

From: Jessica Morrison jessica.morrison@wilco.org 
Subject: 2022-1122-PIA Attorney General Ruling and Disclosure of Responsive Information
Date: March 13, 2023 at 6:01 PM
To: AO Records records@americanoversight.org, piarequest@wilco.org
Cc: Ariane Flores ariane.flores@wilco.org, Kerstin Siptak kerstin.siptak@wilco.org, Dianne Flores DMFlores@wilco.org, Allyssa Delgadillo allyssa.delgadillo@wilco.org



EXTERNAL SENDER

Good Afternoon,

Please see the attached courtesy copy of the Attorney General's ruling. Please note that the disclosure of redacted responsive information pursuant to the Attorney General's ruling can be found at the following sharepoint link. [2022-1122-PIA](#). Additionally, the remaining responsive information that our IT Department was able to pull can also be found in the same sharepoint link. With these disclosures, this request is now closed. Please let us know if you need anything else.

Thanks,

Jessica N. Morrison

Assistant County Attorney
Williamson County Attorney's Office
405 Martin Luther King Jr. St.
Georgetown, TX 78626
512-943-1111

From: AO Records <records@americanoversight.org>
Sent: Monday, November 21, 2022 12:22 PM
To: piarequest@wilco.org
Subject: Re: Public Information Request (TX-WILLIAMSON-22-1155)

November 21, 2022

VIA EMAIL
Williamson County Attorney's Office
Attn: Open Records Request
405 MLK St, Box 7
Georgetown, TX 78626
piarequest@wilco.org

Re: Public Information Request

Dear Public Information Officer:

Pursuant to the Texas Public Information Act, as codified at Tex. Code ch. 552, American Oversight makes the following request for public records. On August 17, 2022, Attorney General Ken Paxton issued an opinion enabling broad third-party access to anonymous voted ballots almost immediately after counting. Public reporting has indicated that just days before issuing that opinion, the Office of

Public reporting has indicated that just days before issuing that opinion, the Office of the Attorney General had been providing contradictory guidance to counties.¹ American Oversight seeks records related to the changing standards regarding third-party access to voted ballots.

Requested Records

American Oversight requests that Williamson County promptly produce the following: All email communications (including emails, email attachments, calendar invitations, and calendar invitation attachments) sent or received by any of the county officials listed below containing any of the search terms listed below.

County Officials:

- i. Christopher J. Davis, Elections Administrator
- ii. Nancy E. Rister, County Clerk

Search Terms:

- i. KP-0411
- ii. "Anonymous voted"
- iii. Inspect*
- iv. "Obtain copies"
- v. "Public access"
- vi. "Voted ballots"
- vii. "22 month"
- viii. "Preservation period"
- ix. "Chain of custody"
- x. "Ballot access"
- xi. Hancock
- xii. Krause
- xiii. "Unauthorized entry"
- xiv. "Authorized entry"
- xv. "ballot box"
- xvi. "ballot boxes"

Please note that American Oversight is using the asterisk (*) to designate the standard use of "wildcards" in the search for responsive records. For example, a search for "separat*" would return all of the following: separate, separates, separated, separation, etc. If your office is unable to search for wildcards, please advise so that we may specifically include the variations that we would like searched.

Please provide all responsive records from August 10, 2022, through the date the search is conducted.

American Oversight insists that your office use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. However, custodian searches are still required; governmental authorities may not have direct access to files stored in

.PST files, outside of network drives, in paper format, or in personal email accounts.

Please search all records regarding official business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts. Emails conducting government business sent or received on the personal account of a governmental authority's officer or employee constitutes a record for purposes of the Texas Public Information Act.²

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records. To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your office can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Fee Waiver Request

In accordance with Tex. Code § 552.267(a), American Oversight requests a waiver of fees associated with processing this request for records, because such a waiver “is in the public interest because providing the copy of the information primarily benefits the general public.” The requested records are directly related to the work of state and county officials, with the potential to shed light on the ability of third parties to review voted ballots. This matter is a subject of substantial public interest in Texas.³

Accordingly, release of records that may help the public understand the operations and activities of state and county officials is in the public interest.

Release of the requested records will primarily benefit the public.⁴ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the requested records is not in American Oversight's financial interest, but is rather in

the requested records is not in American Oversight's financial interest, but is rather in the public interest. American Oversight is committed to transparency and makes the responses governmental authorities provide to public records requests publicly available. As noted, the subject of this request is a matter of public interest, and the public would benefit from an enhanced understanding of the government's activities through American Oversight's analysis and publication of these records. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁵

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.⁶ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the organization's investigations into misconduct and corruption in state governments;⁷ the posting of records related to the Trump Administration's contacts with Ukraine and analyses of those contacts;⁸ posting records and editorial content about the federal government's response to the Coronavirus pandemic;⁹ posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;¹⁰ the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;¹¹ and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.¹²

Accordingly, American Oversight qualifies for a fee waiver. If your office denies our request for a fee waiver, please notify American Oversight of any anticipated fees or costs in excess of \$40 prior to incurring such costs or fees.

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with your county on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Emma Lewis at records@americanoversight.org or (202) 919-6303. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Emma Lewis

Emma Lewis

on behalf of

American Oversight

¹ Justice Department & North Carolina State Bar's Joint Guidelines on Public Access to Court Records

1 Jessica Huseman & Natalia Contreras, Paxton's Legal Guidance on Ballots Contradicts Advice He Gave Counties Five Days Earlier, Votebeat (Aug. 26, 2022, 5:44PM), <https://texas.votebeat.org/2022/8/26/23323982/ken-paxton-ballots-public-recordslegal>.

2 Tex. Code § 552.002(a-2); see also Adkisson v. Paxton, 459 S.W.3d 761, 773 (Tex. App. 2015).

3 Natalia Contreras, Right-Wing Group Is Quietly Conducting Review of 300,000 Tarrant County Ballots from 2020 Primary, Votebeat & Texas Trib. (July 22, 2022, 7PM), <https://www.texastribune.org/2022/07/22/texas-elections-tarrant-county/>.

4 Tex. Code § 552.267(a).

5 American Oversight currently has approximately 16,000 followers on Facebook and 119,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Oct. 26, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Oct. 16, 2022)

6 News, American Oversight, <https://www.americanoversight.org/blog>.

7 State Investigations, American Oversight, <https://www.americanoversight.org/states>.

8 Trump Administration's Contacts with Ukraine, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrationscontacts-with-ukraine>.

9 See generally The Trump Administration's Response to Coronavirus, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrationsresponse-to-coronavirus>; see, e.g., CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings, American Oversight, <https://www.americanoversight.org/cdccalendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>.

10 See generally Audit the Wall, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-nofunding-no-timeline-no-wall>.

11 DOJ Records Relating to Solicitor General Noel Francisco's Recusal, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noelfrancisco-compliance>; Francisco & the Travel Ban: What We Learned from the DOJ Documents, American Oversight, <https://www.americanoversight.org/francisco-thetravel-ban-what-we-learned-from-the-doj-documents>.

12 See generally Swamp Airlines: Chartered Jets at Taxpayer Expense, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jetstaxpayer-expense>; see, e.g., New Information on Pompeo's 2017 Trips to His Home State, American Oversight, <https://www.americanoversight.org/new-information-onpompeos-2017-trips-to-his-home-state>.

From: piarequest <piarequest@wilco.org>

Date: Monday, November 21, 2022 at 1:11 PM

To: AO Records <records@americanoversight.org>

Cc: Allyssa Delgadillo <allyssa.delgadillo@wilco.org>, Ariane Flores

<ariane.flores@wilco.org>, Corby Halcomb <corby.halcomb@wilco.org>, Jessica Morrison

<amanc.flores@wilco.org>, Cory Horcomb <Cory.Horcomb@wilco.org>, Jessica Morrison <jessica.morrison@wilco.org>, Kerstin Siptak <kerstin.siptak@wilco.org>, Peggy Vasquez <pvasquez@wilco.org>, piarequest <piarequest@wilco.org>
Subject: RE: Public Information Request (TX-WILLIAMSON-22-1155)

EXTERNAL SENDER

Good afternoon Mr. Winters,

Unfortunately at this time, we are unable to open attachments. Please copy and paste your request from the attachment into the body of the email.

If you have any questions, please do not hesitate to contact us.

Thank you,

Dianne M. Flores
Civil Legal Assistant
Williamson County Attorney's Office
405 MLK Street, #7
Georgetown, Texas 78626
Tel: 512.943.1158
Fax: 512.943.1431
dmflores@wilco.org

From: AO Records <records@americanoversight.org>
Sent: Monday, November 21, 2022 11:41 AM
To: piarequest <piarequest@wilco.org>
Subject: Public Information Request (TX-WILLIAMSON-22-1155)

EXTERNAL email: Exercise caution when opening.

Dear Public Information Officer:

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

Sincerely,
Dylan Winters
Paralegal | American Oversight
records@americanoversight.org | 202-492-8276
www.americanoversight.org | @weareoversight

PIR: TX-WILLIAMSON-22-1155



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 28, 2023

Ms. Jessica N. Morrison
Assistant County Attorney
Williamson County Attorney's Office
405 M.L.K. Street #7
Georgetown, Texas 78626

OR2023-07120

Dear Ms. Morrison:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 043696 (Internal Reference No. 2022-1122-PIA).

Williamson County (the "county") received a request for specified e-mail communications between named county officials during a stated period of time. We understand the county will withhold e-mail addresses of members of the public under section 552.137 of the Government Code pursuant to Open Records Decision No. 684 (2009).¹ You claim some of the submitted information is excepted from disclosure under section 552.107 of the Government Code and privileged under Texas Rule of Evidence 503. We have considered your arguments and reviewed the submitted representative sample of information.²

Initially, we note some of the submitted information subject to section 552.022 of the Government Code. Section 552.022(a) provides, in relevant part:

¹ Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision.

² We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

[T]he following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

...

(17) information that is also contained in a public court record[.]

Gov't Code § 552.022(a)(17). The information at issue includes court-filed documents, which are subject to section 552.022(a)(17) of the Government Code. This information must be released unless it is made confidential under the Act or other law. *See id.* The county seeks to withhold the information subject to section 552.022 under section 552.107 of the Government Code. However, section 552.107 is discretionary in nature and does not make information confidential under the Act. *See* Open Records Decision Nos. 676 at 10-11 (2002) (attorney-client privilege under Gov't Code § 552.107(1) may be waived), 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions). Therefore, the county may not withhold the information subject to section 552.022 under section 552.107 of the Government Code. However, the Texas Supreme Court has held the Texas Rules of Evidence are "other law" within the meaning of section 552.022. *See In re City of Georgetown*, 53 S.W.3d 328, 336 (Tex. 2001). Accordingly, we will address the attorney-client privilege claims under rule 503 of the Texas Rules of Evidence for the information subject to section 552.022. We will also consider the arguments for the information not subject to section 552.022.

Texas Rule of Evidence 503(b)(1) provides as follows:

A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made to facilitate the rendition of professional legal services to the client:

(A) between the client or the client's representative and the client's lawyer or the lawyer's representative;

(B) between the client's lawyer and the lawyer's representative;

(C) by the client, the client's representative, the client's lawyer, or the lawyer's representative to a lawyer representing another party in a pending action or that lawyer's representative, if the communications concern a matter of common interest in the pending action;

(D) between the client's representatives or between the client and the client's representative; or

(E) among lawyers and their representatives representing the same client.

TEX. R. EVID. 503(b)(1). A communication is “confidential” if it is not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication. *Id.* 503(a)(5).

Thus, in order to withhold attorney-client privileged information from disclosure under rule 503, a governmental body must (1) show the document is a communication transmitted between privileged parties or reveals a confidential communication; (2) identify the parties involved in the communication; and (3) show the communication is confidential by explaining it was not intended to be disclosed to third persons and it was made in furtherance of the rendition of professional legal services to the client. Upon a demonstration of all three factors, the information is privileged and confidential under rule 503, provided the client has not waived the privilege or the document does not fall within the purview of the exceptions to the privilege enumerated in rule 503(d). *See Pittsburgh Corning Corp. v. Caldwell*, 861 S.W.2d 423, 427 (Tex. App.—Houston [14th Dist.] 1993, orig. proceeding).

You state the information subject to section 552.022 of the Government Code is attached to privileged communications between county attorneys, county officials, and county employees. You further state the information was communicated for the purpose of rendition of legal services to the county. In addition, you state these communications were intended to be, and have remained, confidential. Upon review, we find you have demonstrated the attachments at issue are part of privileged e-mail communications for purposes of rule 503 of the Texas Rules of Evidence. Thus, the county may withhold the information subject to section 552.022(a)(17) of the Government Code pursuant to rule 503 of the Texas Rules of Evidence.

Section 552.107(1) of the Government Code protects information coming within the attorney-client privilege. *See* Gov’t Code § 552.107(1). The elements of the privilege under section 552.107(1) are the same as those discussed above for rule 503. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. ORD 676 at 6-7. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie v. Deshazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein).

You assert the remaining information you marked and indicated consists of privileged communications between county attorneys, county officials, and county employees. You state these communications were made in furtherance of the rendition of professional legal services to the county. Further, you state these communications were intended to be, and have remained, confidential. Based on your representations and our review, we find you have demonstrated the applicability of the attorney-client privilege to the information at issue. Accordingly, the county may withhold the remaining information you marked and indicated under section 552.107 of the Government Code.

In summary, the county may withhold the information subject to section 552.022(a)(17) of the Government Code pursuant to rule 503 of the Texas Rules of Evidence. The county may withhold the remaining information you marked and indicated under section 552.107 of the Government Code. The county must release the remaining information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

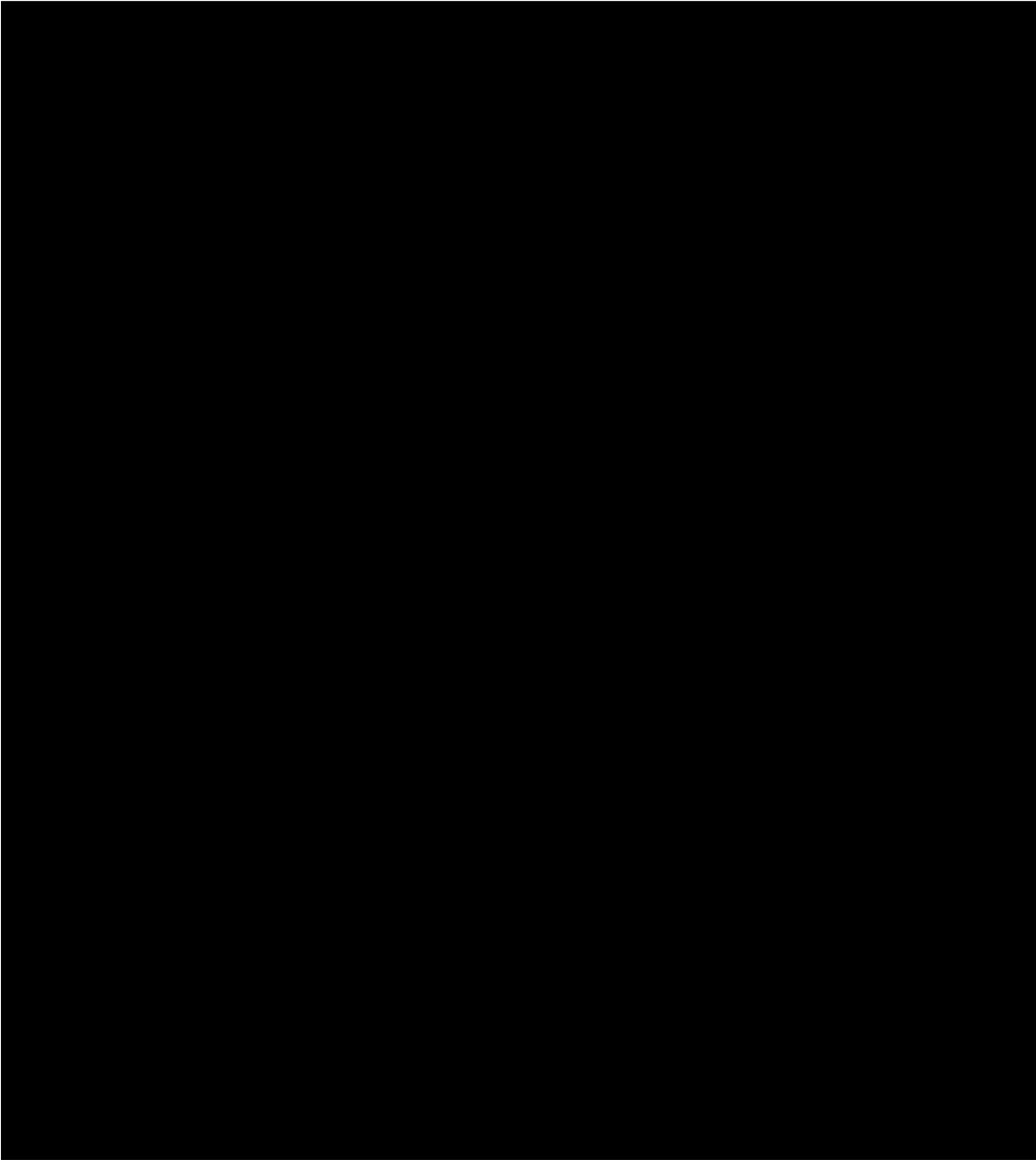
D. Michelle Case
Assistant Attorney General
Open Records Division

