

RE: Public Records Request: TX-SOS-19-1514 (SOS PIR No. 19-1212)

GeneralCounsel <GeneralCounsel@sos.texas.gov>

Fri 1/31/2020 10:47 PM

To: AO Records <records@americanoversight.org>

Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>

1 attachments (5 MB)

American Oversight PIR 19.1212 Documents 1.31.20.zip;

Good afternoon,

Consistent with our January 24 email, please find the attached zipped folder containing documents responsive to this Request. 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 February 5, 2020. See Tex. Gov't Code § 552.221(d).

The responsive documents contain email addresses of the general public which have been redacted. 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).

Regards,

Jennifer Williams

Legal Assistant to the General Counsel

Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>

Sent: Friday, January 24, 2020 3:32 PM

To: 'AO Records' <records@americanoversight.org>

Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>

Subject: RE: Public Records Request: TX-SOS-19-1514 (SOS PIR No. 19-1212)

Good afternoon,

We require more time to review our records and provide other responsive documents, if any. 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 January 31, 2020. See Tex. Gov't Code § 552.221(d).

Jennifer Williams

Legal Assistant to the General Counsel

Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>

Sent: Wednesday, January 15, 2020 4:22 PM

To: 'AO Records' <records@americanoversight.org>

Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>

Subject: RE: Public Records Request: TX-SOS-19-1514 (SOS PIR No. 19-1212)

Good afternoon,

We require more time to review our records and provide other responsive documents, if any. 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 January 24, 2020. See Tex. Gov't Code § 552.221(d).

Jennifer Williams

Legal Assistant to the General Counsel

Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>

Sent: Friday, December 20, 2019 5:57 PM

To: AO Records <records@americanoversight.org>

Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>

Subject: RE: Public Records Request: TX-SOS-19-1514

Ms. Pintado,

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

Sincerely,

Adam Bitter

General Counsel

Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>

Sent: Friday, December 6, 2019 1:03 PM

To: GeneralCounsel <GeneralCounsel@sos.texas.gov>

Subject: Public Records Request: TX-SOS-19-1514

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Dear Public Records Officer:

Please find attached a request for records under Texas public records laws.

Sincerely,

Mariuxi Pintado

Paralegal

American Oversight

records@americanoversight.org

www.americanoversight.org | @weareoversight

Public Records Request: TX-SOS-19-1514

From: [Keith Ingram](#)
To: [REDACTED]
Subject: advisory
Date: Monday, October 28, 2019 4:00:11 PM
Attachments: image001.png
Sensitivity: Personal

Ed,

I just tried to call you back, but your mail box was not accepting messages. Here is the newest version of our electronic voting system advisory.

<https://www.sos.texas.gov/elections/laws/advisory2019-23.shtml>

Section 7 contains the bit about transmitting unofficial results from regional sites. Section 8 mentions the necessary reconciliation if that method is used.

Keith Ingram
Director, 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 personal legal advice to you for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

1. **Transmitting Unofficial Results for ENR Purposes:** Pursuant to Section 127.1231(b), the Secretary of State's Office may prescribe procedures for the use of a system to transmit results to the central counting station on election day. That system must provide for a secure transmission of data.
 - a. This type of system may be only used to transmit unofficial results to the central counting station for ENR purposes on election night.
 - b. A secondary copy of the results generated by each device may be placed on a duplicate media and connected to a transmission device that is not directly connected to the voting system. That transmission device can then transmit those unofficial results via a secure connection to another device set up for receiving those transmissions. Those unofficial results can be taken from the receiving device to be aggregated on a system that is not connected to the system that performs the official tabulation, and those unofficial results can be used for purposes of ENR.
 - i. Unofficial early voting results will be transferred via external media from the official tabulation system to the system generating the unofficial results on election night.

- c. The official tabulation will be generated at the central counting station using the standard procedures without the use of any external networking system. These procedures do not modify the process for collecting, delivering, or tabulating the official results of the election.
- d. After the unofficial results and the official tabulation have both been completed, the entity must perform an audit to verify that the unofficial results used for ENR and the official tabulation are identical.

Any political subdivision that utilizes a modem transfer or secured electronic transmission of election results from sub-stations to the central counting station for the purpose of being combined with other such tabulations to produce complete returns shall establish procedures to reconcile received tabulations to transmitted tabulations in order to determine if any discrepancies exist. Additionally, the procedures outlined in Section 7, number 5 of this outline must be completed. If any such discrepancies exist, the election results will be determined from any media that was read through the secured, official tabulation system that is not connected to the internet.

From: [Keith Ingram](#)
To: ["Ed Johnson"](#)
Cc: [Christina Adkins](#)
Subject: Fw: Drafts of Texas Electronic Pollbook Certification Standards and Procedures
Date: Wednesday, September 18, 2019 2:05:25 PM
Attachments: image001.png
ADV2019-XX - Texas Certification Procedures for Electronic Pollbooks.pdf
Texas Technical Testing Matrix for Electronic Pollbooks.pdf
Texas Functional Testing Matrix for Electronic Pollbooks.pdf
Sensitivity: Personal

fyi. draft of the poll book proposal.

From: Charles Pinney
Sent: Wednesday, September 18, 1:44 PM
Subject: Drafts of Texas Electronic Pollbook Certification Standards and Procedures

Hello,

Attached are the current draft versions of the Texas Electronic Pollbook Certification Procedures Advisory, the Texas Electronic Pollbook Technical Testing Matrix, and the Texas Electronic Pollbook Functional Testing Matrix. We are now distributing these drafts to electronic pollbook vendors and select counties for their review and comment.

Please keep in mind that these are the current drafts of the procedures and standards and may not reflect the final product. Accordingly, it is important that these drafts not be distributed outside of your team or to anyone who is not involved in the review process.

We will be issuing our final versions of these procedures and standards by the end of the month, but we would appreciate it if you could provide us with any comments you have on these drafts **by close of business next Monday, September 23, 2019**. Any comments can be submitted by email to me at this email address, cpinney@sos.texas.gov.

Please let me know if you have any general questions or concerns about this review process.

Thanks,

Chuck Pinney
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/elections



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.

TX-SOS-19-1514-B-000004

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov



Ruth R. Hughes
Secretary of State

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

ELECTION ADVISORY **NO. 2019-XX**

TO: County Election Officers

FROM: Keith Ingram, Director of Elections

DATE: September TBD

RE: Texas Certification Procedures for Electronic Pollbooks

The purpose of this advisory is to establish the process for the certification of electronic pollbooks for use in Texas elections, pursuant to Election Code 31.014, as enacted by HB 4130 (86th Leg., 2019).

For a pollbook to be used in a Texas election after January 1, 2020, it must first be certified by the Secretary of State's Office. The process and standards for the certification of these devices is outlined below.

Application Process

A vendor seeking certification of an electronic pollbook system in Texas must submit an Application for Certification with the Secretary of State's Office no later than 30 days before the date of the Functional Examination by the Secretary of State's Office. That Application must include:

- A completed Application for Certification
- A Technical Data Package which includes the following documentation:
 - User Operating, Support, and Maintenance Manuals
 - Training Materials and Instruction Guides
 - Recommended Use Procedures
 - Software License Agreement
 - Software Source Code
 - Software System Design
 - Warranty Information
 - Recommended Security Practices

- A report from a NIST-certified testing laboratory demonstrating that the electronic pollbook system meets the requirements of the Texas Technical Testing Matrix for Electronic Pollbooks
 - The vendor must also provide a copy of the TDP to the NIST-certified testing lab
- A list of certifications and denials of certification for the system in other jurisdictions
- A list of any and all known anomalies experienced with the use of the electronic pollbook system and a description of the resolution of each anomaly
- A list of all consumables required for the continued operation of the system, and the supply chain for those consumables
- A list of compatible peripheral devices used with the electronic pollbook system
- A statement regarding any foreign ownership interests in the electronic pollbook system
- A description of additional compatible languages (if any)
- A description of accessibility features (if any)
- Screenshots of all phases of the pollbook process that interact with election workers and/or voters

This application may be submitted in a paper or electronic format to the Secretary of State's Office at the following address:

Elections Division
Secretary of State
P.O. Box 12060
Austin, Texas 78711-2060

Certification Process

The certification process in Texas involves two phases:

- Technical Examination by a NIST-certified testing laboratory
- Functional Examination by the Secretary of State's Office

Technical Examination

The Technical Examination must be performed by a NIST-certified testing laboratory. The vendor must submit a copy of the Technical Data Package (TDP) to the testing lab, and the testing lab must assess the system's requirements with the Texas Technical Testing Matrix for Electronic Pollbooks. The vendor is responsible for any costs and fees associated with conducting these tests.

The vendor will satisfy this portion of the testing by submitting a test report from the testing lab demonstrating that the vendor provided the testing lab with a copy of the TDP and that the electronic pollbook system satisfies the requirements of the Texas Technical Testing Matrix for Electronic Pollbooks. This test report must be submitted as a part of the vendor's Application for Certification no later than 30 days before the date of the Functional Examination by the Secretary of State's Office.

Functional Examination

The Functional Examination will be conducted by employees of the Secretary of State's Office according to the standards outlined in the Texas Functional Testing Matrix for Electronic Pollbooks.

The vendor will present the electronic pollbook system for a one-day, in-person examination which will take place at the office of the Elections Division of the Secretary of State's Office. The examiners will conduct functional testing of the electronic pollbook system to determine whether that system meets the requirements outlined in the Texas Functional Testing Matrix for Electronic Pollbooks.

