
HEIDER GARCIA TO CONTINUE COUNTING ELECTION RESULTS**

On this day came on the application of Heider Garcia, the Tarrant County Elections Administrator, in the above matter.

The Court heard the testimony of the Tarrant County Elections Administrator. And the Court, having heard the same and having considered the matter presented, finds that the Application of the Tarrant County Elections Administrator should be GRANTED.

It is therefore Ordered that Tarrant County Elections Administrator Heider Garcia, the Early Voting Ballot Board, and other officials take such action as needed to continuously count ballots timely cast in Tarrant County, Texas for the federal, state, and local election held on November 3, 2020, from day to day until all the timely and properly cast ballots received by Election Day are counted.

It is so ORDERED. Signed on this the 4th day of November 2020

District Judge Presiding

Approved as to Form and Substance:

SHAREN WILSON
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

/s/ Ann Diamond
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Assistant Criminal District Attorney
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Fort Worth, Texas 76196
(817) 884-1233 – Phone
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ATTORNEYS FOR APPLICANT
HEIDER GARCIA
Tarrant County Elections Administrator