DMH/pt

Ref: ID# 043696

Enc. Submitted documents

c: Requestor
(w/o enclosures)



From: Jason Buster [redacted]

Sent: Thursday, August 18, 2022 5:41 PM

To: Bob Heath [redacted]

Cc: Alana S Phillips [redacted]; Alexandra Campo

[redacted] Amanda Marie Eubanks

[redacted] Amber Cloy

[redacted] Aubrey Brandon Rhymes

[redacted] Beverly Foley

[REDACTED] James L. Clark [REDACTED]
[REDACTED]; Jennifer B. Edwards [REDACTED] Jennifer
Williams [REDACTED] Jose Christine
Silvester [REDACTED] Juan Carlos Arias
[REDACTED]; Karen Rene Towell
[REDACTED] Kristen Plaisance
[REDACTED] Kyle Strongin [REDACTED]
[REDACTED] Lindsey Gremont [REDACTED]
[REDACTED] Robert James Brooks Jr [REDACTED]
[REDACTED] Sheron Jennifer Lipper [REDACTED]
[REDACTED]; Sonja Zielsdorf [REDACTED]
[REDACTED] Tommie Dickinson
[REDACTED] Travis Wayne Eubanks
[REDACTED]

Subject: Preservation of Records

Mr. Heath,

On behalf of all Plaintiffs.

One County has already agreed to preserve all election data for the November 3, 2020 election. We would like to afford the opportunity to the rest of the defendants.

In good faith and cooperation between Plaintiffs and Defendants, would the Defendants be agreeable to maintaining and preserving all Federal and State election records from November 2020 through May 2022, until a convenient date can be agreed upon by all parties to open discussion on discovery?

Specific election records:

1. Paper Ballots including voting system created
2. Tabulation Tapes
3. Cast Vote Records
4. Mail in ballots
5. Provisional ballots
6. USBs from all precincts
7. USB final counts
8. Chain of custody documents
9. All election forms required under Texas Election Code

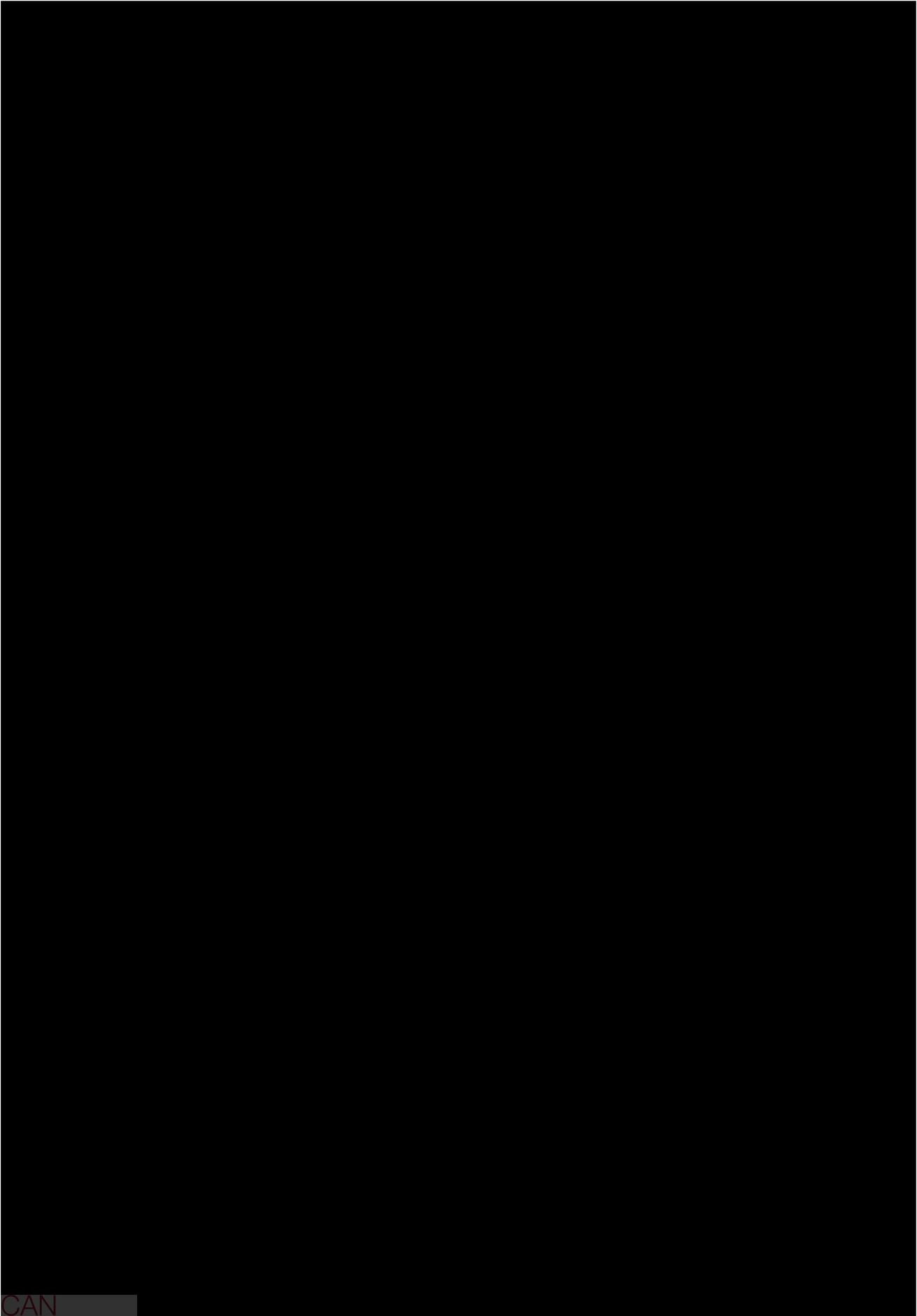
This would include indefinitely postponing any proposed election software updates that would overwrite existing data used and/ or created before, during, and after the aforementioned elections and date range.

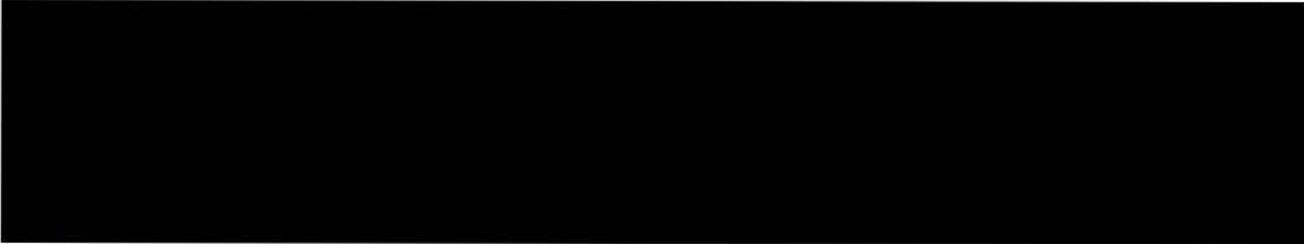
Additionally, to preserve and retain the above documents, electronically stored information, and tangible items, you or anyone with access must immediately suspend applicable normal retention

and destruction policies, including but not limited to shredding, recycling, disk defragmentation, backup-tape rotation, or other destruction of computer systems or storage devices.

If you would let us know by close of business, Friday, 19 August 2022, that would be appreciated.

Sincerely,
Jason Buster





From: Jason Buster <jason.s.buster@gmail.com>

Sent: Thursday, August 18, 2022 5:41 PM

To: Bob Heath [redacted]

Cc: Alana S Phillips [redacted] Alexandra Campo
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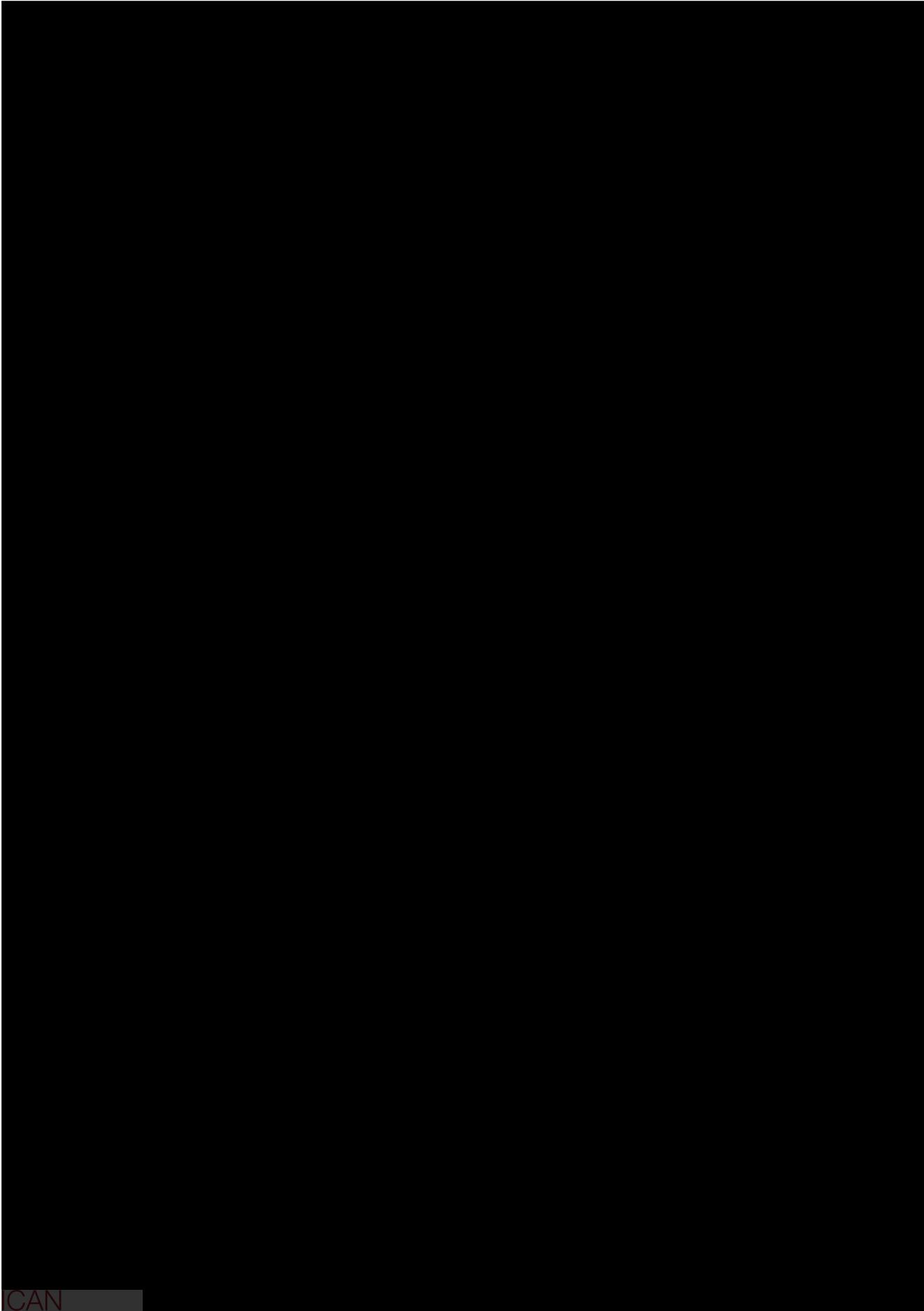
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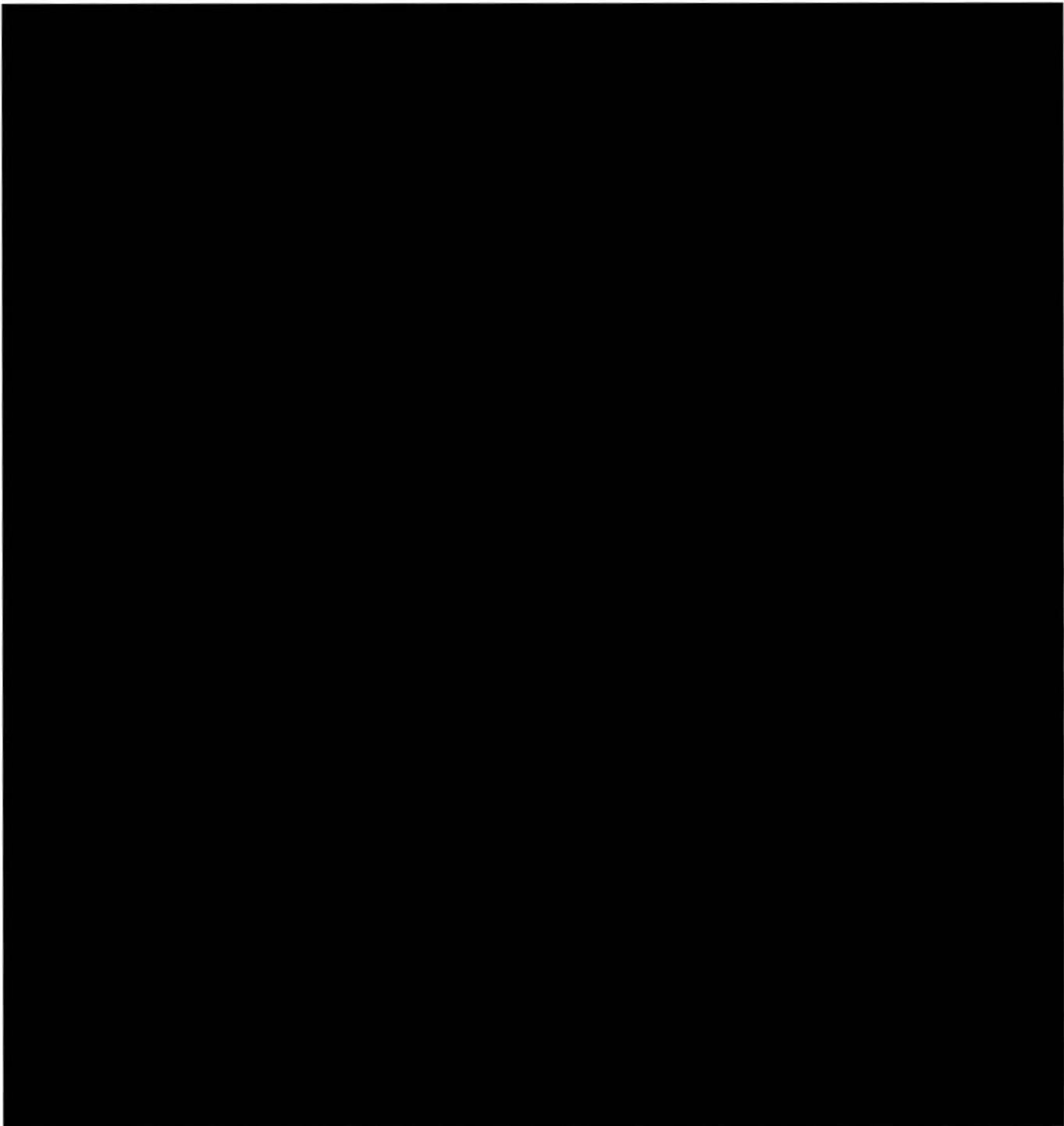
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Jason Buster