Within 30 days of the completion of the in-person examination, the examiners will prepare a Report and Recommendation based on the system's compliance with the requirements of the Texas Functional Testing Matrix for Electronic Pollbooks and an analysis of the vendor's Application for Certification. The Report and Recommendation will include a recommendation by the examiners on whether the electronic pollbook system meets the requirements for certification.

After reviewing the examiners' Report and Recommendation, the Secretary of State will issue a decision on whether the electronic pollbook system will be certified for use in Texas elections.

Initial Certification Process by January 1, 2020

Vendors who wish to offer their pollbooks to jurisdictions in Texas for elections occurring in 2020 will need to have those systems certified before January 1, 2020.

The Application for Certification (along with all accompanying documentation) must be submitted no later than December 2, 2019. Please keep in mind that the Application must include a report from the testing lab indicating that the system complies with the standards outlined in Texas Technical Testing Matrix for Electronic Pollbooks, so the vendor will need to submit their system for testing with the testing lab **before** the Application may be submitted. Our office will schedule the in-person Functional Examination of the system as soon as the Application is received, and will be able to offer examination dates as early as October. The in-person Functional Examination will need to occur before December 15, 2019 for the system to receive a January 1, 2020 certification.

Once the examination has taken place, the examiners will have 15 days to prepare their Report and Recommendation for this initial certification process. The Secretary of State will then issue a decision on whether the system may be certified for use in Texas elections by January 1, 2020.

Acceptance Testing by Local Jurisdictions

Local jurisdictions who acquire a Texas-certified electronic pollbook system will need to complete Acceptance Testing on the newly-acquired equipment to ensure that the system meets the functional standards required by the Texas Functional Testing Matrix for Electronic Pollbooks. Local jurisdictions should review the matrix and ensure that the system, as delivered, meets those functional requirements.

Modification Process

Minor modifications to a Texas-certified electronic pollbook systems must be submitted to the Secretary of State's Office for administrative review. The request must be submitted in writing to the Secretary of State's Office, and must contain sufficient information to identify the changes to the system's most recently certified version. That request must also contain a statement from a NIST-certified testing laboratory approving the proposed modifications or stating that the proposed modifications do not warrant examination by the testing lab.

Upon receiving the request for review of a minor modification, the Secretary of State's Office has discretion as to whether to review the modification through this administrative process or whether a formal certification process is required for the approval of the modification.

If the request is reviewed through the administrative review process, then the employees of the Secretary of State's Office will determine whether the requested modification requires an in-person examination or whether it is a de minimis change that does not require an in-person examination of the modification. After this review is completed, the Secretary of State's Office will notify the vendor in writing whether the modification is approved or denied.

Recertification Process

Election Code 31.014 requires an electronic pollbook system that is used in Texas elections to be certified annually by the Secretary of State's Office. Accordingly, vendors will need to seek recertification of their system on an annual basis which will become effective on January 1 of the year in which the system will be used.

To seek recertification of a previously-certified electronic pollbook system, the vendor will need to submit a new Application for Certification (along with all accompanying documents) by October 1 of the year preceding the year in which the system will be used. The vendor will not be required to submit the system for examination by a NIST-certified testing laboratory unless such testing is specifically requested by the Secretary of State's Office after review of the Application.

The Secretary of State's Office will issue a decision on recertification within 30 days of the receipt of the Application for Certification. The Secretary of State's Office may choose to grant the certification, deny the certification, or require additional in-person examination of the system before recertification may be granted.

A major modification to an electronic pollbook system will require the vendor to complete the full certification process, including the Technical Examination and Functional Examination phases. A major modification to an electronic pollbook system may not be certified through this administrative recertification process. The Secretary of State's Office retains discretion on whether a modification to an electronic pollbook system constitutes a major modification requiring the full certification process.

We hope you find this information helpful. Please contact us at 1-800-252-VOTE(8683) or at elections@sos.texas.gov if you have any questions.

KI:CP

DRAFT

Texas Functional Testing Matrix for Electronic Pollbooks

Application Requirements	Met	Not Met	Comments
Vendor has submitted a completed Application for Certification			
SOS has been provided with a copy of the testing report from an independent, NIST-certified testing laboratory showing completion of the Texas Technical Testing Matrix for Electronic Pollbooks			
Vendor has provided SOS with a full copy of Technical Data Package and all other required application materials: - List of certifications and denials of certification in other jurisdictions - List of all consumables and their supply chains - Statement of foreign ownership interests - Description of compatible languages (if any) - Description of accessibility features (if any)			
Vendor has provided SOS with screen shots of all phases of the pollbook process that interact with election workers and/or voters			

System Requirements	Met	Not Met	Comments
Electronic pollbook is compatible with: - County voter registration database - Peripheral devices listed in TDP			
Electronic pollbook can export data in a format that is compatible with the statewide voter registration database			
Electronic pollbook is capable of storing a local version of the county voter registration database to serve as a backup			
Electronic pollbook must allow a voter to be accepted for voting during an interruption in network connectivity			
Electronic pollbook must be capable of generating a time-stamp for when each voter is accepted to vote at a polling place, including the voter's unique identifier (VUID)			
Electronic pollbook must be capable of transmitting a time-stamp for when each voter is accepted to vote at a polling place, including the voter's unique identifier (VUID)			
Electronic pollbook must be capable of time-stamping the receipt of a transmission of a time-stamp for when			

each voter is accepted to vote by another device, including the voter's unique identifier (VUID)			
Electronic pollbook must be capable of importing, collecting, storing, retrieving, displaying, and editing voter information			
If the electronic pollbook is used for signature capture, then the electronic pollbook must be capable of interfacing with any devices used for that signature capture and must be able to display the signature on the electronic pollbook device			
The system must be able to manage any type of Texas election (local, county, federal, primary) and be able to manage multiple types of elections occurring simultaneously on the same day			
Electronic pollbook must be capable of searching the county's full list of voters and relevant voter information to determine a voter's correct precinct and polling location			
Electronic pollbook must be capable of identifying the correct polling location for a voter who has appeared to vote at the incorrect location			

If the electronic pollbook uses a barcode scanner or other device used to identify the voter based on information contained on a voter's ID, then the device must be capable of correctly collecting data from those forms of ID			
Electronic pollbook must allow an election worker to correctly identify a voter who appears to vote by searching the political subdivision's list of registered voters			
Electronic pollbook must allow an election worker to verify a voter's eligibility to vote in a given election, including whether a voter: • Has already cast a ballot in the election; • Requested an absentee ballot; or • Returned an absentee ballot;			
Electronic pollbook must allow an election worker to indicate whether the voter: • Has presented an acceptable form of identification; • Has presented a supporting form of identification and must complete a reasonable impediment declaration; • Has a permanent exemption from the voter ID requirement; or • Does not meet the voter ID requirement but wishes to vote provisionally			

Electronic pollbook must notify an election worker if voter is required to complete additional paperwork or sign any required affidavits before they are accepted to vote			
Electronic pollbook must allow an election worker to enter information indicating that the voter has voted in the election			
Electronic pollbook must be capable of uploading voter history in a format that is compatible with the county's voter registration database and the statewide voter registration database			
Electronic pollbook must be capable of correctly processing all voter registration information and producing audit logs for any actions that modify, transmit, or use that information			
Procedures for setup, use, and shutdown of electronic pollbook must be reasonably simple for election workers to learn, understand, and perform			
Electronic pollbook must allow election workers to verify that the pollbook has been setup correctly, is working correctly, is correctly recording voter information, and has been correctly shutdown			

If affidavits or statements are displayed or completed on the electronic pollbook, then the device must correctly and accurately display the exact language of any statements or affidavits required by Texas law If the political subdivision has voters complete any statements or affidavits on the paper form instead of on the electronic pollbook, then the device must notify the election worker that the paper form must be completed			
Electronic pollbook must keep a running count of voters who have been accepted to vote each day			
The system must be capable of allowing a voter to vote using the required procedures in the following situations: • Provisional voting • Limited ballot • Cancelled ballot by mail • Voting with assistance			
Electronic pollbook must be capable of providing any information displayed to a voter in English, Spanish, and any other language required in the political subdivision			

Vendor must provide comprehensive training for political subdivisions who adopt the system			
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DRAFT

Reporting Requirements				
The system must be capable of generating the following reports if the political subdivision does not collect this information on paper:	Yes	No	Paper Copy	Comments
Signature Roster (Election Code 63.002)				
Poll List (Election Code 63.003)				
Combination Form (Election Code 63.004)				
Branch Daily Register (Election Code 85.072)				
Early Voting Roster (Election Code 87.121)				
Precinct Early Voting List (Election Code 87.122)				
List of Provisional Voters (Election Code 63.011)				
All electronic pollbook systems must be capable of generating the following reports, or reports with the following information:	Yes	No	Comments	
Audit Logs of all system activity				

Electronic copy of the list of voters who were accepted to vote, which can be delivered to election judge after polls close (Election Code 31.014(a)(1))			
Full list of voters registered in the county with an indication of the jurisdictional or distinguishing number for each territorial unit in which each voter resides (Election Code 31.014(a)(4))			
Electronic report that is compatible with the statewide voter registration database that contains the following: • Time-stamp when each voter is accepted at a polling place, including the voter's unique identifier (VUID) (Election Code 31.014(a)(5)) • Time-stamp of the moment the electronic pollbook device receives a transmission of the time-stamp that the voter was accepted by another device, including the voter's VUID (Election Code 31.014(a)(7)) (Election Code 31.014(a)(8))			