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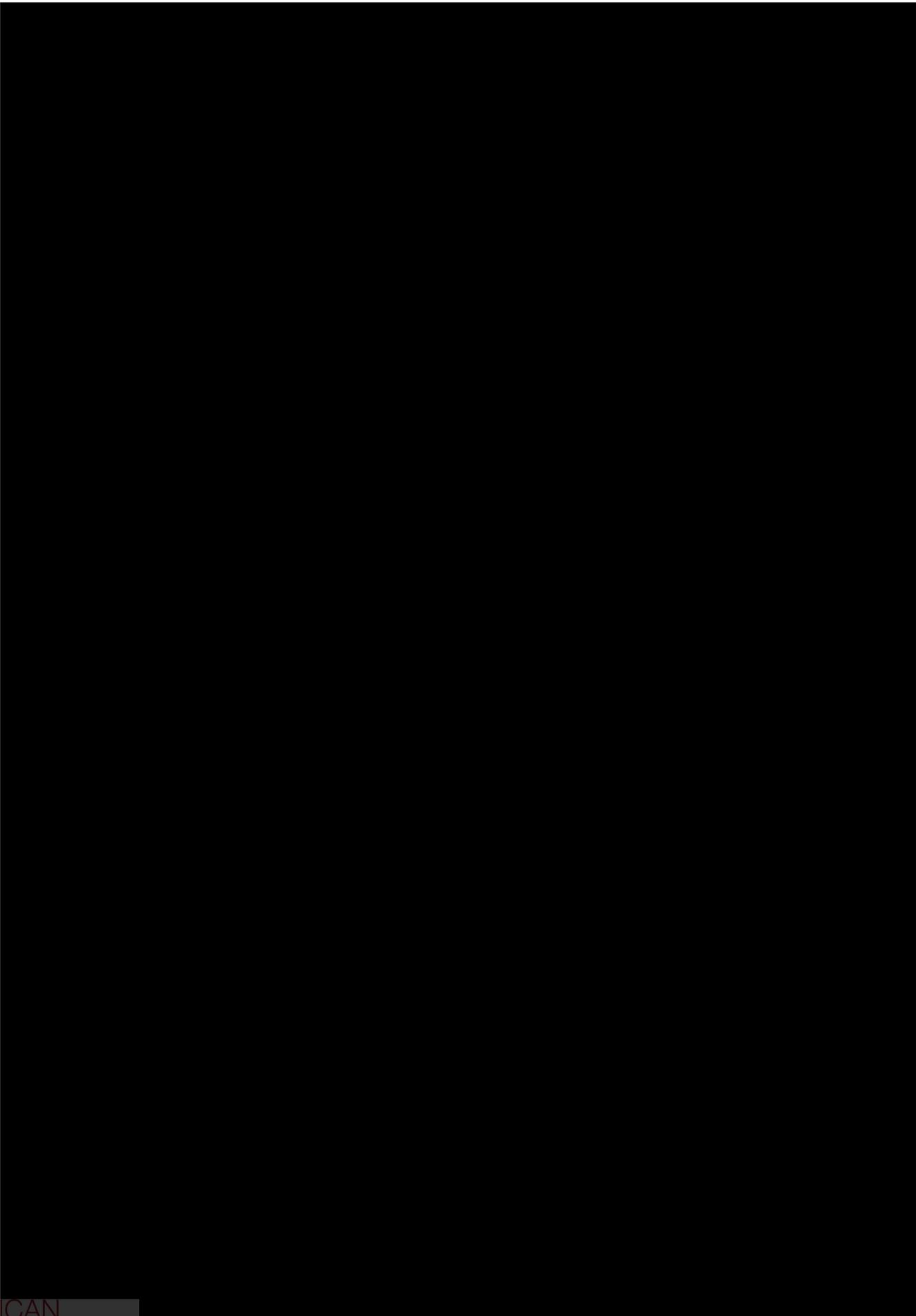
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Sincerely,
Jason Buster



[REDACTED]

From: Jason Buster [REDACTED]

Sent: Thursday, August 18, 2022 5:41 PM

To: Bob Heath [REDACTED]

Cc: Alana S Phillips [REDACTED]

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[REDACTED] Beverly Foley

[REDACTED] James L. Clark [REDACTED]

[REDACTED] Jennifer B. Edwards [REDACTED]

Jennifer

Williams [REDACTED]

Jose Christine

Silvester [REDACTED]

Juan Carlos Arias

[REDACTED] Karen Rene Towell

[REDACTED] Kristen Plaisance

[REDACTED] Kyle Strongin [REDACTED]

[REDACTED] Lindsey Gremont [REDACTED]

[REDACTED] Robert James Brooks Jr [REDACTED]

[REDACTED] Sheron Jennifer Lipper [REDACTED]

[REDACTED] Sonja Zielsdorf [REDACTED]

[REDACTED] Tommie Dickinson

[REDACTED] Travis Wayne Eubanks

[REDACTED]

Subject: Preservation of Records

Mr. Heath,

On behalf of all Plaintiffs.

One County has already agreed to preserve all election data for the November 3, 2020 election. We would like to afford the opportunity to the rest of the defendants.

In good faith and cooperation between Plaintiffs and Defendants, would the Defendants be agreeable to maintaining and preserving all Federal and State election records from November 2020 through May 2022, until a convenient date can be agreed upon by all parties to open discussion on discovery?

Specific election records:

1. Paper Ballots including voting system created
2. Tabulation Tapes
3. Cast Vote Records
4. Mail in ballots
5. Provisional ballots
6. USBs from all precincts
7. USB final counts
8. Chain of custody documents
9. All election forms required under Texas Election Code

This would include indefinitely postponing any proposed election software updates that would overwrite existing data used and/ or created before, during, and after the aforementioned elections and date range.

Additionally, to preserve and retain the above documents, electronically stored information, and tangible items, you or anyone with access must immediately suspend applicable normal retention and destruction policies, including but not limited to shredding, recycling, disk defragmentation, backup-tape rotation, or other destruction of computer systems or storage devices.

If you would let us know by close of business, Friday, 19 August 2022, that would be appreciated.

Sincerely,
Jason Buster

From: Jay Williamson (Basecamp) <notifications@basecamp.com>
Sent: Wednesday, August 31, 2022 5:36 PM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: (TAEA) 88th Session Ideas

EXTERNAL email: Exercise caution when opening.

Write ABOVE THIS LINE to post a reply or [view this on Basecamp](#)

Jay Williamson posted this message on Basecamp.

88th Session Ideas

Cary and I wanted to start a thread brainstorming potential legislation ideas for the 88th session. These are just some notes we've collected over the last couple of calls, so please feel free to suggest whatever you think.

TAEA Election Priorities

- Clean up specific provisions from SB 1
 - SB 1 mandated the use of "write once media by September 1, 2026."
 - Per the Secretary of State's office, no technology exists to meet this standard and likely won't by 2026.
 - (The state did offer to reimburse counties 100% of the cost of upgrading, but currently, it doesn't look like technology will be available by that time.)
- **Ideas for potential legislation:**
 - Enhanced criminal penalties for assault (or other offenses) of county election officials and poll workers
 - SB 47 by Senator Bettencourt, passed out of the Senate in the third special session, drastically lowers the standard for requesting an audit and puts additional burden on county election officials.
 - Address Attorney General Paxton's recent Opinion (KP-0411)
 - Counties are experiencing a substantial influx of public information requests. The number of requests has put a significant burden on many election offices, so additional clarity would be very beneficial.
 - Senator Bob Hall has suggested making early voting and election day one continuous period with no break in between.
 - The Senator sees this as a way to promote more confidence in elections and potentially stop election officials from changing cast votes.
- Legislation creating continuing education requirements for election administrators
 - Almost all county officials have mandated continuing education hours.
 - This legislation could create more public trust for election administrators, and with numerous education programs like the Secretary of State's Conference (SOS) conference fulfilling the hours requirement wouldn't be very difficult.
- Allow corrective action forms to be returned via mail, not just by visiting the county elections officials' office.
 - This would bring the statute in line with other similar voting laws.
- Add a third week of early voting?
 - Some election officials have expressed support for creating additional time for voting.
- Make election day a school holiday.
 - Election officials already have difficulty finding suitable locations for polling, and many schools are expressing apprehension following the tragedy in Uvalde.

[View this on Basecamp](#)

This email was sent to: Cary Roberts, Nanette Forbes, Joyce Hudman, Paul Miles, Jacque Callanen, John Oldham, Yvonne Ramon, Chris Davis, chris, Sabra Srader, Trudy Hancock, Deana Patterson, Heather Hawthorne, Remi Garza, Jennifer Anderson, Freda Ragan, Heider Garcia, Jenise Miller, Lisa Hayes, Shannon Lackey, Staci Decker, Jenise Miller, Kristin Miles, Lisa Mujica, Jana Onyon, Michael Scarpello, Lisa Wise, Bridgette Escobedo, Kevin Stroud, Cole Cunov, and Jay Williamson.

[Stop receiving emails](#) about this message.

Want less email from Basecamp? [Get a digest of your notifications](#) every few hours instead, or [go to your Basecamp settings](#) to choose which emails you receive.

From: Jay Williamson (Basecamp) <notifications@basecamp.com>
Sent: Thursday, August 18, 2022 11:12 AM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: (TAEA) Attorney General Opinion

EXTERNAL email: Exercise caution when opening.

Write ABOVE THIS LINE to post a reply or [view this on Basecamp](#)

Jay Williamson posted this message on Basecamp.

Attorney General Opinion

For anyone who didn't see the Attorney General's Opinion yesterday.

[kp-0411.pdf](#)

[View this on Basecamp](#)

This email was sent to: Cary Roberts, Nanette Forbes, Joyce Hudman, Paul Miles, Jacque Callanen, John Oldham, Yvonne Ramon, Chris Davis, chris, Sabra Srader, Trudy Hancock, Deana Patterson, Heather Hawthorne, Remi Garza, Jennifer Anderson, Freda Ragan, Heider Garcia, Jenise Miller, Lisa Hayes, Shannon Lackey, Staci Decker, Jenise Miller, Kristin Miles, Lisa Mujica, Jana Onyon, Michael Scarpello, Lisa Wise, Bridgette Escobedo, Kevin Stroud, Cole Cunov, and Jay Williamson.

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From: Karen Galicia - Navarro County (Texas Association of Counties) <kgalicia@members.county.org>
Sent: Thursday, November 17, 2022 11:27 AM EST
To: Chris Davis <cjdavis@wilco.org>
CC: TAC-Elections-Community <tac-elections@groups.county.org>
Subject: [TAC-Elections] Court order Woohooo



Good Morningggg,

I've had a crazy week and my clock is ticking before the canvass deadline on Tuesday :')

Wanted to ask you guys if any of y'all had previous paperwork on a court order to get a ballot box open. One of our locations mistakenly placed a provisional ballot envelope inside a sealed ballot box and we barely found out about it earlier this week

Thanks in advance!



**Karen Galicia - Navarro
County**

Navarro County
Asst. Elections Administrator

Join conversation

Reply to chat privately with Karen or **Reply all** to discuss with everyone

You received this message because you are a member of [TAC Elections Community](#) (part of Texas Association of Counties)

If you want to update what emails you receive, [visit your email preferences](#).

□

mob-#p9954010

From: Jennifer Briggs - Gregg County (Texas Association of Counties) <jennifer.briggs@members.county.org>
Sent: Thursday, November 17, 2022 12:18 PM EST
To: Chris Davis <cjdavis@wilco.org>
CC: TAC-Elections-Community <tac-elections@groups.county.org>
Subject: [TAC-Elections] Re: Court order Woohooo



Not had to do it, but here is the form:

<https://www.sos.state.tx.us/elections/forms/pol-sub/9-3f.pdf>

"Confidentiality Note: This email and any attachment to it is confidential and protected by law and intended for the use of the individual(s) or entity named on the email. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication is prohibited. If you have received this communication in error, please notify the sender via return email and delete it completely from your email system. If you have printed a copy of the email, please destroy it immediately."

[View full conversation](#)

Court order Woohoo

Good Morningggg,

I've had a crazy week and my clock is ticking before the canvass deadline on Tuesday :')

Wanted to ask you guys if any of y'all had previous paperwork on a court order to get a ballot box open. One of our locations mistakenly placed a provisional ballot envelope inside a sealed ballot box and we barely found out about it earlier this week

Thanks in advance!



**Karen Galicia - Navarro
County**

Navarro County
Asst. Elections Administrator

[Join conversation](#)

If you don't want to receive these replies [Unfollow this Post](#)

Reply to chat privately with Karen or **Reply all** to discuss with everyone

If you want to update what emails you receive, [visit your email preferences](#).

mob-#p99540

From: Mario Garcia - Dimmit County (Texas Association of Counties) <countyclerk6@members.county.org>
Sent: Monday, November 07, 2022 10:33 AM EST
To: Chris Davis <cjdavis@wilco.org>
CC: TAC-Elections-Community <tac-elections@groups.county.org>
Subject: [TAC-Elections] Re: Election Day Security



YES ! especially inside the Central Counting Station and all Presiding Judges have the option to call for Police Escort back to the courthouse to deliver Ballot Box, etc.

(..so looking forward to get this "monkey" off my back !)

Mario Garcia

County Clerk/ County Elections Officer

[View full conversation](#)

Kristen Spies - Blanco County

Blanco County • Elections Administrator

We have either an officer (county or city) or a constable make a presence at all locations throughout the day.

Lori Bohannon - Wichita

County

Wichita County • County Clerk

We do at 2 of our locations they have daycares in them so we provide security.

Election Day Security

Are any of your counties placing officers at the polling sites?

Get [Outlook for iOS](#)

Lisa Wise - El Paso
County

El Paso County
Elections Administrator

[Join conversation](#)

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[Reply](#) to chat privately with Lisa or [Reply all](#) to discuss with everyone

If you want to update what emails you receive, [visit your email preferences](#).

mob-#p994941

From: [Chris Davis](#)
To: [Jessica Morrison](#)
Subject: All PIR"s since KP-0411
Date: Monday, August 29, 2022 2:05:02 PM
Attachments: [SKM_C450i22082516021.pdf](#)
[SKM_C450i22082516022.pdf](#)
[SKM_C450i22082516023.pdf](#)
[SKM_C450i22082516030.pdf](#)
[SKM_C450i22082516011.pdf](#)
[SKM_C450i22082516012.pdf](#)
[SKM_C450i22082516013.pdf](#)
[SKM_C450i22082516020.pdf](#)
[SKM_C450i22082516001.pdf](#)
[SKM_C450i22082516002.pdf](#)
[SKM_C450i22082516003.pdf](#)
[SKM_C450i22082516010.pdf](#)
[SKM_C450i22082515590.pdf](#)
[SKM_C450i22082515591.pdf](#)
[SKM_C450i22082515592.pdf](#)
[SKM_C450i22082516000.pdf](#)
[SKM_C450i22082515580.pdf](#)
[SKM_C450i22082515570.pdf](#)
[SKM_C450i22082515571.pdf](#)
[SKM_C450i22082515560.pdf](#)
[SKM_C450i22082515550.pdf](#)
[SKM_C450i22082515551.pdf](#)

Attached.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

1120 CVR's

Chris Davis

JOHN ARVEY

From: Voter Registration
Sent: Tuesday, August 23, 2022 2:29 PM
To: Chris Davis
Subject: FW: Cast Vote Records Williamson County - Texas (Please Produce Records)
Attachments: Cast Vote Record Request.pdf

From: John Arvey <jarvey@rocketsoftware.com>
Sent: Tuesday, August 23, 2022 10:14 AM
To: John Arvey <1017johnarvey@gmail.com>; Voter Registration <VoterRegistration@wilco.org>
Subject: Cast Vote Records Williamson County - Texas (Please Produce Records)

EXTERNAL email: Exercise caution when opening.

Hello – please process and supply the records below for Cast Vote Records for Williamson County Texas.
Thanks!

John Arvey
1017johnarvey@gmail.com

Pursuant to our state's freedom of information law, please remit the Cast Vote Records Williamson County from the 2020 General Election. These records should include the following fields as a minimum:

- CVR Record #
- Timestamp
- Tabulator ID
- Municipality
- Precinct
- Batch ID
- Record ID
- Counting Group
- Session Type
- Ballot Type ID
- Paper Index
- Contest
- Candidate



1120 CVR's

DORIS GRAHAM

Elections Department

Williamson County

Request for List of ~~Registered~~ Voters *Cast votes in my county 2020 General Elect*

Requestor Information	List Information
Date: <u>August 24, 2022</u>	District: <u>Williamson County, Texas</u> For example: Comm. Pct 1, Leander ISD, City of Hutto
Name: <u>Doris Graham</u>	Please note all lists will include voters' Voting History for Uniform Election Dates for the past 16 years.
Company: _____	Additional comments: <u>Per my attorney General, Ken Paxton, as a legally registered voter in Williamson County, Tx, I AM entitled to a complete list of the cast votes in my county for the 2020 General ELECTION. Please see</u>
Daytime phone: <u>512-787-3806</u>	
Phone (additional): <u>as above</u>	
Email: <u>yellowrose.djg@aol.com</u>	

The default file type for all lists is Excel. If you prefer csv files, please indicated this in the additional comments field.

Please read Texas Election Code and sign below:

§ 18.009. UNLAWFUL USE OF INFORMATION ON REGISTRATION LIST.

- (a) A person commits an offense if the person uses information in connection with advertising or promoting commercial products or services that the person knows was obtained under Section 18.008.
- (b) An offense under this section is a Class A misdemeanor.

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 864, § 12, eff. Sept. 1, 1997.

Signature: Doris J. Graham

the attached papers for the documents I request. Doris G

Once your request has been processed, instructions on how to access it will be sent to you by email.

To be completed by Elections Dept

Request taken by (initials): JR

Date of Completion: _____

Delivered/Picked up (date): _____



Contact for this request:

Williamson County Elections Department, 301 SE Inner Loop, Suite 104, Georgetown, TX 78626

Sue Langley, susan.langley@wilco.org

Phone: (512) 943 3719 Fax: (512) 943 1634

Submit by Email



Documents I need**FORM**

Pursuant to our state's freedom of information law, please remit the Cast Vote Records [insert jurisdiction] from the 2020 General Election. These records should include the following fields as a minimum:

- CVR Record #
- Timestamp
- Tabulator ID
- Municipality
- Precinct
- Batch ID
- Record ID
- Counting Group
- Session Type
- Ballot Type ID
- Paper Index
- Contest
- Candidate
- Undervotes
- Overvotes
- Mark Density

VOTER REGISTRATION CERTIFICATE (Certificado de Registro Electoral)		
WILLIAMSON COUNTY (Condado de Williamson)		
VALID (VÁLIDO)	Gender (Sexo)	Valid from (Válido desde)
1152459260	F	01/01/2022
Year of Birth (Año de Nacimiento)	Prec. No. (Núm. Pcto.)	thru (hasta)
1944	189	12/31/2023
Name and Permanent Residence Address (Nombre y dirección residencial permanente)		
GRAHAM, DORIS JEAN 14100 AVERY RANCH BLVD #103 AUSTIN TX 78717		
<i>x Doris Jean Graham</i> VOTER MUST PERSONALLY SIGN HIS/HER NAME IMMEDIATELY UPON RECEIPT, IF ABLE (El votante debe firmar esta tarjeta personalmente al recibirla, si puede)		



The voice of
free speech.

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1120 CVR's

Chris Davis

From: Tom Nickerson <tjncrashed@yahoo.com>
Sent: Wednesday, August 24, 2022 9:26 AM
To: Chris Davis
Subject: CVR for 2020 general election

TOM NICKERSON

EXTERNAL email: Exercise caution when opening.

C.J. Davis:

According to Ken Paxton, attorney general for the state of Texas, I, Thomas James Nickerson, as a legal resident of Williamson county, Texas for the past 8 years, am authorized to obtain the Williamson county Cast Voter's Record for the 2020 general election. This matter is urgent, as the CVR will be destroyed in early September.

I wish to come to the appropriate office, in person, to obtain the CVR.

Please advise me of the name, location and telephone number of the stated office.

Thank you for your cooperation

Thomas J Nickerson

Sent from my iPhone



Elections Department

CAST VOTER'S RECORD
Request for ~~List of Registered Voters~~ *T.J.N.*

Requestor Information	List Information
Date: <u>8/24/22</u>	District: <u>Williamson County, TX</u> For example: Comm. Pct 1, Leander ISD, City of Hutto
Name: <u>THOMAS J. NICKERSON</u>	Please note all lists will include voters' Voting History for Uniform Election Dates for the past 16 years.
Company: _____	Additional comments: <i>This request is only for the cast voters record of the 2020 general election, to include the fields specified in enclosure #1.</i>
Daytime phone: <u>(713) 256-8115</u>	
Phone (additional): <u>—</u>	
Email: <u>tjncrashed@yahoo.com</u>	

The default file type for all lists is Excel. If you prefer csv files, please indicated this in the additional comments field.

Please read Texas Election Code and sign below:

§ 18.009. UNLAWFUL USE OF INFORMATION ON REGISTRATION LIST.

- (a) A person commits an offense if the person uses information in connection with advertising or promoting commercial products or services that the person knows was obtained under Section 18.008.
- (b) An offense under this section is a Class A misdemeanor.

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 864, § 12, eff. Sept. 1, 1997.

Signature: _____

Once your request has been processed, instructions on how to access it will be sent to you by email.

To be completed by Elections Dept

Request taken by (initials): JR

Date of Completion: _____

Delivered/Picked up (date): _____



Contact for this request:

Williamson County Elections Department, 301 SE Inner Loop, Suite 104, Georgetown, TX 78626

Sue Langley, susan.langley@wilco.org

Phone: (512) 943 3719 Fax: (512) 943 1634

Submit by Email

Enclosure # 1

FORM

Pursuant to our state's freedom of information law, please remit the Cast Vote Records [insert jurisdiction] from the 2020 General Election. These records should include the following fields as a minimum:

- CVR Record #
- Timestamp
- Tabulator ID
- Municipality
- Precinct
- Batch ID
- Record ID
- Counting Group
- Session Type
- Ballot Type ID
- Paper Index
- Contest
- Candidate
- Undervotes
- Overvotes
- Mark Density

VOTER REGISTRATION CERTIFICATE (Certificado de Registro Electoral)		
WILLIAMSON COUNTY (Condado de Williamson)		
VUID (VUID)	Gender (Sexo)	Valid from (Válido desde)
1113222368	M	01/01/2022
Year of Birth (Año de Nacimiento)	Prec. No. (Núm. Pcto.)	thru (hasta)
1951	189	12/31/2023
Name and Permanent Residence Address (Nombre y dirección residencial permanente)		
NICKERSON, THOMAS JAMES 14100 AVERY RANCH BLVD #103 AUSTIN TX 78717		
X <i>Thomas J. Nickerson</i>		
VOTER MUST PERSONALLY SIGN HIS/HER NAME IMMEDIATELY UPON RECEIPT, IF ABLE (El votante debe firmar esta tarjeta personalmente al recibirla, si puede.)		



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free speech.

1120 CVR's

Chris Davis

From: Brenda Paschall <brendaloy3@aol.com>
Sent: Wednesday, August 24, 2022 5:17 AM
To: Chris Davis
Subject: CVR request for the following counties: Bell, Burnet, Lampasas, Llano, Williamson
Attachments: CVRsForDummiesV2.pdf

BRENDA PASCHALL

EXTERNAL email: Exercise caution when opening.

As a resident of Texas who voted in the November 3, 2020 Presidential Election, I am requesting the Cast Vote Records for said election from the counties in the Central Texas Elections Group. Please provide an electronic document an example of which can be found in the following pdf. Thank you.

5:02 ↗

Home | Sitemap

Search...



Texas Association of Electio

☰ Quicklinks

Control Texas Elections

Brenda Loy Paschall
262 South View Trl.
Abilene, TX 79602

Sent from my iPhone

1120 CVR's

BENJAMIN HENRY

Benjamin Henry
4103 Venada Trail
Georgetown, TX 78628
August 22, 2022

512-461-7191
benjibby@gmail.com

Williamson County Clerk
405 Martin Luther King Jr St
Georgetown, TX 78626

Pursuant to our state's freedom of information law, please remit the Cast Vote Records for Williamson County from the 2020 General Election.

These records should include the following fields as a minimum:

CVR Record #
Timestamp
Tabulator ID
Municipality
Precinct
Batch ID
Record ID
Counting Group
Session Type
Ballot Type ID
Paper Index
Contest
Candidate
Undervotes
Overvotes
Mark Density

Sincerely,

Benjamin Henry

NIST Special Publication 1500-103

Cast Vote Records Common Data Format Specification

Version 1.0

John Wack
*Software and Systems Division
Information Technology Laboratory, NIST*

Sam Dana
Prometheus Computing

Herb Deutsch
Election System Software

John Dziurlaj
Democracy Fund

Ian Piper
Dominion Voting

This publication is available free of charge from:
<https://doi.org/10.6028/NIST.SP.1500-103>

November 2019



U.S. Department of Commerce
Wilbur L. Ross, Jr., Secretary

National Institute of Standards and Technology
Walter Copan, NIST Director and Undersecretary of Commerce for Standards and Technology

NIST Special Publication 1500-103

**Cast Vote Records Common Data Format
Specification**

Version 1.0

John Wack
Sam Dana
Herb Deutsch
John Dziurlaj
Ian Piper

This publication is available free of charge from:
<https://doi.org/10.6028/NIST.SP.1500-103>

NIST
National Institute of
Standards and Technology
U.S. Department of Commerce

1120 CVR'S

Chris Davis

From: Gail Dupuy <gaildupuy@yahoo.com>
Sent: Monday, August 22, 2022 1:52 PM
To: Chris Davis
Subject: Williamson County 2020 Cast Vote Records request

GAIL DUPUY

EXTERNAL email: Exercise caution when opening.

Christopher J. Davis
Elections Administrator
cjdavis@wilco.org

Williamson County
Inner Loop Annex
Elections Department
301 SE Inner Loop Ste 104
Georgetown, TX 78626

Re: Williamson County 2020 Cast Vote Records request

Pursuant to our state's freedom of information law, please remit the Cast Vote Records for Williamson County from the 2020 General Election. These records should include the following fields as a minimum:

- CVR Record #
- Timestamp
- Tabulator ID
- Municipality
- Precinct
- Batch ID
- Record ID
- Counting Group
- Session Type
- Ballot Type ID
- Paper Index
- Contest
- Candidate
- Undervotes
- Overvotes
- Mark Density

Sincerely,

Gail Dupuy
1541 Burr Pkwy
Leander, TX 78641
gaildupuy@yahoo.com

1120 CVR's

Williamson County
Inner Loop Annex
Elections Department
301 SE Inner Loop Ste 104
Georgetown, TX 78626



GAIL DUPUY

Christopher J. Davis
Elections Administrator
cjdavis@wilco.org

Pursuant to our state's freedom of information law, please remit the Cast Vote Records **Williamson County** from the 2020 General Election. These records should include the following fields as a minimum:

- CVR Record #
- Timestamp
- Tabulator ID
- Municipality
- Precinct
- Batch ID
- Record ID
- Counting Group
- Session Type
- Ballot Type ID
- Paper Index
- Contest
- Candidate
- Undervotes
- Overvotes
- Mark Density

Sincerely,

Gail Dupuy
1541 Burr Pkwy
Leander, TX 78641



1120's CVR's

JARED MATHER

Elections Department

Request for List of Registered Voters

Requestor Information	List Information
Date: <u>8/22/2022</u>	District: _____ For example: Comm. Pct 1, Leander ISD, City of Hutto
Name: <u>Jared Mather</u>	Please note all lists will include voters' Voting History for Uniform Election Dates for the past 16 years.
Company: _____	Additional comments:
Daytime phone: <u>512 801 8957</u>	
Phone (additional): _____	
Email: <u>JMather87@gmail.com</u>	

The default file type for all lists is Excel. If you prefer csv files, please indicated this in the additional comments field.

Please read Texas Election Code and sign below:

§ 18.009. UNLAWFUL USE OF INFORMATION ON REGISTRATION LIST.

- (a) A person commits an offense if the person uses information in connection with advertising or promoting commercial products or services that the person knows was obtained under Section 18.008.
- (b) An offense under this section is a Class A misdemeanor.

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 864, § 12, eff. Sept. 1, 1997.

Signature: _____

Once your request has been processed, instructions on how to access it will be sent to you by email.

To be completed by Elections Dept

Request taken by (initials): OR

Date of Completion: _____

Delivered/Picked up (date): _____

Contact for this request:

Williamson County Elections Department, 301 SE Inner Loop, Suite 104, Georgetown, TX 78626

Sue Langley, susan.langley@wilco.org

Phone: (512) 943 3719 Fax: (512) 943 1634



Submit by Email

Pursuant to our state's freedom of information law, please remit the Cast Vote Records **Williamson County Texas** from the 2020 General Election. These records should include the following fields as a minimum:

- CVR Record #
- Timestamp
- Tabulator ID
- Municipality
- Precinct
- Batch ID
- Record ID
- Counting Group
- Session Type
- Ballot Type ID
- Paper Index
- Contest
- Candidate
- Undervotes
- Overvotes
- Mark Density

1120 CVR's

Chris Davis

JAYNE ORUM

From: Jayne Orum <jayneorum@gmail.com>
Sent: Monday, August 22, 2022 3:58 PM
To: Chris Davis
Subject: Cast Vote Records request

EXTERNAL email: Exercise caution when opening.

Dear elections administrator Davis,

I understand that voting records are by law held for some time after the election, and that Attorney General Paxton has confirmed that this information is available to citizens upon request.

Therefore I am requesting that you, or whoever can process this request, please remit as soon as possible, and prior to the date the records are no longer kept, which may be before 9/3/2022, the Cast Vote Records from Williamson County from the 11/3/2020 General Election via return email. If there is any further information you need from me to process this request please respond as soon as possible so that time will not run out before the records are disposed of or no longer available. These records should include the following fields as a minimum:

- CVR Record #
- Timestamp
- Tabulator ID
- Municipality
- Precinct
- Batch ID
- Record ID
- Counting Group
- Session Type
- Ballot Type ID
- Paper Index
- Contest
- Candidate
- Undervotes
- Overvotes
- Mark Density

If you are not the correct person to fulfill this request please let me know immediately who I should contact.