Texas Technical Testing Matrix for Electronic Pollbooks

Application Requirements	Met	Not Met	Comments
Electronic Pollbook has been tested by an independent, NIST-certified testing laboratory			
Vendor has provided test lab with a full copy of Technical Data Package, including: • User Operating, Support, and Maintenance Manuals • Training Manuals and Instruction Guides • Recommended Use Procedures • Software License Agreement • Software Source Code • Software System Design • Warranty Information • Recommended Security Practices • List of any known anomalies experienced with the use of the system and the resolution of those anomalies • List of compatible peripherals devices used with the system			
Vendor has provided any internal test reports and test data			
Testing lab must review any information that the vendor is required to provide to the testing lab under the Texas Certification Procedures and this Matrix			

System Requirements	Met	Not Met	Comments
Electronic pollbook is compatible with: - County voter registration database - Peripheral devices listed in TDP			
Electronic pollbook can export data in a format that is compatible with the statewide voter registration database			
All information on the electronic pollbook is encrypted			
Electronic pollbook is capable of storing a local version of the county voter registration database to serve as a backup			
Electronic pollbook is capable of producing an audit log that reflects all actions of the system			
Electronic pollbook is capable of providing secure transmission of voter and election information to the county server and to other electronic pollbook devices			
If a server is used, then the data contained on that server must be secure and not publicly accessible			

If the electronic pollbook is used for signature capture, then the electronic pollbook must be capable of interfacing with any devices used for that signature capture and must be able to display the signature on the electronic pollbook device			
The system must be able to manage any type of Texas election (local, county, federal, primary) and be able to manage multiple types of elections occurring simultaneously on the same day			
Electronic pollbook must be capable of searching the county's full list of voters and relevant voter information to determine a voter's correct precinct and polling location			
Electronic pollbook must be capable of identifying the correct polling location for a voter who has appeared to vote at the incorrect location			
If the electronic pollbook uses a barcode scanner or other device used to identify the voter based on information contained on a voter's ID, then the device must be capable of correctly collecting data from those forms of ID			

Electronic pollbook must allow an election worker to correctly identify a voter who appears to vote by searching the political subdivision's list of registered voters			
Electronic pollbook must allow an election worker to enter information indicating that the voter has voted in the election			
Electronic pollbook must allow a voter to be accepted for voting during an interruption in network connectivity			
Electronic pollbook must be capable of uploading voter history in a format that is compatible with the county's voter registration database and the statewide voter registration database			
Electronic pollbook must be capable of correctly processing all voter registration information and producing audit logs for any actions that modify, transmit, or use that information			
Procedures for setup, use, and shutdown of electronic pollbook must be reasonably simple for election workers to learn, understand, and perform			
Electronic pollbook must allow election workers to verify that the pollbook has been setup correctly, is working correctly,			

is correctly recording voter information, and has been correctly shutdown			
Electronic pollbook must keep a running count of voters who have been accepted to vote each day			
Electronic pollbook must be capable of generating a time-stamp for when each voter is accepted to vote at a polling place, including the voter's unique identifier (VUID)			
Electronic pollbook must be capable of transmitting a time-stamp for when each voter is accepted to vote at a polling place, including the voter's unique identifier (VUID)			
Electronic pollbook must be capable of time-stamping the receipt of a transmission of a time-stamp for when each voter is accepted to vote by another device, including the voter's unique identifier (VUID)			
Electronic pollbook must be capable of importing, collecting, storing, retrieving, displaying, and editing voter information			

Technical Requirements	Met	Not Met	Comments
Electronic pollbook must encrypt all information on the pollbook			
Electronic pollbook must be capable of performing at least two of the following four actions: • Regularly syncing voter information with the county server; • Storing voter information on local system memory; • Storing voter information on a removable memory device; or • Producing a physical printed list showing any actions involving voter information by that device			
Electronic pollbook device must be able to operate on battery power for a minimum of two hours without interruption to the device			
Electronic pollbook device must provide an indication of when the device is operating on battery power			
Electronic pollbook system must contain controls for restricted access to administrative functions on the device			
Electronic pollbook system must never connect to a public network			

Electronic pollbook must not directly connect to an electronic voting system			
Electronic pollbook must not directly connect to the statewide voter registration database			
Electronic pollbook must be capable of maintaining secure connectivity to the county server, and must provide an notification to the election workers and to the central county office when a device loses connectivity			
System must maintain physical and digital data security protections			
Electronic pollbook device must not be capable of accessing device functions other than those that are part of the electronic pollbook system's own software or those that are designed to interact with the system			

From: [Keith Ingram](#)
To: [REDACTED]
Subject: FW: Voter Registration Challenges
Date: Wednesday, November 13, 2019 10:41:53 AM
Attachments: Annual Zero Tape Procedure (CWPP) (Harris -2019).docx

Here is the zero tape letter for harris county. I sent it to Will on November 6.

From: Keith Ingram
Sent: Wednesday, November 6, 2019 10:31 AM
To: 'Will Hickman' <[REDACTED]>; Alan Vera <[REDACTED]>
Cc: Paul Simpson <[REDACTED]>; Elections Internet <Elections@sos.texas.gov>; Christina Adkins <CAdkins@sos.texas.gov>
Subject: RE: Voter Registration Challenges

With pleasure. It is an extensive conversation because there is a great deal of false information.

The short answer is that the zero tapes and tally tapes are not required by state law. They are required by our office's procedure for electronic voting systems. We modify our own procedure to obtain the same results as the zero tape and tally tape for a handful of county wide counties. This election there were four counties using the modified procedure including Harris.

Very happy to describe at length and detail the statutory scheme, but it would be better to do so in person or over the phone.

From: Will Hickman <[REDACTED]>
Sent: Wednesday, November 6, 2019 9:38 AM
To: Keith Ingram <KIngram@sos.texas.gov>; Alan Vera <[REDACTED]>
Cc: Paul Simpson <[REDACTED]>; Elections Internet <Elections@sos.texas.gov>
Subject: Re: Voter Registration Challenges

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Keith,
I was appointed as an election judge yesterday in Harris County precinct 258.
I was unable to and instructed not to print a zero tape, a precinct return tape, or list of voters.
Could you please send the SOS adopted procedures for countywide voting with Hart machines,
and explain how they comply with TEC 65.014 and 66.024?

Yours,
Will Hickman

On Friday, July 20, 2018, 05:58:21 PM CDT, Alan Vera [REDACTED] > wrote:

Keith, thanks so much for the thorough and very helpful response.

I'll review all the materials, consult with our county chair and chief counsel, and proceed accordingly.

Have a good weekend, and thanks again.

Regards,

Alan D. Vera

Chairman, HCRP Ballot Security Committee

President/CEO

Quest Business Agency, Inc

18130 Cadbury Dr.

Houston, TX 77084

[REDACTED]

713-253-6569

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

Sent: Friday, July 20, 2018 5:05 PM

To: Alan Vera <[REDACTED]>

Cc: Paul Simpson <[REDACTED]>; Will Hickman <[REDACTED]>; Elections Internet <Elections@sos.texas.gov>

Subject: RE: Voter Registration Challenges

Alan,

It is good to hear from you and I understand your frustration with these voter registrations. I don't believe that there is yet a basis for referral to OAG. As for challenging these records, you could attach the whole

list to a Sworn Statement and send it to Harris County, although I would **not** recommend that you send all of the information (dating back to 2010) without first confirming it is still the voter's registered address. We did a spot check on the 2017 tab of only two voters and one of the voters had already updated their address. As such, I think it would be important for you to include the address the voter was registered at that you are challenging. Texas Election Code 16.0921 **does not give the registrar flexibility on how to proceed.** Thus, if you Challenge the Voter based on Residency (even if the voter has updated his/her address to no longer be at the address indicated on the spreadsheet) the registrar is required to send a Notice of Address Confirmation and put the voter on Suspense (this can't be done within 75 days of a general election for state and county officer). There is no provision in code that would allow the registrar to ignore the challenge based on the fact that the address being challenged is not the current address of the voter; therefore, no Notice of Address Confirmation needs to be issued.

Anyway, attached is our office's Outline on Challenges from 2015. Part II is very useful on this. If you have a way to append the VUID to this list, that would probably be very helpful. If not, then the registrar would have to look up each person one by one to issue a Notice of Address Confirmation and put the voter on Suspense.

Who may challenge? - Any registered voter may challenge the registration of another voter of same county by filing a sworn statement of grounds for challenge with registrar. [Secs. 16.091, 16.092]

The sworn statement must:

- identify voter whose registration is being challenged; and
- state specific qualification for registration challenged voter does not meet based on personal knowledge of voter desiring to challenge the registration. [Sec. 16.092]

Will there be a Hearing? – No. If the challenge is to the qualification of residence, there is **no** hearing. On filing of sworn statement alleging a ground based on residence, the registrar shall promptly deliver to voter whose registration is challenged a confirmation notice, using the procedure at Section 15.051 of the Code. If voter fails to deliver a response, the voter is **not** removed from the list of registered voters, but instead is placed on the suspense list. [Sec. 16.0921(a), (b)].

NOTE Registrar may not deliver a confirmation notice resulting from a sworn statement filed after the 75th day before the date of the general election for state and county officers until after the date of that election. This restriction does not apply to a person who submits a registration application after the 75th day and prior to the 30th day before the general election for state and county officers. [Sec. 16.0921(c)].

Sec. 16.0921. CONFIRMATION NOTICE ON CHALLENGE BASED ON RESIDENCE. (a) Except as provided by Subsection (c), on the filing of a sworn statement under Section 16.092 alleging a ground based on residence, **the registrar shall promptly deliver to the voter whose registration is challenged a confirmation notice in accordance with Section 15.051.**

(b) If the voter fails to submit a response to the registrar in accordance with Section 15.053, the registrar shall enter the voter's name on the suspense list.

(c) The registrar may not deliver a confirmation notice resulting from a sworn statement filed

after the 75th day before the date of the general election for state and county officers until after the date of that election. This subsection does not apply to a person who submits a registration application after the 75th day and prior to the 30th day before the general election for state and county officers.

From: Alan Vera [mailto: [REDACTED]]
Sent: Monday, July 16, 2018 9:39 AM
To: Keith Ingram <KIngram@sos.texas.gov>
Cc: Paul Simpson [REDACTED]; Will Hickman [REDACTED]
Subject: Voter Registration Challenges
Importance: High

CAUTION: This email originated from outside of the organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Keith, I'm seeking your advice on how best to proceed with a significant voter registration challenge project here in Harris County.

From an on-going series of Open Records Requests under the Texas Public Information Act, attached is a spreadsheet of voter registrations from 2010 through 2017.

The rows of each annual spreadsheet are color coded.

1. Data in GREEN are addresses of postal boxes "stores." To circumvent the prohibition of registering to vote with a P.O. box as a residence address, these voters have used the street addresses of postal box service companies, like the UPS store, etc.
2. Data in RED are addresses of government buildings which have been used by voters as their residential addresses.
3. Data in BROWN are addresses of union offices, which are not residential facilities.
4. Data in BLUE are addresses of office facilities, usually retail locations or multi-story commercial facilities.

Though there may be some valid exceptions in the attached spreadsheet, we believe that the majority of these registrations can be challenged on residence based on current state law.

TEC indicates that a registered voter may challenge another voter's registration for cause. So we know that we could line up the HCRP Ballot Security Committee members to challenge these registrations one by one.

I'm asking if you can guide me to another approach which would be more efficient and effective. Is this something the AG could handle?

Thanks, in advance, for your courtesy and consideration.

Regards,

Alan D. Vera

Chairman, HCRP Ballot Security Committee

President/CEO

Quest Business Agency, Inc

18130 Cadbury Dr.

Houston, TX 77084

[REDACTED]

713-253-6569

The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov

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

David Whitley
Secretary of State

March 6, 2019

The Honorable Lina Hidalgo
Harris County Judge
1001 Preston St., 4th Floor
Houston, Texas 77251-1525

Dear Judge Hidalgo:

This purpose of this letter is to provide modified election procedures for Harris County to use for elections in which the county will utilize countywide polling places under Section 43.007 of the Texas Election Code. The Secretary of State approves the procedures outlined below as long as Harris County is using the Hart Voting System 6.2.1 ("HVS") that is currently certified for use in Texas elections.

The Secretary of State has approved a modified procedure for counties participating in the Countywide Polling Place Program since November 2011. The modified procedures were approved due to the challenges of using voting systems generally designed for use at traditional polling places. Specifically, the challenges included the length of time required to print a zero tape before opening the polls and the printing of a results tape after the polls close. In a countywide election, each zero tape and each results tapes will consist of all the candidates and measures for each election day precinct within the county, and each tape can take several hours to print.

Therefore, the Secretary of State approves the following procedures:

1. A complete zero tape for all judges booth controller (JBCs) may be printed at the county warehouse prior to election day.
2. Alternatively, for elections in which the printing of zero tapes takes more than three hours, one complete zero tape from one of the judges booth controllers (JBC) that is to be deployed in the election must be printed at the county warehouse prior to election day. This completed zero tape must be maintained with the county's election records.
3. An abbreviated zero should be left on each machine to show there are no votes on the machine.
4. The election judges at each countywide polling place shall retain the JBC Network Configuration Report to verify that zero votes have been cast on any of the machines.
5. The election judges should confirm the public count on each e-Slate is zero before opening the polling location.

6. The election judges at each countywide precinct location will print an access code report, instead of a complete results tape, which provides information on how many votes have been cast, to compare to the number of signatures on the combination form.
7. Once the equipment has been returned to the General Custodian of Election Records, the county may print results tapes from each machine or from a selection of machines.

It is the recommendation of the Secretary of State that counties in the Countywide Polling Place Program print a full set of results tapes after election to maintain with their election records, in keeping with the Secretary of State's requirement that counties not participating in the Program print results tapes at the polling place. However, as Harris County has demonstrated a need for this amended procedure, the county may opt to not print results tapes.

Under the modified procedure, elections will remain be completely auditable. Through the printing of one zero tape, the JBC Network Configuration Report, and the review of the public counter before voting begins, a county will be able determine that zero votes have been cast in an election prior to the opening of the polls. Post-election, the zero tape will be available for review and cast vote records (ballot images), will remain on the Mobile Ballot Boxes (MBBs) the voting machines themselves, and once backed up on SERVO for recounts, contests, and other post-election reviews until they are archived by the county following the election. While the results tapes generated at a polling place can provide an additional means of reviewing the activity at a polling place, the actual precinct returns are generated at the central counting/accumulation station in accordance with Section 127.131 of the Texas Election Code.

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

Sincerely,

Keith Ingram
Director of Elections

KI:CA

From: [Elections Internet](#)
Cc: [Elections Internet](#)
Bcc:

[REDACTED]; aherrera@gillespiecounty.org;
[REDACTED]; angelinademocrats@gmail.com;
[REDACTED];
[REDACTED];
[REDACTED]; brenda.arp@browncountytexas.org;
[REDACTED];
[REDACTED]; burleson.co democrats@gmail.com;
[REDACTED]; c.eason@wallercounty.us;
[REDACTED]; carla.arldt@co.lee.tx.us; casscotxgop@swat.coop;
[REDACTED]; Chair.GCDP@gmail.com; chair.jackcountygop@gmail.com;
chair@collindemocrats.org; Chair@cookegop.com; Chair@guadalupegop.org; chair@mcdptx.org;
chairman@bexargop.org; chairman@dentongop.org; chairman@lubbockgop.org; chairman@nacgop.com;
CHAIRMAN@SJCGOP.ORG; ChairmanLCRP@gmail.com; chairwoman.hcgop@gmail.com;
[REDACTED];
[REDACTED]; clayea@claycountytexas.com;
clerk.raivarado@co.kinney.tx.us;
cochrancountyrepublicans@windstream.net; comptroller@tarrantdemocrats.org;
countychair@greggcountydemocrats.com;
[REDACTED];
[REDACTED];
[REDACTED]; democraticchair.bandera@gmail.com;
[REDACTED];
[REDACTED];
donaldro@co.harrison.tx.us;
[REDACTED];
[REDACTED];
electadmin@burlesoncounty.org; election.admin@co.brewster.tx.us; elections.administrator@co.willacy.tx.us;
elections@banderacounty.org; elections@co.lavaca.tx.us; elections@co.llano.tx.us; elections@co.upton.tx.us;
elections@jackcounty.org;
[REDACTED];
executivedirector@tarrantdemocrats.org;
[REDACTED];
[REDACTED];
graytxrepublicanparty@gmail.com; GWALL@CO.MONTAGUE.TX.US;
hamiltontxdemocrats@gmail.com;
[REDACTED]; HIDALGOCOUNTYDEMOCRATICPARTY@GMAIL.COM;
Hilda.a.salinas@co.hidalgo.tx.us;
[REDACTED];
[REDACTED]; jackcountydemocrats@gmail.com;
[REDACTED];
[REDACTED]; jaquac@co.comal.tx.us;
jaspercodemchair@gmail.com; jcrpchair@gmail.com;
[REDACTED];
[REDACTED]; jmiller@co.hood.tx.us;
[REDACTED]; john.oidnam@fortbendcountytexas.gov;
[REDACTED]; johnny.fisher@co.tom-green.tx.us;
[REDACTED];
[REDACTED];
[REDACTED]; kathy.pyburn@co.tom-green.tx.us;
[REDACTED]; [Kristi Hart](#);
[REDACTED];
kristin.miles@co.bastrop.tx.us;
[REDACTED];
L.SULLIVAN@YOUNGCOUNTY.ORG; laura.warnix@co.bee.tx.us;
[REDACTED]; [Lillian Eder](#); [REDACTED];

with an attorney when your legal rights are involved.

From: Elections Internet
Sent: Monday, September 23, 2019 8:53 AM
To: [REDACTED] >
Subject: FW: MASS EMAIL (CCSEMINAR 486) Seminars Training Material for the 19th Biennial Election Law Seminar

From: Elections Internet <Elections@sos.texas.gov>
Sent: Thursday, September 19, 2019 3:14 PM
To: Elections Internet <Elections@sos.texas.gov>; SpecialProjects <SpecialProjects@sos.texas.gov>
Subject: MASS EMAIL (CCSEMINAR 486) Seminars Training Material for the 19th Biennial Election Law Seminar

County and State Chairs,

Presentations for the upcoming [19th Biennial Election Law Seminar for County Chairs](#) will be available by **5:00 pm on Friday, September 20, 2019.**

To access the presentations online, please login using the instructions listed below:

1. Click the link provided on the [Seminar Materials](#) webpage and sign in.
2. Enter the User ID sent in previous email.
3. Enter Password: [REDACTED]
For clarification: [REDACTED]
4. Click the "Sign On" button.

As a reminder, you have access to viewing, downloading and/or printing the presentations. Feel free to bring copies of the presentation material with you to seminar.