Thank you,
Jayne Orum

Chris Davis

1120 CVR's

JULIA WICKER

From: Julia Wicker <jawick316@hotmail.com>
Sent: Monday, August 22, 2022 3:09 PM
To: Chris Davis; Julia Wicker
Subject: FOIL Cast Vote Records Request

EXTERNAL email: Exercise caution when opening.

August 22, 2022

Nancy E. Rister
County Clerk Williamson County
405 Martin Luther King St
Georgetown, TX 78626-4901

Nancy E. Rister
County Clerk Williamson County
PO Box 647
Jarrell, TX 76537-0647

Christopher J. Davis
Elections Administrator Williamson County
Inner Loop Annex
Elections Department
301 SE Inner Loop Ste 104
Georgetown, TX 78626
cjdavis@wilco.org

Dear Nancy E. Rister and Christopher J. Davis:

Hello. I am a registered voter in Williamson County, Texas.

Pursuant to our state's freedom of information law, please remit the Cast Vote Records for Williamson County, Texas, from the 2020 General Election. These records should include the following fields as a minimum:

- CVR Record #
- Timestamp
- Tabulator ID
- Municipality
- Precinct
- Batch ID
- Record ID
- Counting Group
- Session Type
- Ballot Type ID
- Paper Index
- Contest
- Candidate
- Undervotes

- Overvotes
- Mark Density

Thank you.

Julia Wicker
1002 Bluebonnet Court
Leander, Texas 78641
jawick316@hotmail.com

1120 CVR'S

Chris Davis

From: Jennifer Mitchell <jenmitc@gmail.com>
Sent: Monday, August 22, 2022 2:40 PM
To: Chris Davis
Subject: Cast Vote Records

JENNIFER MITCHELL

EXTERNAL email: Exercise caution when opening.

Pursuant to our state's freedom of information law, please remit the Cast Vote Records Williamson County from the 2020 General Election. These records should include the following fields as a minimum:

- CVR Record #
- Timestamp
- Tabulator ID
- Municipality
- Precinct
- Batch ID
- Record ID
- Counting Group
- Session Type
- Ballot Type ID
- Paper Index
- Contest
- Candidate
- Undervotes
- Overvotes
- Mark Density

CANCELLED HER REQUEST VIA EMAIL
@ 8:50AM on 8/23/22

Thank you,
Jennifer Mitchell



1120 CVR15

Elections Department

Request for List of Registered Voters

Requestor Information	List Information
Date: <u>8-22-22</u>	District: <u>Williamson County</u> For example: Comm. Pct 1, Leander ISD, City of Hutto
Name: <u>Ann Brents</u>	Please note all lists will include voters' Voting History for Uniform Election Dates for the past 16 years.
Company: <u>N/A</u>	Additional comments:
Daytime phone: <u>512-541-9178</u>	<u>Cast vote records for</u>
Phone (additional): <u>512-801-6308</u>	<u>11-3-2020 election is</u>
Email: <u>anjb1@sbcglobal</u>	<u>what I</u>

The default file type for all lists is Excel. If you prefer csv files, please indicated this in the additional comments field.

Please read Texas Election Code and sign below:

§ 18.009. UNLAWFUL USE OF INFORMATION ON REGISTRATION LIST.

- (a) A person commits an offense if the person uses information in connection with advertising or promoting commercial products or services that the person knows was obtained under Section 18.008.
- (b) An offense under this section is a Class A misdemeanor.

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 864, § 12, eff. Sept. 1, 1997.

Signature: Ann Brents

Once your request has been processed, instructions on how to access it will be sent to you by email.

To be completed by Elections Dept

Request taken by (initials): SPR

Date of Completion: _____

Delivered/Picked up (date): _____



Contact for this request:

Williamson County Elections Department, 301 SE Inner Loop, Suite 104, Georgetown, TX 78626

voterregistration@wilco.org

Phone: (512) 943 1630 Fax: (512) 943 1634

Submit by Email

Print Form



1120 CVR's

Elections Department

Request for List of Registered Voters

Requestor Information	List Information
Date: <u>8/22/22</u>	District: <u>Georgetown or Williamson Co.</u> For example: Comm. Pct 1, Leander ISD, City of Hutto
Name: <u>Timothy Kulton</u>	Please note all lists will include voters' Voting History for Uniform Election Dates for the past 16 years.
Company: _____	Additional comments: <u>Would like a copy of the Williamson County, Cast Vote Records for the November 2020 election.</u>
Daytime phone: <u>916-390-8246</u>	
Phone (additional): _____	
Email: <u>timbotexas@proton.me</u>	

The default file type for all lists is Excel. If you prefer csv files, please indicated this in the additional comments field.

Please read Texas Election Code and sign below:

§ 18.009. UNLAWFUL USE OF INFORMATION ON REGISTRATION LIST.

- (a) A person commits an offense if the person uses information in connection with advertising or promoting commercial products or services that the person knows was obtained under Section 18.008.
- (b) An offense under this section is a Class A misdemeanor.

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 864, § 12, eff. Sept. 1, 1997.

Signature: _____

Timothy Kulton

Once your request has been processed, instructions on how to access it will be sent to you by email.

To be completed by Elections Dept

Request taken by (initials): SR

Date of Completion: _____

Delivered/Picked up (date): _____



Contact for this request:

Williamson County Elections Department, 301 SE Inner Loop, Suite 104, Georgetown, TX 78626

Sue Langley, susan.langley@wilco.org

Phone: (512) 943 3719 Fax: (512) 943 1634

Submit by Email

1120 CVR's

Chris Davis

MICHAEL MYLES

From: Chris Davis
Sent: Thursday, August 18, 2022 8:01 PM
To: Michael M
Subject: Re: Response to 7/18/22 Public Information Request from Michael Myles

When am I able to come by and get these records per my request? Thank you for your continued support with this.

County legal is reviewing the opinion and has not provided us direction on whether to release these records. So at this point, there's nothing to produce. If/when that changes, I'll let you know.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
@WilCoElections

From: Michael M <tilomacm@yahoo.com>
Sent: Thursday, August 18, 2022 1:43:57 PM
To: Chris Davis <cjdavis@wilco.org>
Subject: Re: Response to 7/18/22 Public Information Request from Michael Myles

EXTERNAL email: Exercise caution when opening.

Hi Chris,

Now that the Attorney General of Texas has issued his opinion that

"The Election Code designates all election records, including anonymous voted ballots, as public information."

(See attached)

When am I able to come by and get these records per my request? Thank you for your continued support with this.

Regards,
Michael

On Jul 20, 2022, at 12:39 PM, Christopher J. Davis <cjdavis@wilco.org> wrote:

Can you or someone in Williamson County Elections Department confirm whether this particular request has been submitted to the Texas Attorney's General office for resolution?

No, it hasn't.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Michael M <tilomacm@yahoo.com>
Sent: Wednesday, July 20, 2022 12:31 PM
To: Christopher J. Davis <cjdavis@wilco.org>
Subject: Re: Response to 7/18/22 Public Information Request from Michael Myles

Hi Chris,

Thank you, again, and I appreciate your time on this. Can you or someone in Williamson County Elections Department confirm whether this particular request has been submitted to the Texas Attorney's General office for resolution? I just got off the phone with an attorney at the Texas Attorney's General office and they informed me that the County (Williamson County) may refer my request to the Texas Attorney's General office for a ruling. This ruling would supersede any Texas SoS guidance, if it differs.

Thank you,
Michael

On Tuesday, July 19, 2022, 08:25:10 AM CDT, Christopher J. Davis <cjdavis@wilco.org> wrote:

1. Those two folks received the CVR from me in error; before I was made aware by the Texas SoS that we weren't authorized to release it.
2. No such "...list of reports that the ES&S machines are capable of providing..." exists in our possession.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Michael M <tilomacm@yahoo.com>
Sent: Tuesday, July 19, 2022 8:16 AM
To: Christopher J. Davis <cjdavis@wilco.org>
Subject: Re: Response to 7/18/22 Public Information Request from Michael Myles

1120 CVR's

Chris Davis

From: Chris Davis
Sent: Thursday, August 18, 2022 8:01 PM
To: Michael M
Subject: Re: Response to 7/18/22 Public Information Request from Michael Myles

MICHAEL MYLES

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County legal is reviewing the opinion and has not provided us direction on whether to release these records. So at this point, there's nothing to produce. If/when that changes, I'll let you know.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
@WilCoElections

From: Michael M <tilomacm@yahoo.com>
Sent: Thursday, August 18, 2022 1:43:57 PM
To: Chris Davis <cjdavis@wilco.org>
Subject: Re: Response to 7/18/22 Public Information Request from Michael Myles

EXTERNAL email: Exercise caution when opening.

Hi Chris,

Now that the Attorney General of Texas has issued his opinion that

"The Election Code designates all election records, including anonymous voted ballots, as public information."

(See attached)

When am I able to come by and get these records per my request? Thank you for your continued support with this.

Regards,
Michael

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Can you or someone in Williamson County Elections Department confirm whether this particular request has been submitted to the Texas Attorney's General office for resolution?

No, it hasn't.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Michael M <tilomacm@yahoo.com>
Sent: Wednesday, July 20, 2022 12:31 PM
To: Christopher J. Davis <cjdavis@wilco.org>
Subject: Re: Response to 7/18/22 Public Information Request from Michael Myles

Hi Chris,

Thank you, again, and I appreciate your time on this. Can you or someone in Williamson County Elections Department confirm whether this particular request has been submitted to the Texas Attorney's General office for resolution? I just got off the phone with an attorney at the Texas Attorney's General office and they informed me that the County (Williamson County) may refer my request to the Texas Attorney's General office for a ruling. This ruling would supersede any Texas SoS guidance, if it differs.

Thank you,
Michael

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1. Those two folks received the CVR from me in error; before I was made aware by the Texas SoS that we weren't authorized to release it.
2. No such "...list of reports that the ES&S machines are capable of providing..." exists in our possession.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Michael M <tilomacm@yahoo.com>
Sent: Tuesday, July 19, 2022 8:16 AM
To: Christopher J. Davis <cjdavis@wilco.org>
Subject: Re: Response to 7/18/22 Public Information Request from Michael Myles

EXTERNAL email: Exercise caution when opening.

Hi Chris,

Thank you for your quick reply. I'm impressed with the response speed and attention to detail of the Williamson County Elections Department!

I'm new to this process, so could you point me to someone who could help me answer the following:

1. I know of two Wilco citizens who independently received the CVR data for the November 2020 election. What process would they have gone through to receive it? I was under the impression it was through submittal of the form, "Request for List of Registered Voters" a.k.a. a Public Information Request that I submitted, yesterday.

2. How may I receive a list of reports that the ES&S machines are capable of providing for the November 2020 election? My definition of a "report" is any set of data that can be output using the installed software on the ES&S machines. Examples are what you saw in the amended form I submitted, yesterday, with select pages from the ES&S machine manual. I'm happy to take this list and try to match it with the "Batch Manifest Report" and/or "Tabulator Batch Report" that I'm looking for.

Thank you again for all of your help!

Michael

On Monday, July 18, 2022, 04:54:23 PM CDT, Christopher J. Davis <cjdavis@wilco.org> wrote:

Michael,

I'm in receipt of your personally-delivered public information request in two parts and attached to this email.

As much as I appreciate the supporting information you provided with your request, my response differs very little from that which I communicated to you earlier today in your first attempt; namely:

- The cast vote record reports you request in Part 1 are not currently available to requestors due to the 22-month preservation period (from the date of the election) of this type of information.
- The Ballot Manifest Report (aka Tabulator Batch Report) you request in Part 2 is not a report that we have, maintain and/or generate.

I hope you find the information in this reply useful.

Best,

Chris Davis

Elections Administrator, Williamson County, TX

cjdavis@wilco.org

Off: 512.943.1630

[@WilCoElections](#)

1120 CVRs

Chris Davis

From: Dan Montgomery <danrmonty@protonmail.com>
Sent: Sunday, August 21, 2022 9:05 PM
To: Chris Davis
Subject: Cast Vote Records Request

DAN MONTGOMERY

EXTERNAL email: Exercise caution when opening.

Pursuant to our state's freedom of information law, please remit the Cast Vote Records for Williamson County from the 2020 General Election. These records should include the following fields as a minimum:

- CVR Record #
- Timestamp
- Tabulator ID
- Municipality
- Precinct
- Batch ID
- Record ID
- Counting Group
- Session Type
- Ballot Type ID
- Paper Index
- Contest
- Candidate
- Undervotes
- Overvotes
- Mark Density

Sent from Proton Mail for iOS

1120 CVR's

Chris Davis

From: Sean Grafton <seanandmandygrafton@gmail.com>
Sent: Monday, August 22, 2022 9:07 AM
To: Chris Davis
Subject: Cast Vote Record Request

SEAN GRAFTON

EXTERNAL email: Exercise caution when opening.

Mr Davis,

Pursuant to our state's freedom of information law, please remit the Cast Vote Records for Williamson County from the 2020 General Election. These records should include the following fields as a minimum:

- CVR Record #
- Timestamp
- Tabulator ID
- Municipality
- Precinct
- Batch ID
- Record ID
- Counting Group
- Session Type
- Ballot Type ID
- Paper Index
- Contest
- Candidate
- Undervotes
- Overvotes
- Mark Density

Thank you in advance for your help!



Sean & Mandy Grafton
Mandalynn Farms, LLC
Sean: 512-577-7704
Mandy: 512-577-7703

1120 CVRIS

Chris Davis

ORLANDO GUERRERO

From: Chris Davis
Sent: Monday, August 22, 2022 1:36 PM
To: Orlando Guerrero
Subject: RE: Open Records Request

Orlando,

Our county legal team is currently reviewing the recent AG opinion and determining how to proceed in releasing the cast vote record for the 2020 General Election.

We have no cast vote record for 2016, as we were using a completely different voting system then that we have since gotten rid of.

We also will await legal guidance from our counsel on whether we can legally release the cast vote record from the more recent 2022 Republican Primary Election this past March.

But please understand that regardless of that decision, there is no way to provide a voter with a copy of their ballot (or even their actual ballot) after they've cast it at the polling place. It becomes an anonymous one among thousands, tens of thousands, or even (in the case of November 2020) hundreds of thousands of other ballots with NO data or info to tie it back to them. That's the **foundational** principle of voting in Texas and in the USA: secret and anonymous.

Once I have direction from the county legal team, I'll contact you on what we can produce.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Orlando Guerrero <orgtex@gmail.com>
Sent: Sunday, August 21, 2022 8:39 PM
To: Chris Davis <cjdavis@wilco.org>
Subject: Open Records Request

EXTERNAL email: Exercise caution when opening.

Per recent Texas Attorney General Ken Paxton recent opinion, I am seeking cast vote record and or copy of my ballot for 2016 General election, 2020 General Election and 2022 Republican Primary for Williamson County.

I want to make sure my vote was counted.

Thanks

Blessings and Peace

Orlando R. Guerrero
2015 E Gann Hill Drive
Cedar Park, Texas. 78613

"Know The Truth And The Truth Will Set You Free"

1120 CVR'S + BALLOT IMAGES

Chris Davis

HEIDI GUNVALDSON

From: Heidi <Heidijoe@protonmail.com>
Sent: Friday, August 19, 2022 11:56 PM
To: Chris Davis
Cc: Loftwo21
Subject: Public Document Request for ES&S Electionware Systems Williamson
Attachments: ES&S Additional Instructions for OCD.pdf

EXTERNAL email: Exercise caution when opening.

Good afternoon Mr. Davis,

I am writing to request several documents from the November 2020 General Election. Although our reading of the law indicates that these documents should be available to the public at any time, there is no doubt that they should be made available upon the expiration of the 22-month preservation period. This request is for the following documents to be provided as quickly after the expiration of that period as possible (September 3, 2022).

I am requesting the Cast Vote Records from your Election Management Server. Some jurisdictions are not familiar with how to export the report so I have included some instructions below that you may find helpful. We are requesting this report to contain all available fields and be provided in a .CSV or Excel usable format. Some versions may be able to export in a JASON format and that would be ideal if available. Please include the over/under vote information.

I am also requesting the Ballot Images that were captured by both your precinct and central scanners.

Instructions for exporting the CVR's are below as well as included as an attachment. These have been provided by clerks around the country. There does seem to be some variation in the procedure that may be due to different software versions. If you are familiar with the process, my apologies for being elemental, but we have found that some counties are not aware of the process.

Instructions:

Some reports indicate that you need to do the Produce module commands first. Export the ballots as a whole block. Next open that file to see the tools menu. Then you can export just the CVR.

On the Election Systems and Software EMS computer, open Electionware.

Under the Modules menu, select Results, then Produce.

(This assumes that the ballots are already stored in the CLCTData folder from the previous election)

Filter, select all types, click Apply Filter at the bottom left.

Switch tabs to the Table View or Ballot Table View tab

Click on Export, then save file as an .xlsx or CSV file.

Open the newly created .xlsx file

From the Tools menu select Export Cast Vote Records

from the export window, select the names of the contests

Select location to save file

Name file `_[county][state]CVR PIR_Request`

From another clerk, these are slightly different.

- Tools —> Export Cast Vote Record
- Produce Module > Ballots - Table View > set filter to “all” > Export

Please note that the file may only allow 20K records to be exported at one time so it may require multiple exports depending on the number of records.

This report includes the following fields: Unique ID for each CVR, Tabulator ID/name/number, Batch ID/name/number, Ballot position within a batch imprinted ID (if applicable), Record of which vote or mark for every contest on each ballot which should contain the name of the contest, candidate, and vote/mark (or override if applicable). Over- and under-vote selections should be used as appropriate."

Please reach out if we can provide further information,
Thank you so much for your prompt response to this request.

Sincerely,

Heidi Gunvaldson

Subject: FW: Public Records Request
Attachments: Instructions how to obtain CVR.pdf; ElectionWare Election Management System Results Module User Guide.pdf; UG-RTR-UserGuide-5-11-CO.pdf; kp-0411.pdf

YEHUDA MILLER

From: Yehuda Miller <ymiller28@protonmail.com>
Sent: Thursday, August 18, 2022 4:48 PM
Subject: Public Records Request

EXTERNAL email: Exercise caution when opening.

Under Common Law this public records request does not require a special form.

Pursuant to Texas Attorney General Opinion KP-0411 (attached), I am requesting a text, comma, or tab delimited file, or a text-based report, listing, in the sequence processed by the county, every ballot, its sequential ID, its timestamp, its method of voting (for example: in-person, mail-in, provisional, absentee, "other", etc. – any and all ballots that were tabulated as part of the following elections

- 2015 General and Primary election
- 2016 General and Primary election
- 2017 General and Primary election
- 2018 General and Primary election
- 2019 General and Primary election
- 2020 General and Primary election
- 2021 General and Primary election
- 2022 Primary election),

the specific votes contained for all races, and the batch ID and tabulator ID. Should any fields not be available, please include the fields which are. I am requesting a per-ballot report. This set of information is sometimes known as a "Cast Vote Record" (CVR), "ballot log", or a "summary of ballots". If the data exists as multiple files or reports, for instance by batch or by precinct, you do not need to aggregate them, please send the individual files.

A report of this type would have very likely already been created when County) County audited their election results. If not, and you are not readily familiar with how to generate this report, you can refer to the instructions outlined in the ES&S Electionware Volume V Results User's Guide. You will find the relevant information begins on page 37. Simply select choices for ALL records. I have also included some screenshots and detailed instructions for EVS version 6.1.1.0.

I am also requesting the Ballot Manifest Report (also known as the Tabulator Batch Report) for all ballots included the tabulation of the results of the Nov. 3, 2020 general election. This report should include the information that specifies the method by which each ballot was cast. (ie: in-person, by-mail, provisional, absentee, etc.)

I am hopeful that there is someone within the (County) County Elections Commission or Board of Elections who will be able to generate the reports I am looking for.

Please also confirm the required retention period for all 2020 election records.

Please confirm receipt

Yehuda Miller

2022-819

Chris Davis

LORI GALLAGHER

From: piarequest
Sent: Thursday, August 18, 2022 9:15 AM
To: Chris Davis; Matthew Dutton
Cc: piarequest; Ariane Flores; Corby Holcomb; Jessica Morrison; Kerstin Siptak; Peggy Vasquez
Subject: FW: Lori Gallagher shared "kp-0411.pdf" with you (2022-819-PIA)

Good morning all,

We received the below PIA request via a shared Dropbox. You DO NOT need to use the Dropbox; but, if you do, would your office have information responsive to this request?

Please find our link to our department form here: <https://forms.wilco.org/Forms/q9Res>

Thank you,

Dianne M. Flores
Civil Legal Assistant
Williamson County Attorney's Office
405 MLK Street, #7
Georgetown, Texas 78626
Tel: 512.943.1158
Fax: 512.943.1431
dmflores@wilco.org

From: Lori Gallagher (via Dropbox) <no-reply@dropbox.com>
Sent: Wednesday, August 17, 2022 6:55 PM
To: piarequest <piarequest@wilco.org>
Subject: Lori Gallagher shared "kp-0411.pdf" with you

EXTERNAL email: Exercise caution when opening.



Hi there,

Lori Gallagher (lorionafarm@gmail.com) invited you to view the file "kp-0411.pdf" on Dropbox.

Lori said:

"Lori Gallagher 201 Seward Junction Loop Liberty Hill, Texas 512-529-0493 Please accept this as my formal request for the March 2022 Primary Cast Vote Record for Republican and Democrat Primaries. Please send

*the Ballot images for the March 2022 Republican and Democrat Primary
Please also send the ballot images for the November 03, 2020
Joint/General Election. Thank you, Lorionafarm@gmail.com Lori
Gallagher "*

View file

Enjoy!
The Dropbox team

*Lori and others will be able to see when you view this file. Other files
shared with you through Dropbox may also show this info. [Learn more](#) in
our help center.*

[Report to Dropbox](#)

© 2022 Dropbox

2020-2022 CVRS +
BALLOT IMAGES 2022-817

Chris Davis

From: piarequest
Sent: Thursday, August 18, 2022 8:45 AM
To: Chris Davis; Matthew Dutton
Cc: piarequest; Ariane Flores; Corby Holcomb; Jessica Morrison; Kerstin Siptak; Peggy Vasquez
Subject: FW: Ballot images / Cvrs (2022-817-PIA)

JEN SNYDER

Good morning all,

Please find our link to our department form here: <https://forms.wilco.org/Forms/q9Res>

Would your office have information responsive to this request?

Thank you,

Dianne M. Flores
Civil Legal Assistant
Williamson County Attorney's Office
405 MLK Street, #7
Georgetown, Texas 78626
Tel: 512.943.1158
Fax: 512.943.1431
dmflores@wilco.org

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

From: Jen Snyder <jen@thesummerhouseshop.com>
Sent: Wednesday, August 17, 2022 7:01 PM
To: piarequest <piarequest@wilco.org>
Subject: Ballot images / Cvrs

EXTERNAL email: Exercise caution when opening.

Hi there

I am requesting all ballot images and cvr files for the Williamson county elections that occurred in 2020-2021-2022 This info has now been designated as public information per AG Paxton..I can supply a copy of his order via opinion KP-0411 if necessary.

Thanks so much

Jennifer Snyder
Liberty Hill resident

Sent from my iPhone



1120 CVR'S

Elections Department

Request for List of Registered Voters

Requestor Information	List Information
Date: <u>8/3/22</u>	District: <u>Williamson County</u> For example: Comm. Pct 1, Leander ISD, City of Hutto
Name: <u>Cathy Jaster</u>	Please note all lists will include voters' Voting History for Uniform Election Dates for the past 16 years. Immediately following the 22-month secure period, and before any data is destroyed: Additional comments: <u>Requesting Cast Vote Record for each ballot in the Nov 3 2020 General Election, info to include is Sequential ID, time stamp, method of voting (in person, mail in, provisional, etc.) for each candidate batch ID, tabulator ID and precinct. No voter identifying info is being requested.</u>
Company: <u>retired</u>	
Daytime phone: <u>512 639 8402</u>	
Phone (additional): _____	
Email: <u>cjaster@protonmail.com</u>	

The default file type for all lists is Excel. If you prefer csv files, please indicated this in the additional comments field.

Please read Texas Election Code and sign below:

§ 18.009. UNLAWFUL USE OF INFORMATION ON REGISTRATION LIST.

- (a) A person commits an offense if the person uses information in connection with advertising or promoting commercial products or services that the person knows was obtained under Section 18.009.
- (b) An offense under this section is a Class A misdemeanor.

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 864, § 12, eff. Sept. 1, 1997.

Signature: Cathy E Jaster

Once your request has been processed, instructions on how to access it will be sent to you by email.

To be completed by Elections Dept

Request taken by (initials): _____

Date of Completion: _____

Delivered/Picked up (date): _____

Contact for this request:
Williamson County Elections Department, 301 SE Inner Loop, Suite 104, Georgetown, TX 78626

Sue Langley, susan.langley@wilco.org

Phone: (512) 943 3719 Fax: (512) 943 1634

voter registration@wilco.org

Submit by Email

Print Form

From: Chris Davis - Williamson County (Texas Association of Counties)

[<mailto:cjdavis@members.county.org>]

Sent: Thursday, September 8, 2022 12:30 PM

To: Amy Varnell Cass County <amy.countyclerk@casscountytexas.org>

Subject: RE: [TAC-Elections] Re: Election security: The scramble to secure America's voting machines

Have each of them complete this attached form and return to me at: cjdavis@wilco.org

Attachments:

UPDATEDLISTSERVE APPLICATION 2017-2018 - fillable.pdf

Amy Varnell - Cass County__

How can our Voter Registrar and deputy get access to the elections list serve?__

Amy L. Varnell

Cass County Clerk

P. O. Box 449

Linden, TX 75563

903 756 5071 Fax 903 756 8057

Amy Varnell - Cass County__

Thanks Chris!

Chris Davis - Williamson County---

I don't know of any specific statute. But Andre Montgomery verbally affirmed this at August's Texas SoS seminar during his public information requests panel.---

And Christia Adkins, herself, has talked about ballots, ballot images and cast vote records this way (I'm paraphrasing):---

*Ballots, ballot images and cast vote records are indeed public records. They're just public records on a **release timer**. The Code holds that these should not be released to the public until 22 months have passed. If you've received a request to either inspect or copy these items during that 22-month secure period, the request shall be held and honored after the 22-month secure period elapses.---*

Amy Varnell - Cass County---

Chris:

Where can I find the statute that says if there is a records request we must not destroy the records?

Chris Davis - Williamson County---

For what it's worth, here's the text of my response email set to go out on Tuesday, 9/6:---

Shareable link to the 11/3/2020 Cast Vote Records and Ballot Images from Williamson County---

Hello,---

You recently requested the cast vote records (CVR's) and/or ballot images from the November 3, 2020 general election. Please find a shareable link to a folder containing the **entirety*** of our responsive information here:___

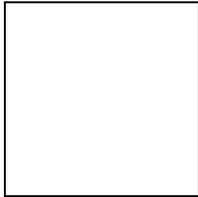
[https://wilcoftp.wilco.org/public/folder/04-](https://wilcoftp.wilco.org/public/folder/04-ITwDqyUO41noVvt7bzw/November%202020%20Cast%20Vote%20Records)

<ITwDqyUO41noVvt7bzw/November%202020%20Cast%20Vote%20Records>___

You may have also requested certain fields be included in the CVR's. Alas, our system can only export the fields present in either the tabular CVR files or the individual CVR's accompanying their respective ballot image files. We simply have no way to export fields that never existed in our system to begin with.---

**Please be mindful that the folder linked above contains 13 files across a 2-paged directory.---*

Reply to continue conversation with Chris or respond in [Texas Association of Counties](#). ___
If you want to update what emails you receive, [visit your email preferences](#). _____



From: [REDACTED]
To: [Chris Davis](#)
Subject: Comment for WhoWhatWhy Story on Ken Paxton's Ballot Security Legal Opinion
Date: Wednesday, September 14, 2022 9:01:57 AM

EXTERNAL email: Exercise caution when opening.

Dear Mr. Davis

This email is in regards to your relation to Texas Attorney General Ken Paxton's August 17th legal opinion inviting the public to have access to counted ballots during the 22 month waiting period after an election.

I'm a reporter working for WhoWhatWhy looking to write a story on this decision and communicate the potential impact this will have on the integrity of Texas's elections, and I was hoping to talk with someone with familiarity with Texas's electoral systems and who this decision is going to be directly affecting.

Could we possibly set up a time to meet to discuss this topic, or in lieu of that, could I forward you some relevant questions and have your opinion on those?

This story is of grave concern to myself and WhoWhatWhy, and we're eager to communicate this story to a nationwide audience to help spread awareness of what AG Paxton's decision will bring to Texas.

Thank you for your time, and I look forward to hearing from you!

Best regards,
Jacob

--



Jacob Hoffman
Apprentice Reporter

[REDACTED]
www.whowhatwhy.org

From: Deanna Auert <DeannaA@county.org>

Sent: Thursday, September 08, 2022 10:27 AM EDT

To: Jamie Chandler <JamieC@county.org>; Paul Miles <PaulM@county.org>; Nanette Forbes <NanetteF@county.org>; Noe Barrios <NoeB@county.org>; Megan Molleur <MeganM@county.org>; Christina Adkins <cadkins@sos.texas.gov>; Chris Davis <cjdavis@wilco.org>; hhawthorne@chamberstx.gov <hhawthorne@chamberstx.gov>; higarcia@tarrantcounty.com <higarcia@tarrantcounty.com>; janderson@co.hays.tx.us <janderson@co.hays.tx.us>; jcarey@co.erath.tx.us <jcarey@co.erath.tx.us>; Joyce Hudman <joyceh@brazoria-county.com>; Klingram@sos.texas.gov <Klingram@sos.texas.gov>; Laura <laurarogers@co.sherman.tx.us>; Remi.Garza@co.cameron.tx.us <Remi.Garza@co.cameron.tx.us>; shock@co.polk.tx.us <shock@co.polk.tx.us>

Subject: County Elections Academy - Follow Up from Committee Meeting Yesterday

Attachment(s): "County Elections Academy Working Agenda CURRENT.docx", "2022 Speaker Expense Reimbursement Fillable Form effective 07-01-22 v1.pdf"

EXTERNAL email: Exercise caution when opening.

Good morning,

Thank you for your time yesterday. You all have put together a great agenda and we are looking forward to the event next month!

Attached is the agenda that was discussed. I will be reaching out to all the speakers to confirm the sessions, get a brief 1-2 sentence overview of the session and confirm logistics for travel.

TAC will reimburse for meals and travel. Attached is the reimbursement form. Fill this out and send to me and I will get this processed. I will also get hotel reservations booked at a hotel near the TAC building. I will also reach out to those who will be in Austin to setup group dinners.

Our next committee meeting (virtual meeting) will be in the afternoon on Monday, Oct. 3^d to wrap up any last-minute details for the event. I will send that calendar invite out shortly.

As of this morning we have 84 attendees registered. We will work on another promotion with the agenda.

Lastly, I am working on the 2023 in-person event and will send over those logistics once we have a contract. The dates for that will be the original dates you all proposed, April 2-4, 2023.

Thank you all again for all your work.
Let me know if you need anything.
Have a great day!