Should you need assistance, please contact us at 1.800.252.8683 or send an email to [Special Projects](#).

Thank you,

Special Projects, Elections Division
Office of the Secretary of State
1.800.252.8683 | 512.463.5650

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: [Elections Internet](#)
To: [Elections Internet](#); [SpecialProjects](#)
Bcc: [Elections Staff](#); [REDACTED];

[REDACTED]; [aherrera@gillespiecounty.org](#);
[REDACTED]; [angelinademocrats@gmail.com](#);

[REDACTED]; [brenda.arp@browncountytexas.org](#);

[REDACTED]; [burleson.co democrats@gmail.com](#);
[REDACTED]; [c.eason@wallercounty.us](#);
[REDACTED]; [carla.arldt@co.lee.tx.us](#); [REDACTED]; [casscotxgop@swat.coop](#);

[REDACTED]; [Chair.GCDP@gmail.com](#); [chair.jackcountygop@gmail.com](#);
[chair@collindemocrats.org](#); [Chair@cookegop.com](#); [Chair@guadalupegop.org](#); [chair@mcdptx.org](#);
[chairman@bexargop.org](#); [chairman@dentongop.org](#); [chairman@lubbockgop.org](#); [chairman@nacgop.com](#);
[CHAIRMAN@SJCGOP.ORG](#); [ChairmanLCRP@gmail.com](#); [chairwoman.hcgop@gmail.com](#);

[REDACTED]; [clayea@claycountytexas.com](#);
[clerk.raivarado@co.kinney.tx.us](#);
[cochrancountyrepublicans@windstream.net](#); [REDACTED]; [comptroller@tarrantdemocrats.org](#);
[countychair@greggcountydemocrats.com](#);

[REDACTED]; [democraticchair.bandera@gmail.com](#);

[REDACTED]; [donaldro@co.harrison.tx.us](#);

[REDACTED];
[electadmin@burlesoncounty.org](#); [election.admin@co.brewster.tx.us](#); [elections.administrator@co.willacy.tx.us](#);
[elections@banderacounty.org](#); [elections@co.lavaca.tx.us](#); [elections@co.llano.tx.us](#); [elections@co.upton.tx.us](#);
[elections@jackcounty.org](#);

[REDACTED]; [executivedirector@tarrantdemocrats.org](#);

[REDACTED]; [graytxrepublicanparty@gmail.com](#); [REDACTED]; [GWALL@CO.MONTAGUE.TX.US](#);
[hamiltontxdemocrats@gmail.com](#);
[REDACTED]; [HIDALGO COUNTY DEMOCRATIC PARTY@GMAIL.COM](#);
[Hilda.a.salinas@co.hidalgo.tx.us](#);

[REDACTED]; [jackcountydemocrats@gmail.com](#);

[REDACTED]; [jaquac@co.comal.tx.us](#);
[jaspercodemchair@gmail.com](#); [jcrpchair@gmail.com](#);

[REDACTED]; [jmmiller@co.hood.tx.us](#);
[REDACTED]; [john.oidham@fortbendcountytexas.gov](#);
[REDACTED]; [johnny.fisher@co.tom-green.tx.us](#);

[REDACTED]; [kathy.pyburn@co.tom-green.tx.us](#);

[REDACTED]; Kristi Hart;

[REDACTED]; [kristin.miles@co.bastrop.tx.us](#);

[REDACTED]; [L.SULLIVAN@YOUNGCOUNTY.ORG](#);

[REDACTED]; [laura.warnix@co.bee.tx.us](#);

[REDACTED]; Lillian Eder; [REDACTED];

[REDACTED]
[REDACTED]; lisa.hayes@co.guadalupe.tx.us; lislam@brazoria-county.com;
[REDACTED]; lucy.ybarra@grimescountytxas.gov;
[REDACTED]; marianacrpcnair@gmail.com;
mariangop@aol.com;
[REDACTED]; mary.wright@co.tom-green.tx.us;
[REDACTED]
[REDACTED]
Melissa.alvarez@co.hidalgo.tx.us;
[REDACTED]
[REDACTED]; missy.doss@co.quadalupe.tx.us;
[REDACTED]
[REDACTED]
[REDACTED]; palopintocodemocrats@gmail.com;
panolarepublicans@gmail.com; ParkerCountyGOP@gmail.com; ParkerDems@sbcglobal.net;
[REDACTED]
[REDACTED]
[REDACTED]; rdouglas@banderacounty.org;
[REDACTED]
[REDACTED]
[REDACTED]; rockwalldemocrats@gmail.com;
[REDACTED]; rosemary.adame@co.schleicher.tx.us;
[REDACTED]; rudy.olivas@co.tom-green.tx.us;
[REDACTED]; sabra.srader@co.wise.tx.us;
[REDACTED]; sanjacintodemocrats@gmail.com;
[REDACTED]; scurry.democrats@gmail.com;
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]; terri.herner@co.fayette.tx.us;
thancock@brazoscountytx.gov;
[REDACTED]; treasurer@bexargop.org;
[REDACTED]
[REDACTED]; vicechairman@brazosgop.org;
[REDACTED]; vona.hudson@co.tom-green.tx.us;
voteclubbock@co.lubbock.tx.us;
[REDACTED]
[REDACTED]
yvonne.ramon@co.hidalgo.tx.us

Subject: MASS EMAIL (CCSEMINAR 486) Seminars Training Material for the 19th Biennial Election Law Seminar
Date: Thursday, September 19, 2019 3:12:00 PM
Attachments: image001.png

County and State Chairs,

The presentations for the upcoming [19th Biennial Election Law Seminar for County Chairs](#) will be available on our new seminar training material website by **5:00 pm on Friday, September 20, 2019**. You will have access to viewing, downloading and/or printing the presentations. Feel free to bring copies of the presentation material with you to seminar.

To access the presentations online, please login using the instructions listed below:

1. Click the link provided on the [Seminar Materials](#) webpage and sign in.
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- [REDACTED]
3. Your password will be sent in a separate email.
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Thank you,

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1.800.252.8683 | 512.463.5650

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From: [Elections Internet](#)
To: [Elections Internet](#); [SpecialProjects](#)
Bcc: [Elections Staff](#); [REDACTED]

[REDACTED]; [aherrera@gillespiecounty.org](#);
[REDACTED];
[REDACTED]; [angelinademocrats@gmail.com](#);
[REDACTED]
[REDACTED]
[REDACTED]; [brenda.arp@browncountytx.org](#);
[REDACTED];
[REDACTED]; [burleson.co democrats@gmail.com](#);
[REDACTED]; [c.eason@wallercounty.us](#);
[REDACTED]; [carla.arldt@co.lee.tx.us](#); [REDACTED]; [casscotxgop@swat.coop](#);
[REDACTED]; [Chair.GCDP@gmail.com](#); [chair.jackcountygop@gmail.com](#);
[chair@collindemocrats.org](#); [Chair@cookegop.com](#); [Chair@guadalupegop.org](#); [chair@mcdptx.org](#);
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[CHAIRMAN@SJCGOP.ORG](#); [ChairmanLCRP@gmail.com](#); [chairwoman.hcgop@gmail.com](#);
[REDACTED]
[REDACTED]; [clayea@claycountytx.com](#);
[clerk.raivarado@co.kinney.tx.us](#);
[cochrancountyrepublicans@windstream.net](#); [REDACTED]; [comptroller@tarrantdemocrats.org](#);
[REDACTED];
[countychair@greggcountymocrats.com](#);
[REDACTED]
[REDACTED]; [democraticchair.bandera@gmail.com](#);
[REDACTED]
[REDACTED]; [donaldro@co.harrison.tx.us](#);
[REDACTED]
[REDACTED]
[electadmin@burlesoncounty.org](#); [election.admin@co.brewster.tx.us](#); [elections.administrator@co.willacy.tx.us](#);
[elections@banderacounty.org](#); [elections@co.lavaca.tx.us](#); [elections@co.llano.tx.us](#); [elections@co.upton.tx.us](#);
[elections@jackcounty.org](#);
[REDACTED]
[executivedirector@tarrantdemocrats.org](#);
[REDACTED]
[REDACTED];
[graytxrepublicanparty@gmail.com](#); [REDACTED]; [GWALL@CO.MONTAGUE.TX.US](#);
[hamiltontxdemocrats@gmail.com](#);
[REDACTED]; [HIDALGOCOUNTYDEMOCRATICPARTY@GMAIL.COM](#);
[Hilda.a.sainas@co.hidalgo.tx.us](#);
[REDACTED];
[REDACTED]; [jackcountymocrats@gmail.com](#);
[REDACTED]
[REDACTED]; [jaquac@co.comal.tx.us](#);
[jaspercodemchair@gmail.com](#); [jcrpchair@gmail.com](#);
[REDACTED]
[REDACTED]; [jmmiller@co.hood.tx.us](#);
[REDACTED]; [john.oidham@fortbendcountytx.gov](#);
[REDACTED]; [johnny.fisher@co.tom-green.tx.us](#);
[REDACTED]
[REDACTED]; [kathy.pyburn@co.tom-green.tx.us](#);
[REDACTED]; [Kristi Hart](#);
[REDACTED];
[kristin.miles@co.bastrop.tx.us](#);
[REDACTED];
[L.SULLIVAN@YOUNGCOUNTY.ORG](#); [REDACTED]; [laura.warnix@co.bee.tx.us](#);
[REDACTED]; [Lillian Eder](#); [REDACTED]

[REDACTED]
[REDACTED]; lisa.hayes@co.guadalupe.tx.us; lisam@brazoria-county.com;
[REDACTED]; lucy.ybarra@grimescountytxas.gov;
[REDACTED]; marianacrpcnair@gmail.com;
mariangop@aol.com;
[REDACTED]; mary.wright@co.tom-green.tx.us;
[REDACTED];
Melissa.alvarez@co.hidalgo.tx.us;
[REDACTED];
[REDACTED]; missy.doss@co.quadalupe.tx.us;
[REDACTED];
[REDACTED];
patopintocodemocrats@gmail.com;
panolarepublicans@gmail.com; ParkerCountyGOP@gmail.com; ParkerDems@sbcglobal.net;
[REDACTED];
[REDACTED];
rdouglas@banderacounty.org;
[REDACTED];
[REDACTED];
[REDACTED]; rockwalldemocrats@gmail.com;
[REDACTED]; rosemary.adame@co.schleicher.tx.us;
[REDACTED]; rudy.olivas@co.tom-green.tx.us;
[REDACTED]; sabra.srader@co.wise.tx.us;
[REDACTED]; sanjacintodemocrats@gmail.com;
[REDACTED]; scurry.democrats@gmail.com;
[REDACTED];
[REDACTED];
[REDACTED];
[REDACTED]; terri.herner@co.fayette.tx.us;
thancock@brazoscountytx.gov;
[REDACTED]; treasurer@bexargop.org;
[REDACTED];
[REDACTED]; vicechairman@brazosgop.org;
[REDACTED]; vona.hudson@co.tom-green.tx.us;
voteclubbock@co.lubbock.tx.us;
[REDACTED];
[REDACTED];
yvonne.ramon@co.hidalgo.tx.us

Subject: MASS EMAIL (CCSEMINAR 486) Seminars Training Material for the 19th Biennial Election Law Seminar
Date: Thursday, September 19, 2019 3:13:00 PM
Attachments: image001.png

County and State Chairs,

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1. Click the link provided on the [Seminar Materials](#) webpage and sign in.
2. Enter the User ID sent in previous email.
3. Enter Password: [REDACTED]

For clarification: [REDACTED]

4. Click the “Sign On” button.

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Should you need assistance, please contact us at 1.800.252.8683 or send an email to [Special Projects](#).

Thank you,

Special Projects, Elections Division
Office of the Secretary of State
1.800.252.8683 | 512.463.5650

For Voter Related Information, please visit:



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From: [Christina Adkins](#)
To: [REDACTED]
Cc: [Elections Internet](#)
Subject: RE: Approval of Candidate Petition Form
Date: Wednesday, October 16, 2019 4:20:00 PM

Dear Nathan,

Thanks for the email. This form has been approved for use as a petition form --- I did notice that the Affidavit of Circulator has 2017 listed -- you should update that to 2019 before circulating.

Thanks,

Christina

From: Nathan Gordon <[REDACTED]>
Sent: Wednesday, October 16, 2019 3:48 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: Approval of Candidate Petition Form

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.

Hello,

In the past, the Harris County Republican Party has used a slightly altered candidate petition collection form (attached here) that allows petition signers to use printed labels with their voting information (also attached here) in place of writing out their information on every line.

Is this form still acceptable and appropriate to use? Please let me know if I can further clarify anything or if you have any questions.

Thank you for your time,

Nathan Gordon, Executive Director
Harris County Republican Party

From: [Nathan Gordon](#)
To: [Christina Adkins](#)
Cc: [Elections Internet](#); [Vanessa Ingrassia](#)
Subject: Re: Approval of Candidate Petition Form
Date: Wednesday, October 16, 2019 4:23:08 PM

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.

Thank you!

On Wed, Oct 16, 2019 at 4:20 PM Christina Adkins <CAdkins@sos.texas.gov> wrote:

Dear Nathan,

Thanks for the email. This form has been approved for use as a petition form --- I did notice that the Affidavit of Circulator has 2017 listed -- you should update that to 2019 before circulating.

Thanks,

Christina

From: Nathan Gordon [REDACTED] >
Sent: Wednesday, October 16, 2019 3:48 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: Approval of Candidate Petition Form

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Hello,

In the past, the Harris County Republican Party has used a slightly altered candidate petition collection form (attached here) that allows petition signers to use printed labels with their voting information (also attached here) in place of writing out their information on every line.

Is this form still acceptable and appropriate to use? Please let me know if I can further clarify anything or if you have any questions.

Thank you for your time,

Nathan Gordon, Executive Director

Harris County Republican Party

From: [Nathan Gordon](#)
To: [Christina Adkins](#)
Cc: [Elections Internet](#); [Vanessa Ingrassia](#)
Subject: Re: Approval of Candidate Petition Form
Date: Monday, October 28, 2019 11:30:35 AM

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,

One last question regarding this form. The file that we received from the Tax Assessor's office in Harris County does not list date of birth as a field for us to use for voters who will be signing petitions. If we list VUID, address and name, are we still required to include the DOB information that we don't have or will the VUID, name and address legally suffice? Attached here is a sample of the petition signature labels that we plan on using.

Thanks again,

Nathan Gordon, Executive Director
Harris County Republican Party

On Wed, Oct 16, 2019 at 4:22 PM Nathan Gordon <[REDACTED]> wrote:

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Harris County Republican Party

From: [Nathan Gordon](#)
To: [Christina Adkins](#)
Cc: [Elections Internet](#); [Vanessa Ingrassia](#)
Subject: Re: Approval of Candidate Petition Form
Date: Monday, October 28, 2019 11:44:51 AM
Attachments: scan0059.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.

My apologies. Attachment referenced below is here.

Thanks again,

Nathan Gordon, Executive Director
Harris County Republican Party

On Mon, Oct 28, 2019 at 11:30 AM Nathan Gordon <[REDACTED]> wrote:

Hi Christina,

One last question regarding this form. The file that we received from the Tax Assessor's office in Harris County does not list date of birth as a field for us to use for voters who will be signing petitions. If we list VUID, address and name, are we still required to include the DOB information that we don't have or will the VUID, name and address legally suffice? Attached here is a sample of the petition signature labels that we plan on using.

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Subject: Approval of Candidate Petition Form

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Thank you for your time,

Nathan Gordon, Executive Director

Harris County Republican Party

From: [REDACTED]
To: [GeneralCounsel](mailto:GeneralCounsel@sos.texas.gov); [REDACTED]
Subject: RE: Harris Countywide Voting
Date: Wednesday, August 28, 2019 9:37:47 AM

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.

Adam,

Please send all documents in response to the below request:

Copies of all written and electronic correspondence from November 1, 2009 through May 31, 2010 from the Elections Division of the Office of the Texas Secretary of State to the County Judge of Galveston County, Texas and/or the County Clerk of Galveston County, Texas addressing deficiencies in the November 2009 Galveston County test of countywide polling and/or informing Galveston County that they failed to meet the performance criteria required to allow them to continue countywide polling.

Thanks,
Will

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Tuesday, August 27, 2019 11:12 AM
To: Hickman, Will E SHLOIL-LSIG/V <[REDACTED]>; [REDACTED]
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Harris Countywide Voting

Mr. Hickman,

In response to your August 22, 2019 email, can you please clarify whether you are seeking correspondence from the Secretary of State's office to Galveston County officials certifying that the county's participation in the countywide polling place program was successful? If so, our office does not have any responsive documents for the time period identified in your August 8, 2019 request. The relevant Texas Election Code provision that authorizes the Secretary of State to make a successful-status determination (Section 43.007(k)(2)) was enacted during the Texas Legislature's 82nd Regular Session in 2011. To the extent you are looking for any successful-status letters that our office issued to Galveston County outside the time period identified in your August 8 request, please provide us a clarified request. We will process any such clarified request in accordance with the Texas Public Information Act.

Sincerely,

Adam Bitter

General Counsel
Office of the Texas Secretary of State

From: [REDACTED]
Sent: Thursday, August 22, 2019 11:53 AM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>; [REDACTED]; [REDACTED]
Subject: RE: Harris Countywide Voting

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.

Adam,

Thank you for the responses.

We were also looking for the correspondence from the SOS to Galveston County allowing (or not) future participation in the program. Could you please send that document as well?

Thanks in advance for your help.

Yours,

Will Hickman

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>

Sent: Thursday, August 22, 2019 10:37 AM

To: Hickman, Will E SHLOIL-LSIG/V <[REDACTED]>; [REDACTED]; [REDACTED]

Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>

Subject: RE: Harris Countywide Voting

Dear Sirs:

Your email was forwarded to the General Counsel for response. Please see the attached documents in response to your request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. This information is confidential under Section 552.137 of the Texas Government Code. The attorney general has authorized all governmental bodies to withhold an email address of a member of the public under Section 552.137 without first requesting an attorney general opinion. See Open Records Decision No. 684 (2009). As such, this information has been redacted from the enclosed materials.

Sincerely,

Adam Bitter

General Counsel

Office of the Texas Secretary of State

From: [REDACTED] >

Sent: Thursday, August 8, 2019 8:08 AM

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

Cc: [REDACTED]

Subject: RE: Harris Countywide Voting

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Keith,

Harris County Republican Party would like to make a public information request regarding the information categories outlined below.

If possible, we would like to receive the information electronically to these three emails (Will Hickman, Paul Simpson, & Alan Vera).

If we need to receive the information in another way, please contact me.

If you are not the proper recipient of this information, please forward our request to the appropriate person.