Thanks,

Deanna Auert, Supervisor of TAC Programs & Education Services

deanna@county.org | www.county.org

Office: (512) 478-8753

1210 San Antonio Street Austin, Texas 78701
Toll-free: (800) 456-5974 Fax: (512) 477-1324

The mission of the Texas Association of Counties is to unite counties to achieve better solutions.

TAC Way Fundamental #20. TREAT PEOPLE WITH DIGNITY. Interact with people in a way that honors their self-worth and respects their value as unique individuals. Demonstrate kindness and compassion. Learn to walk in others' shoes and to think from their perspective. Understand their needs and respond in a way that provides reassurance and support. Focus on what's right for them, rather than on what you would want or what you think of their communication.

Texas Association of Counties
SPEAKER EXPENSE REIMBURSEMENT FORM

Meeting Name County Investment Academy committee meeting

Meeting Date July 20, 2022

Meeting Location TAC/Fairmont Hotel

PAYABLE TO	
Name	
Company	
Address	
City/State/Zip	

EXPENSES <i>(please attach receipts to this form)</i>					
Meals					
Lodging					
Airfare					
Tips					
Parking Fees					
Ground Transportation					
Mileage		miles at	\$0.625	From (city)	To (city)
	\$ 0.00				
Other					
Other					
TOTAL	\$ 0.00				

Signature _____

Date _____

I hereby state the above expenses were incurred by me during my capacity with TAC. The amount is correct and true and no part of same has heretofore been paid.

County Elections Academy Oct. 5-6 | Virtual Event

Wednesday, Oct. 5

8-9 a.m. **Access Event Platform**

9-9:50 a.m. **Welcome and Purpose of the TAC County Elections Academy**
Committee chair(s) or Susan R.

Last Minute Details Before Early Voting

Large County (Chris and Heider-maybe depending on schedule) and Small County (Laura Rogers)

9:50-10 a.m. **Break**

10-10:50 a.m. **Record Retention and Management**

Mr. Remi Garza, Elections Administrator, Cameron County

MAYBE - Texas State Library (depending on if Remi can fill the 50 mins)

10:50-11 a.m. **Break**

11-11:40 a.m. **Public Information Requests and Dealing with the Media**

Mr. Paul Miles, Assistant General Counsel, Texas Association of Counties

Mr. Cary Roberts, Casteel & Roberts

11:40 a.m.-12:15 p.m. **KP-411 and Public Access to Election Records**

Mr. Paul Miles, Assistant General Counsel, Texas Association of Counties
County to speak of that process? Maybe Heider or Chris

Thursday, Oct. 6

8-9 a.m. **Access Event Platform**

9-9:50 a.m. **Polling Places & Poll Watchers (SB1)**

Hon. Heather Hawthorne, Chambers County Clerk

Ms. Jennifer Anderson, Hays County Election Administrator

9:50-10 a.m. **Break**

10-10:50 a.m. **Reconciliation - Why It's Important?**

Ms. Christina Adkins, Legal Director, Secretary of State

10:50-11 a.m. **Break**

11-11:30 a.m. **Web Posting Requirements**

TAC CIRA

Hon. Laura Rogers, Sherman County District/County Clerk

11:30 a.m.-noon **Ask the Experts: Last Minute Details Before Early Voting**

Here's a great opportunity to discuss with your peers timely topics in early voting.

Take advantage of this guided discussion to learn what other counties are doing and share your ideas.

Panel of committee members – Christina, Keith, Laura, Heather and Jennifer possibly

From: Deanna Auert <DeannaA@county.org>
Sent: Thursday, September 08, 2022 11:01 AM EDT
To: Paul Miles <PaulM@county.org>; Jamie Chandler <JamieC@county.org>; higarcia@tarrantcounty.com <higarcia@tarrantcounty.com>; Chris Davis <cjdavis@wilco.org>
Subject: County Elections Academy - KP-411 and Public Access to Election Records Session

EXTERNAL email: Exercise caution when opening.

Good morning,

Thank you all again for the time yesterday and being able to present at the upcoming event.

The session is Wed., Oct. 5 from 11:40 a.m.-12:15 p.m. Do you think that is adequate time? We do have flexibility to add additional time.

Can you all send over a brief 1-2 session overview for the session?

Heider – I know you mentioned you might have a schedule conflict, let us know when you get a chance if you will be able to join us.

Thank you all again and let me know if you need anything or have any questions.



Thanks,

Deanna Auert, Supervisor of TAC Programs &
Education Services
deanna@county.org | www.county.org
Office: (512) 478-8753

1210 San Antonio Street Austin, Texas 78701
Toll-free: (800) 456-5974 Fax: (512) 477-1324

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From: Deanna Auert <DeannaA@county.org>

Sent: Wednesday, September 07, 2022 1:02 PM EDT

To: janderson@co.hays.tx.us <janderson@co.hays.tx.us>; Chris Davis <cjdavis@wilco.org>; higarciat@tarrantcounty.com <higarciat@tarrantcounty.com>; Remi.Garza@co.cameron.tx.us <Remi.Garza@co.cameron.tx.us>; hhawthorne@chamberstx.gov <hhawthorne@chamberstx.gov>; shock@co.polk.tx.us <shock@co.polk.tx.us>; Joyce Hudman <joyceh@brazoria-county.com>; Laura <laurarogers@co.sherman.tx.us>; jcarey@co.erath.tx.us <jcarey@co.erath.tx.us>; Jamie Chandler <JamieC@county.org>; cadkins@sos.texas.gov <cadkins@sos.texas.gov>; Klingram@sos.texas.gov <Klingram@sos.texas.gov>; Nanette Forbes <NanetteF@county.org>; Noe Barrios <NoeB@county.org>; Megan Molleur <MeganM@county.org>; Susan Redford <susanr@county.org>; Michael Pichinson <MichaelP@county.org>; Paul Miles <PaulM@county.org>; Abbie Jamison <AbbieJ@county.org>; Haley Click <HaleyC@county.org>

CC: Mark Barron <MarkB@county.org>

Subject: County Elections Academy Education Committee Meeting - Agenda

Attachment(s): "2022 Education Committee Sept Agenda.pdf", "County Elections Academy Working Agenda 8.12.docx"

EXTERNAL email: Exercise caution when opening.

Good afternoon County Elections Academy education committee,

Attached is the agenda for the meeting today at 2 p.m.

Also attached is a revised working agenda for the upcoming virtual conference.

The WebEx link to join the meeting in the original calendar invite.

Please let me know if you need anything.

See you all this afternoon.



Thanks,

Deanna Auert, Supervisor of TAC Programs &
Education Services
deanna@county.org | www.county.org
Office: (512) 478-8753

1210 San Antonio Street Austin, Texas 78701
Toll-free: (800) 456-5974 Fax: (512) 477-1324

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County Elections Academy Education Committee
Sept. 7, 2022

Virtual Meeting (WebEx)

AGENDA

Wednesday, Sept. 7

2 p.m.-4 p.m. **County Elections Academy Education Committee**

DISCUSSION ITEMS:

- Discussion on agenda edits - Noe Barrios
- Review topics and speakers (agenda attached) for the County Elections Academy, Oct. 5-6, virtual event – live streamed from TAC Building
 - Possibly add session on Wednesday discussing KP-411
 - Confirm speakers
 - Assign moderators from education committee members
 - Deanna to make hotel accommodations for those needed
- Discuss date for 2023 in-person meeting
 - April 2-4, Sheraton Georgetown (tentative)
- Schedule next meeting of the County Elections Academy
- Other business

County Elections Academy Oct. 5-6 | Virtual Event

Wednesday, Oct. 5

- 8-9 a.m. **Access Event Platform**
- 9-9:50 a.m. **Welcome and Purpose of the TAC County Elections Academy**
Committee chair(s) or Susan R.
- Last Minute Details Before Early Voting**
Large County (Chris and/or Heider) and Small County (Laura Rogers)
- 9:50-10 a.m. **Break**
- 10-10:50 a.m. **Record Retention and Management**
Mr. Remi Garza, Elections Administrator, Cameron County
MAYBE - Texas State Library (depending on if Remi can fill the 50 mins)
- 10:50-11 a.m. **Break**
- 11-11:40 a.m. **Public Information Requests and Dealing with the Media**
Mr. Paul Miles, Assistant General Counsel, Texas Association of Counties
Mr. Cary Roberts, Casteel & Roberts
- 11:40 a.m.-12:15 p.m. **KP-0411 and Public Access to Election Records**
Mr. Paul Miles, Assistant General Counsel, Texas Association of Counties

Thursday, Oct. 6

- 8-9 a.m. **Access Event Platform**
- 9-9:50 a.m. **Polling Places & Poll Watchers (SB1)**
Hon. Heather Hawthorne, Chambers County Clerk
Ms. Jennifer Anderson, Hays County Election Administrator
- 9:50-10 a.m. **Break**
- 10-10:50 a.m. **Reconciliation - Why It's Important?**
Ms. Christina Adkins, Legal Director, Secretary of State
- 10:50-11 a.m. **Break**
- 11-11:30 a.m. **Web Posting Requirements**
TAC CIRA
Hon. Laura Rogers, Sherman County District/County Clerk
MAYBE Paul Miles, Assistant General Counsel, Texas Association of Counties
- 11:30 a.m.-noon **Ask the Experts: Last Minute Details Before Early Voting**
Here's a great opportunity to discuss with your peers timely topics in early voting.

Take advantage of this guided discussion to learn what other counties are doing and share your ideas.
Panel of committee members

Subject: County Elections Academy Education Committee Meeting

Location: WebEx (link included)

Start: Wednesday, September 07, 2022 3:00 PM EDT

End: Wednesday, September 07, 2022 5:00 PM EDT

Show Time As: Tentative

Recurrence: None

Meeting Status: Not yet responded

Organizer: Deanna Auert

Required Attendees: janderson@co.hays.tx.us <janderson@co.hays.tx.us>; Chris Davis <cjdavis@wilco.org>; higarciat@tarrantcounty.com <higarciat@tarrantcounty.com>; Remi.Garza@co.cameron.tx.us <Remi.Garza@co.cameron.tx.us>; hhawthorne@chamberstx.gov <hhawthorne@chamberstx.gov>; shock@co.polk.tx.us <shock@co.polk.tx.us>; Joyce Hudman <joyceh@brazoria-county.com>; Laura <laurarogers@co.sherman.tx.us>; jcarey@co.erath.tx.us <jcarey@co.erath.tx.us>; Jamie Chandler <JamieC@county.org>; cadkins@sos.texas.gov <cadkins@sos.texas.gov>; KIngram@sos.texas.gov <KIngram@sos.texas.gov>; Nanette Forbes <NanetteF@county.org>; Noe Barrios <NoeB@county.org>; Megan Molleur <MeganM@county.org>; Susan Redford <susanr@county.org>; Michael Pichinson <MichaelP@county.org>; Paul Miles <PaulM@county.org>; Abbie Jamison <AbbieJ@county.org>

Optional Attendees: Mark Barron <MarkB@county.org>

Attachment(s): "County Elections Academy Agenda 8.4.docx"

EXTERNAL email: Exercise caution when opening.

Dear County Elections Academy education committee,

It was great seeing you all today and thank you for all the work that has gone into identifying the session topics for the upcoming event. This is the calendar invite for our next committee meeting.

Attached is the agenda that was discussed.

- I will work on getting with some of you all for the brief 1-2 sentence session overviews that are needed.
- If there are any recommendations on rewording of any of the session titles, send those over.
- We will need to confirm the speakers and verify that they are able to come to TAC to live stream in Studio 254.
- Also, we will need to identify moderators to introduce the speakers and help with the Q&A portion of each session.

I will start creating the conference website, get registration open and a mass email sent out announcing the event. More information to come soon!

Lastly, I will work on the in-person conference for April 3-4, 2023, and provide an update at our next meeting.

Please let me know if you have any questions or need anything.



Thanks,

Deanna Auert, Supervisor of TAC Programs & Education Services
deanna@county.org | www.county.org
Office: (512) 478-8753

1210 San Antonio Street Austin, Texas 78701
Toll-free: (800) 456-5974 Fax: (512) 477-1324

The mission of the Texas Association of Counties is to unite counties to achieve better solutions.

TAC Way Fundamental #15. TAKE INTELLIGENT RISKS. Don't be afraid to make mistakes. Innovation doesn't come from playing it safe. It comes from a thoughtful and intentional willingness to try the unconventional. Use sound judgment to make smart decisions.

-- Do not delete or change any of the following text. --

When it's time, join your Webex meeting here.

[Join meeting](#)

More ways to join:

Join from the meeting link

<https://tacmeeting.webex.com/tacmeeting/j.php?MTID=ma2d17f90652e75c63b444ab40b962f15>

Join by meeting number

Meeting number (access code): 2454 407 0628

Meeting password: ByZP65Ptwy

Tap to join from a mobile device (attendees only)

[+1-415-655-0001,24544070628##](tel:+1-415-655-0001,24544070628##) US Toll

[1-844-621-3956,24544070628##](tel:1-844-621-3956,24544070628##) United States Toll Free

Join by phone

+1-415-655-0001 US Toll

1-844-621-3956 United States Toll Free

[Global call-in numbers](#) | [Toll-free calling restrictions](#)

Join from a video system or application

Dial [24544070628@tacmeeting.webex.com](tel:24544070628@tacmeeting.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for

Business

Dial [24544070628.tacmeeting@lync.webex.com](tel:24544070628.tacmeeting@lync.webex.com)

If you are a host, [click here](#) to view host information.

Need help? Go to <https://help.webex.com>

County Elections Academy Oct. 5-6 | Virtual Event

Wednesday, Oct. 5

8-9 a.m. **Access Event Platform**

9-9:50 a.m. **Details Matter!**

Ms. Elizabeth Hawkins, Election Security Trainer, Secretary of State

9:50-10 a.m. **Break**

10-10:25 a.m. **Ballot Box Requirements**

Ms. Tessa Rowland, Election Security Trainer, Secretary of State

10:25-10:50 a.m. **Record Retention and Management**

Mr. Remi Garza, Elections Administrator, Cameron County

10:50-11 a.m. **Break**

11-11:40 a.m. **Chain of Custody!**

Alexa Buxkemper, Election Security Trainer, Secretary of State

Ms. Christina Adkins, Legal Director, Secretary of State

11:40-11:50 a.m. **Ask the Expert: Last Minute Details Before Early Voting**

Here's a great opportunity to discuss with your peers timely topics in early voting. Take advantage of this guided discussion to learn what other counties are doing and share your ideas.

Ms. Christina Adkins, Legal Director, Secretary of State

Thursday, Oct. 6

8-9 a.m. **Access Event Platform**

9-9:50 a.m. **Corrective Action!**

Session to cover: Teaching staff more about phone calls on corrective action and ballot tracker

Ms. Kristi Hart, Director of Elections Administration and Voter Registration, Secretary of State

Ms. Christina Adkins, Legal Director, Secretary of State

9:50-10 a.m. **Break**

10-10:50 a.m. **Reconciliation - Why It's Important?**

Ms. Christina Adkins, Legal Director, Secretary of State

10:50-11 a.m. **Break**

11-11:30 a.m. **Web Posting Requirements**

11:30-11:50 a.m. **Ask the Expert: Last Minute Details Before Early Voting**

Here's a great opportunity to discuss with your peers timely topics in early voting.

Take advantage of this guided discussion to learn what other counties are doing and share your ideas.

From: electionline <mmoretti@electionline.org>
Sent: Thursday, August 25, 2022 12:00 PM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: electionline Weekly--August 25, 2022

EXTERNAL email: Exercise caution when opening.

electionline Weekly

August 25, 2022

In Focus This Week

The Elections Group launches its Communications Resource Desk ahead of 2022 General Election

By [The Elections Group](#)

Free service provides direct and customizable communications support and resources for election officials

Election officials are incredibly busy. They are accustomed to wearing several hats, including everything from administering safe and secure elections in an evolving landscape to addressing legislative changes. With the rise of mis- and dis-information, election officials – already low on both time and resources in many cases – are now being asked to be communications professionals and public information officers to effectively respond to growing communications needs.