Yours,

Will Hickman

Copies of all written and electronic correspondence from November 1, 2009 through May 31, 2010 between the Elections Division of the Office of the Texas Secretary of State and the County Judge of Galveston County, Texas and/or the County Clerk of Galveston County, Texas addressing any aspect of countywide polling or vote centers

From: Hickman, Will E SHLOIL-LSIG/V

Sent: Thursday, July 18, 2019 8:09 PM

To: KIngram@sos.texas.gov

Subject: Harris Countywide Voting

Keith,

Hope you're doing well.

We spoke some time ago about primary election issues for the HCRP.

Please let me know when you have some time to discuss the Harris County proposal for countywide voting, and what the status is of the request at the SOS's office.

I understand you have received a few comments from Alan Vera (HCRP ballot security committee chairman) while I was out on vacation. Let me know when you have a few minutes to discuss. I'm available late this afternoon or most of the day tomorrow.

Yours,

Will Hickman

HCRP General Counsel

281-222-3497

From: [Will Hickman](#)
To: [Keith Ingram](#)
Cc: [Alan Vera](#); [Paul Simpson](#); [Elections Internet](#); [Christina Adkins](#)
Subject: Re: Voter Registration Challenges
Date: Monday, November 11, 2019 8:01:28 PM

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'll be in Austin this week, let me know if you can meet Wednesday or Thursday.

Will

Sent from my iPhone

On Nov 6, 2019, at 10:30 AM, Keith Ingram <KIngram@sos.texas.gov> wrote:

With pleasure. It is an extensive conversation because there is a great deal of false information.

The short answer is that the zero tapes and tally tapes are not required by state law. They are required by our office's procedure for electronic voting systems. We modify our own procedure to obtain the same results as the zero tape and tally tape for a handful of county wide counties. This election there were four counties using the modified procedure including Harris.

Very happy to describe at length and detail the statutory scheme, but it would be better to do so in person or over the phone.

From: Will Hickman [REDACTED] >
Sent: Wednesday, November 6, 2019 9:38 AM
To: Keith Ingram <KIngram@sos.texas.gov>; Alan Vera [REDACTED] >
Cc: Paul Simpson [REDACTED] >; Elections Internet <Elections@sos.texas.gov>
Subject: Re: Voter Registration Challenges

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Keith,

I was appointed as an election judge yesterday in Harris County precinct 258.

I was unable to and instructed not to print a zero tape, a precinct return tape, or list of voters.

Could you please send the SOS adopted procedures for countywide voting with Hart machines, and explain how they comply with TEC 65.014 and 66.024?

Yours,
Will Hickman

On Friday, July 20, 2018, 05:58:21 PM CDT, Alan Vera <[REDACTED]> wrote:

Keith, thanks so much for the thorough and very helpful response.

I'll review all the materials, consult with our county chair and chief counsel, and proceed accordingly.

Have a good weekend, and thanks again.

Regards,

Alan D. Vera

Chairman, HCRP Ballot Security Committee

President/CEO

Quest Business Agency, Inc

18130 Cadbury Dr.

Houston, TX 77084

[REDACTED]

713-253-6569

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

Sent: Friday, July 20, 2018 5:05 PM
To: Alan Vera <[REDACTED]>
Cc: Paul Simpson <[REDACTED]>; Will Hickman
<[REDACTED]>; Elections Internet <Elections@sos.texas.gov>
Subject: RE: Voter Registration Challenges

Alan,

It is good to hear from you and I understand your frustration with these voter registrations. I don't believe that there is yet a basis for referral to OAG. As for challenging these records, you could attach the whole list to a Sworn Statement and send it to Harris County, although I would **not** recommend that you send all of the information (dating back to 2010) without first confirming it is still the voter's registered address. We did a spot check on the 2017 tab of only two voters and one of the voters had already updated their address. As such, I think it would be important for you to include the address the voter was registered at that you are challenging. Texas Election Code 16.0921 **does not give the registrar flexibility on how to proceed**. Thus, if you Challenge the Voter based on Residency (even if the voter has updated his/her address to no longer be at the address indicated on the spreadsheet) the registrar is required to send a Notice of Address Confirmation and put the voter on Suspense (this can't be done within 75 days of a general election for state and county officer). There is no provision in code that would allow the registrar to ignore the challenge based on the fact that the address being challenged is not the current address of the voter; therefore, no Notice of Address Confirmation needs to be issued.

Anyway, attached is our office's Outline on Challenges from 2015. Part II is very useful on this. If you have a way to append the VUID to this list, that would probably be very helpful. If not, then the registrar would have to look up each person one by one to issue a Notice of Address Confirmation and put the voter on Suspense.

Who may challenge? - Any registered voter may challenge the registration of another voter of same county by filing a sworn statement of grounds for challenge with registrar. [Secs. 16.091, 16.092]

The sworn statement must:

- identify voter whose registration is being challenged; and
- state specific qualification for registration challenged voter does not meet based on personal knowledge of voter desiring to challenge the registration. [Sec. 16.092]

Will there be a Hearing? - No. If the challenge is to the qualification of residence, there is **no** hearing. On filing of sworn statement alleging a ground based on residence, the registrar shall promptly deliver to voter whose registration is challenged a confirmation notice, using the procedure at Section 15.051 of the Code. If voter fails to deliver a response, the voter is **not** removed from the list of registered voters, but instead is placed on the suspense list. [Sec. 16.0921(a), (b)].

NOTE Registrar may not deliver a confirmation notice resulting from a sworn statement filed after the 75th day before the date of the general election for state and county officers until after the date of that election. This restriction does not apply to a person who submits a registration application after the 75th day and prior to the 30th day before the general election for state and county officers. [Sec. 16.0921(c)].

Sec. 16.0921. CONFIRMATION NOTICE ON CHALLENGE BASED ON RESIDENCE. (a) Except as provided by Subsection (c), on the filing of a sworn statement under Section [16.092](#) alleging a ground based on residence, **the registrar shall promptly deliver to the voter whose registration is challenged a confirmation notice in accordance with Section [15.051](#).**

(b) If the voter fails to submit a response to the registrar in accordance with Section [15.053](#), the registrar shall enter the voter's name on the suspense list.

(c) The registrar may not deliver a confirmation notice resulting from a sworn statement filed after the 75th day before the date of the general election for state and county officers until after the date of that election. This subsection does not apply to a person who submits a registration application after the 75th day and prior to the 30th day before the general election for state and county officers.

From: Alan Vera [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Monday, July 16, 2018 9:39 AM
To: Keith Ingram <KIngram@sos.texas.gov>
Cc: Paul Simpson <[\[REDACTED\]](mailto:[REDACTED])>; Will Hickman
[\[REDACTED\]](mailto:[REDACTED])
Subject: Voter Registration Challenges
Importance: High

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Keith, I'm seeking your advice on how best to proceed with a significant voter registration challenge project here in Harris County.

From an on-going series of Open Records Requests under the Texas Public Information Act, attached is a spreadsheet of voter registrations from 2010 through 2017.

The rows of each annual spreadsheet are color coded.

1. Data in GREEN are addresses of postal boxes "stores." To circumvent the prohibition of registering to vote with a P.O. box as a residence address, these voters have used the street addresses of postal box service companies, like the UPS store, etc.
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TEC indicates that a registered voter may challenge another voter's registration for cause. So we know that we could line up the HCRP Ballot Security Committee members to challenge these registrations one by one.

I'm asking if you can guide me to another approach which would be more efficient and effective. Is this something the AG could handle?

Thanks, in advance, for your courtesy and consideration.

Regards,

Alan D. Vera

Chairman, HCRP Ballot Security Committee

President/CEO

Quest Business Agency, Inc

18130 Cadbury Dr.

Houston, TX 77084



713-253-6569

<Annual Zero Tape Procedure (CWPP) (Harris -2019).docx>

From: [Keith Ingram](#)
To: ["Will Hickman"; Alan Vera](#)
Cc: [Paul Simpson](#); [Elections Internet](#); [Christina Adkins](#)
Subject: RE: Voter Registration Challenges
Date: Wednesday, November 6, 2019 10:30:41 AM
Attachments: Annual Zero Tape Procedure (CWPP) (Harris -2019).docx

With pleasure. It is an extensive conversation because there is a great deal of false information.

The short answer is that the zero tapes and tally tapes are not required by state law. They are required by our office's procedure for electronic voting systems. We modify our own procedure to obtain the same results as the zero tape and tally tape for a handful of county wide counties. This election there were four counties using the modified procedure including Harris.

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Chairman, HCRP Ballot Security Committee

President/CEO

Quest Business Agency, Inc

18130 Cadbury Dr.

Houston, TX 77084

[REDACTED]

713-253-6569

The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov

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

David Whitley
Secretary of State

March 6, 2019

The Honorable Lina Hidalgo
Harris County Judge
1001 Preston St., 4th Floor
Houston, Texas 77251-1525

Dear Judge Hidalgo:

This purpose of this letter is to provide modified election procedures for Harris County to use for elections in which the county will utilize countywide polling places under Section 43.007 of the Texas Election Code. The Secretary of State approves the procedures outlined below as long as Harris County is using the Hart Voting System 6.2.1 ("HVS") that is currently certified for use in Texas elections.

The Secretary of State has approved a modified procedure for counties participating in the Countywide Polling Place Program since November 2011. The modified procedures were approved due to the challenges of using voting systems generally designed for use at traditional polling places. Specifically, the challenges included the length of time required to print a zero tape before opening the polls and the printing of a results tape after the polls close. In a countywide election, each zero tape and each results tapes will consist of all the candidates and measures for each election day precinct within the county, and each tape can take several hours to print.

Therefore, the Secretary of State approves the following procedures:

1. A complete zero tape for all judges booth controller (JBCs) may be printed at the county warehouse prior to election day.
2. Alternatively, for elections in which the printing of zero tapes takes more than three hours, one complete zero tape from one of the judges booth controllers (JBC) that is to be deployed in the election must be printed at the county warehouse prior to election day. This completed zero tape must be maintained with the county's election records.
3. An abbreviated zero should be left on each machine to show there are no votes on the machine.
4. The election judges at each countywide polling place shall retain the JBC Network Configuration Report to verify that zero votes have been cast on any of the machines.
5. The election judges should confirm the public count on each e-Slate is zero before opening the polling location.

6. The election judges at each countywide precinct location will print an access code report, instead of a complete results tape, which provides information on how many votes have been cast, to compare to the number of signatures on the combination form.
7. Once the equipment has been returned to the General Custodian of Election Records, the county may print results tapes from each machine or from a selection of machines.

It is the recommendation of the Secretary of State that counties in the Countywide Polling Place Program print a full set of results tapes after election to maintain with their election records, in keeping with the Secretary of State's requirement that counties not participating in the Program print results tapes at the polling place. However, as Harris County has demonstrated a need for this amended procedure, the county may opt to not print results tapes.

Under the modified procedure, elections will remain be completely auditable. Through the printing of one zero tape, the JBC Network Configuration Report, and the review of the public counter before voting begins, a county will be able determine that zero votes have been cast in an election prior to the opening of the polls. Post-election, the zero tape will be available for review and cast vote records (ballot images), will remain on the Mobile Ballot Boxes (MBBs) the voting machines themselves, and once backed up on SERVO for recounts, contests, and other post-election reviews until they are archived by the county following the election. While the results tapes generated at a polling place can provide an additional means of reviewing the activity at a polling place, the actual precinct returns are generated at the central counting/accumulation station in accordance with Section 127.131 of the Texas Election Code.

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

Sincerely,

Keith Ingram
Director of Elections

KI:CA

From: [Keith Ingram](#)
To: "Will Hickman"
Cc: [Alan Vera](#); [Paul Simpson](#); [Elections Internet](#); [Christina Adkins](#)
Subject: RE: Voter Registration Challenges
Date: Tuesday, November 12, 2019 12:24:20 PM

Sure thing. I have a meeting tomorrow from two to three. The rest of the day is clear. Thursday afternoon is clear.

From: Will Hickman [REDACTED]
Sent: Monday, November 11, 2019 8:01 PM
To: Keith Ingram <KIngram@sos.texas.gov>
Cc: Alan Vera [REDACTED]; Paul Simpson [REDACTED]; Elections Internet <Elections@sos.texas.gov>; Christina Adkins <CAkins@sos.texas.gov>
Subject: Re: Voter Registration Challenges

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I'll be in Austin this week, let me know if you can meet Wednesday or Thursday.

Will

Sent from my iPhone

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With pleasure. It is an extensive conversation because there is a great deal of false information.

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Cc: Paul Simpson [REDACTED]; Elections Internet
<Elections@sos.texas.gov>

Subject: Re: Voter Registration Challenges

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I'll review all the materials, consult with our county chair and chief counsel, and proceed accordingly.

Have a good weekend, and thanks again.

Regards,

Alan D. Vera

Chairman, HCRP Ballot Security Committee

President/CEO

Quest Business Agency, Inc

18130 Cadbury Dr.

Houston, TX 77084

[REDACTED]

713-253-6569

From: Keith Ingram <KIngram@sos.texas.gov>
Sent: Friday, July 20, 2018 5:05 PM
To: Alan Vera [REDACTED] >
Cc: Paul Simpson [REDACTED] >; Will Hickman [REDACTED] >; Elections Internet <Elections@sos.texas.gov>
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NOTE Registrar may not deliver a confirmation notice resulting from a sworn statement filed after the 75th day before the date of the general election for state and county officers until after the date of that election. This restriction does not apply to a person who submits a registration application after the 75th day and prior to the 30th day before the general election for state and county officers. [Sec. 16.0921(c)].

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From: Alan Vera [[mailto: \[REDACTED\]](#)]
Sent: Monday, July 16, 2018 9:39 AM
To: Keith Ingram <KIngram@sos.texas.gov>
Cc: Paul Simpson [REDACTED]; Will Hickman <[REDACTED]>
Subject: Voter Registration Challenges
Importance: High

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Keith, I'm seeking your advice on how best to proceed with a significant voter registration

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The rows of each annual spreadsheet are color coded.

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TEC indicates that a registered voter may challenge another voter's registration for cause. So we know that we could line up the HCRP Ballot Security Committee members to challenge these registrations one by one.

I'm asking if you can guide me to another approach which would be more efficient and effective. Is this something the AG could handle?

Thanks, in advance, for your courtesy and consideration.

Regards,

Alan D. Vera

Chairman, HCRP Ballot Security Committee

President/CEO

Quest Business Agency, Inc

18130 Cadbury Dr.

Houston, TX 77084



713-253-6569

<Annual Zero Tape Procedure (CWPP) (Harris -2019).docx>

From: [Will Hickman](#)
To: [Keith Ingram](#); [Adam Bitter](#)
Cc: ["Alan Vera"](#); ["Paul Simpson"](#); [Donna Stanart](#)
Subject: Re: Voter Registration Challenges
Date: Wednesday, November 13, 2019 7:21:28 PM

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Keith,

Thank you for the time today to meet with me at your offices.

By way of summary of what we discussed, I have made the following notes:

Primary Election:

1. SOS has a list of ballot items for the primary ballot, but not necessarily all the unexpired terms. HCRP can request this list.
2. There will be a meeting soon with the parties and the county clerk to discuss the contract between the parties for the election, and what each will do under the contract.
3. Each party can give precinct convention notices to the county clerk 30 or 60 days prior to the election for distribution to the voters in early voting and election day locations.
4. An electronic poll list should be provided to each election judge the night of the election per 31.014(a)

City Election:

1. With countywide polling, there is no precinct return tape provided to the election judges under 66.003 since these are determined at the central counting location and it's not feasible under 121.001. Judges can look at the canvass for precinct results.
2. If an iPad allowed a voter to vote twice, eg - mail ballot recipient allowed to vote in person, send that evidence to the SOS.
3. PJ/AJ of central count should witness all the vote count from each JBC. PJ/AJ should not sign that they witnesses a count they were not present for. Any recounting of a JBC at this point requires a court order.

Yours,
Will Hickman

On Tuesday, November 12, 2019, 01:23:15 PM CST, Keith Ingram <kingram@sos.texas.gov> wrote:

Sounds good. We are at 1019 Brazos Street, Austin Texas 78701. Check in at the guard station and they will call me to come get you.

From: Will Hickman [REDACTED]
Sent: Tuesday, November 12, 2019 1:22 PM
To: Keith Ingram <KIngram@sos.texas.gov>
Cc: 'Alan Vera' [REDACTED]; 'Paul Simpson' [REDACTED]; Elections Internet <Elections@sos.texas.gov>; Christina Adkins <CAAdkins@sos.texas.gov>
Subject: Re: Voter Registration Challenges

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Thanks for taking the time to meet with me.

How about tomorrow (Wednesday) at 4pm.

Please send me the address of where to meet you.

My cell is below if anything comes up.

Yours,

Will Hickman

281-222-3497

On Tuesday, November 12, 2019, 12:26:15 PM CST, Keith Ingram <kingram@sos.texas.gov> wrote:

Scratch that. I have a lunch meeting down in San Marcos tomorrow as well. So after three tomorrow or Thursday afternoon.

From: Keith Ingram
Sent: Tuesday, November 12, 2019 12:24 PM
To: 'Will Hickman' [REDACTED]
Cc: Alan Vera [REDACTED]; Paul Simpson [REDACTED]; Elections Internet <Elections@sos.texas.gov>; Christina Adkins <CAAdkins@sos.texas.gov>
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I'll review all the materials, consult with our county chair and chief counsel, and proceed accordingly.

Have a good weekend, and thanks again.

Regards,

Alan D. Vera

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18130 Cadbury Dr.

Houston, TX 77084

[REDACTED]
713-253-6569

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

Sent: Friday, July 20, 2018 5:05 PM

To: Alan Vera <[REDACTED]>

Cc: Paul Simpson <[REDACTED]>; Will Hickman <[REDACTED]>;
Elections Internet <Elections@sos.texas.gov>

Subject: RE: Voter Registration Challenges

Alan,

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Sent: Monday, July 16, 2018 9:39 AM
To: Keith Ingram <KIngram@sos.texas.gov>
Cc: Paul Simpson [REDACTED]; Will Hickman [REDACTED]
Subject: Voter Registration Challenges
Importance: High

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To: [Keith Ingram](#); [Alan Vera](#)
Cc: [Paul Simpson](#); [Elections Internet](#)
Subject: Re: Voter Registration Challenges
Date: Wednesday, November 6, 2019 9:38:33 AM

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To: [Keith Ingram](#)
Cc: ["Alan Vera"](#); ["Paul Simpson"](#); [Elections Internet](#); [Christina Adkins](#)
Subject: Re: Voter Registration Challenges
Date: Tuesday, November 12, 2019 1:22:17 PM

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Date: Tuesday, November 12, 2019 1:23:13 PM

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