In response to this increased responsibility placed on election officials throughout the country, we launched our [Communications Resource Desk](#) to help election offices tackle this newest challenge. For jurisdictions that may not have the capacity or ability to hire a dedicated communications professional – or for offices that are otherwise limited in their communications resources – the Communications Resource Desk aims to provide direct assistance to equip election professionals with the tools necessary to effectively respond to the demand for increased public communication.

[Read More](#)

electionline Daily News Email

What's the best part of waking up? electionline Daily News in your inbox of course so be sure to sign up for your daily dose.

Each morning you'll receive the top headlines of the day, plus a listing of states featured in that day's news round up.

To sign up, simply [visit our site](#) and provide us with your email and you'll begin receiving the news in your inbox each morning.

We Google so you don't have to!

[Read More](#)

Election News This Week

Poll Worker News: Several national organizations are once again stepping up in 2022 to help local elections officials recruit poll workers. This week the National Association of State Election Directors (NASED) and the National Association of Secretaries of State (NASS) announced that they are [renewing their collaboration with the American Bar Association](#) to recruit ABA members to serve as poll workers. “We’re calling on lawyers and law students to step up this November to serve as poll workers,” said ABA President Deborah Enix-Ross. “Every day lawyers work to protect the rule of law and the Constitution, so it makes sense that they would be essential for us to have a free and fair election.” As part of the initiative, NASS, NASED and ABA have created a [video](#) encouraging lawyers and law students to become poll workers. Additionally, [Power to the Polls has relaunched](#) for the 2022 general election and recently announced the recruitment of more than 50,000 potential poll workers. “Recruiting 50,000 new potential poll workers is a huge milestone in this effort – and we’re looking forward to signing up the next 50,000, so every person who wants to cast their ballot this election can do so,” said Jane Slusser, Program Manager at Power the Polls. “Thanks to the energy and commitment from all of our partners as well as Americans excited to help their communities this election season, we are well on the way toward ensuring a safe and accessible election – but we can’t stop now. With fewer than 80 days until the general election, we need all hands on deck to help recruit a new generation of poll workers who will power elections to come.”

[Read More](#)

Election Security Updates

Tabletop the Vote: Last week, CISA and election security partners held the [fifth annual Tabletop the Vote exercise](#). The exercise, which was not in response to any specific or credible threat, took place August 17 – 19. It included a range of hypothetical scenarios affecting election operations, giving participants the opportunity to share practices around cyber and physical incident planning, preparedness, identification, response, and recovery.

Following the exercise, CISA Director Jen Easterly, and members of the Election Infrastructure Government Coordinating Council Executive Committee, including U.S. Election Assistance Commission Chairman Thomas Hicks, NASS President and New Jersey Secretary of State Tahesha Way, NASED President and Administrator of the Wisconsin Elections Commission Meagan Wolfe, and Escambia County (Florida) Supervisor of Elections David Stafford issued the following joint statement:

[Read More](#)

Legislative Updates

Luzerne County, Pennsylvania: The majority of the Luzerne County Council voted against an ordinance that would have stopped the use of county staff and resources to deliver [mail ballot drop boxes](#) to sites approved by the county's independent citizen election board. Councilman Stephen J. Urban, who proposed the ordinance, had contemplated asking his colleagues to remove the ordinance from the voting agenda so he could tweak the wording. However, he did not make that motion. It does not appear he would have had majority support to delay a decision. Urban said before the meeting he wanted to add wording preventing election board members from holding the county liable if they delivered the boxes on their own. He had said board movement of the mailbox-style boxes would have been allowable because the board ultimately has authority over deciding whether boxes are used. Councilmember Tim McGinley said the ordinance would "infringe" on the authority of the county manager and election board. The county ended up spending more than \$130,000 on litigation over the placement of the county district attorney's race on the ballot last year and ended up with no legal resolution, in part because the county would have had to spend more money on legal fees to advance the matter through adjudication, he said.

[Read More](#)

Legal Updates

Texas: Federal and state law require that ballots be kept secure for 22 months after an election to allow for recounts and challenges — a timeframe Texas counties have had set in place for decades. Last week, Texas Attorney General Ken Paxton [released a legal opinion](#) stating that anyone may request access to cast ballots as soon as the day after an election. According to Votebeat, the opinion from Paxton doesn't carry the force of law, but experts say it will almost certainly serve as the basis for a lawsuit by activists. The opinion has already impacted election administrators across the state, who told Votebeat that they've seen an onslaught of requests since Paxton released it. Paxton's office sought input from the secretary of state's office prior to issuing the decision, which was requested by legislators. The secretary of state's office recommended keeping the current waiting period. "The voted ballots are the core of the election process and the prohibition on disturbing the ballots (except in limited circumstances as permitted by the Election Code) preserves the integrity of the election itself," wrote Adam Bitter, general counsel for the office, [in a letter obtained by Votebeat](#) through a public records request. "Handling of the voted ballots themselves opens up the possibility of accidental or intentional damage or misplacement that could call into question the election after the fact." Paxton's office did not respond to specific questions about why he disagreed with Bitter's conclusion, nor did he respond to requests for comment.

[Read More](#)

Opinion This Week

National Opinions: [Data breaches](#) | [Get out the Vote](#) | [Election deniers](#) | [Kansas recount](#) | [Tech platforms](#) | [Election workers](#) | [Voter registration](#)

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Upcoming Events

[Engaging Students for an Informed Democracy: The Role of K-12 Schools](#) Young people want to learn about elections in school and, when they do, they're more likely to vote, engage in their communities, and become engaged and informed members of our self-governing society. Despite the extraordinary efforts of many educators, civic education too often is insufficient and inequitable. We can change that. Join us for a research presentation and panel, co-hosted by CIRCLE and iCivics, on how K-12 schools can play a role in preparing young people for participation in our nation's constitutional democracy. The civic education experts at CIRCLE will share major findings and recommendations from the CIRCLE Growing Voters report about teens' civic learning experiences — or lack thereof — and the role of schools in a paradigm-shifting framework for supporting young people's civic development. In conversation with educators, students, teacher trainers, and other education leaders, we'll discuss what these findings mean for multiple stakeholders in the K-12 schools ecosystem and the practical steps they can take to ensure each and every student, especially those from disadvantaged or marginalized communities, receives a high-quality civic education during this school year and into the future. **When:** August 31, 3pm Eastern. **Where:** Online.

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Job Postings This Week

[Chief Information Officer](#), Illinois State Board of Elections— Functions as Chief Information Officer (CIO) of the SBE Information Technology Systems. Responsibilities encompass full range of information services; application design and development, system administration, data administration, operations, production control, and data communications. In conjunction with the Board, Executive Director, and Executive staff, the CIO determines the role of information systems in achieving Board goals. Defines goals in terms of statutory obligations to be met, problems to be solved, and/or opportunities that can be realized through the application of computerized information systems. Prepares and submits budget based projections of hardware, software, staff and other resource needs to adequately provide for existing systems, as well as support of new project initiatives. Advises Executive Staff in matters relating to information technology. Develops presentations and reports for the Board and Administrative Staff. In conjunction with Executive Staff, evaluates system performance to determine appropriate enhancements. Salary: \$7,885 – \$13,237 Monthly. Application: For the complete job listing and to apply, [click here](#).

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From: Deanna Auert <DeannaA@county.org>
Sent: Tuesday, September 20, 2022 10:57 AM EDT
To: Paul Miles <PaulM@county.org>; higarciat@tarrantcounty.com <higarciat@tarrantcounty.com>; Chris Davis <cjdavis@wilco.org>
CC: Jamie Chandler <JamieC@county.org>
Subject: FW: County Elections Academy - KP-411 and Public Access to Election Records Session

EXTERNAL email: Exercise caution when opening.

Good morning Heider and Chris – are either of you or both of you able to assist with this session?



Thanks,

Deanna Auert, Supervisor of TAC Programs &
Education Services
deanna@county.org | www.county.org
Office: (512) 478-8753

1210 San Antonio Street Austin, Texas 78701
Toll-free: (800) 456-5974 Fax: (512) 477-1324

The mission of the Texas Association of Counties is to unite counties to achieve better solutions.

TAC Way Fundamental #22. THINK SAFE. WORK SAFE. Know and practice the safety procedures for your job. Watch out for the safety of your teammates as well, for you are your brother's keeper. Never take shortcuts that compromise your safety or that of your teammates. This extends to making it safe for people to speak up, honestly, without fear of damage or reprisal.

From: Deanna Auert
Sent: Thursday, September 8, 2022 10:01 AM
To: Paul Miles <PaulM@county.org>; Jamie Chandler <JamieC@county.org>; higarciat@tarrantcounty.com; Christopher J. Davis <cjdavis@wilco.org>
Subject: County Elections Academy - KP-411 and Public Access to Election Records Session

Good morning,

Thank you all again for the time yesterday and being able to present at the upcoming event.

The session is Wed., Oct. 5 from 11:40 a.m.-12:15 p.m. Do you think that is adequate time? We do have flexibility to add additional time.

Can you all send over a brief 1-2 session overview for the session?

Heider – I know you mentioned you might have a schedule conflict, let us know when you get a chance if you will be able to join us.

Thank you all again and let me know if you need anything or have any questions.



Thanks,

Deanna Auert, Supervisor of TAC Programs &
Education Services
deanna@county.org | www.county.org
Office: (512) 478-8753

1210 San Antonio Street Austin, Texas 78701
Toll-free: (800) 456-5974 Fax: (512) 477-1324

The mission of the Texas Association of Counties is to unite counties to achieve better solutions.

TAC Way Fundamental #20. TREAT PEOPLE WITH DIGNITY. Interact with people in a way that honors their self-worth and respects their value as unique individuals. Demonstrate kindness and compassion. Learn to walk in others' shoes and to think from their perspective. Understand their needs and respond in a way that provides reassurance and support. Focus on what's right for them, rather than on what you would want or what you think of their communication.

From: [Chris Davis](#)
To: [REDACTED]
Subject: FW: FYI
Date: Friday, August 26, 2022 12:03:00 PM
Attachments: [Supplemental Brief re MSJ.pdf](#)

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Heider I. Garcia <HIGarcia@tarrantcounty.com>
Sent: Friday, August 26, 2022 9:47 AM
To: 'Trudy R. Hancock' <thancock@brazoscountytexas.gov>; 'Jennifer Anderson' <janderson@co.hays.tx.us>; shannon.lackey@randallcounty.com; Chris Davis <cjdavis@wilco.org>; Remi Garza <Remi.Garza@co.cameron.tx.us>
Subject: FYI

EXTERNAL email: Exercise caution when opening.

Karen Wiseman,

Plaintiff,

v.

**Tarrant County, Texas, and
Heider Garcia, in his capacity as
Elections Administrator for
Tarrant County, Texas,**

Defendants.

IN THE DISTRICT COURT

96th JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

Supplemental Brief in Support of Motion for Summary Judgment

As requested by the Court at the August 5, 2022 summary judgment hearing, the Defendants offer the additional briefing below concerning election records.

Election records and confidentiality

The Election Code provides that “an election record that is public information shall be made available to the public during the regular business hours of the record’s custodian.” Tex. Election Code Ann. § 1.012(a). Election records are “the precinct election returns, voted ballots, and other records of an election[.]” Tex. Election Code Ann. § 66.002. All election records—except as otherwise provided in the Election Code or the Public Information Act—are public information. Tex. Election Code Ann. § 1.012(c). The Public Information Act provides that information is excepted from public disclosure when it is considered confidential by law. Tex. Gov’t Code Ann. § 552.101. This law can include both the PIA and other statutes. *Id.*

The Election Code requires the election authority to preserve election records for at least 22 months after election day. Tex. Election Code Ann. § 65.058(a). During the preservation period, voted ballots must be kept in a locked ballot box or secured container. Tex. Election Code Ann. § 66.058(b). If ballots are electronic, those must be kept in a secure container. Tex. Election Code Ann. § 66.058(g). During the preservation period, “a ballot box or other secure container containing

voted ballots may not be opened” unless otherwise permitted in the Election Code. Tex. Election Code Ann. § 66.058(b-1) (emphasis added). To access ballots during the preservation period (unless authorized in the Election Code) is a crime. Tex. Election Code Ann. § 66.058(d). Tarrant County contends that Section 66.058 makes voted ballots (whether paper or electronic) confidential for 22 months following an election.

Established rules of statutory construction show that voted ballots are confidential

The Attorney General consistently ruled as such since Open Records Decision No. 505 (1988) (**Exh. A**), including as recently as July 26, 2022 (**Exh. B**). But, on August 17, 2022, the Attorney General issued a formal opinion concluding for the first time in almost 40 years that voted ballots are not confidential. *See*, Op. Att’y Gen. KP-0441 (**Exh. C**). For the reasons below, the Attorney General’s most recent interpretation is erroneous, and the Court should not follow it.

A court is to construe a statute as a whole rather than viewing individual parts in isolation. *Johnson v. Simmons*, 597 S.W.3d 538, 541 (Tex. App.—Fort Worth 2020, pet. denied). The court must also avoid an interpretation that renders any portion of the statute meaningless. *Id.*

Considering Sections 1.012 and 66.058 together, while all election records are public information, voted ballots are confidential during the 22-month preservation period. This gives effect to Section 1.012’s command that election records be made available except as otherwise provided in the Election Code or the PIA. It also gives effect to Section 66.058’s prohibition on accessing voted ballots except as otherwise authorized in the Election Code.

If the Legislature intended to include PIA requests as an authorized reason to access voted ballots, it would have explicitly stated as such. It has in other instances, such as recounts, Tex. Election Code Ann. § 213.007 (when presented with a recount order, custodian shall make ballots available to recount committee), and election contests. Tex. Election Code Ann. § 221.008 (tribunal hearing election contest may cause secured ballots to be accessed to determine any issue relevant to the contest). Section 1.012 has no such language about accessing secured ballots. Tex. Election Code Ann. § 1.012. The lack of such language shows that the Legislature did not include PIA requests as one of the

permissible reasons to access voted ballots. *City of Richardson v. Oncor Electric Delivery Co., LLC*, 539 S.W.3d 252, 261 (Tex. 2018) (term used in one provision but excluded in another should not be implied where excluded). Because the Attorney General's opinion conflicts with both the Election Code and the rules of statutory construction, the Court should decline to follow it. Instead, the Court should follow Section 66.058's plain language, which prohibits disclosure of voted ballots.

Conclusion and Prayer

All of the items at issue in Wiseman's September PIA request and item 7 in her November PIA request are ballots. *See*, Exh. A to Reply in Support of Motion for Summary Judgment. Because ballots are confidential for the 22 months following the election, Wiseman is not entitled to them. Hence, the Court should grant the Defendants judgment as a matter of law denying Wiseman's claim for mandamus for those ballots.

Respectfully submitted,

SHAREN WILSON
Criminal District Attorney
Tarrant County, Texas

s/ Stephen A. Lund

LESLIE L. HUNT
State Bar No. 24046126
STEPHEN A. LUND
State Bar No. 24086920
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Attorneys for Defendants

Certificate of Service

On August 19, 2022, I served the above document on all counsel of record in accordance with Tex. R. Civ. P. 21a.

s/ Stephen A. Lund _____

STEPHEN A. LUND



Exhibit A

**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

September 2, 1988

Honorable Joe Lucas
El Paso County Attorney
Room 201, City-County
Building
El Paso, Texas 79901

Open Records Decision No. 505

Re: Whether voted ballots and software purchased for the tabulation of votes are public information under the Texas Open Records Act, article 6252-17a, V.T.C.S. (RQ-1410)

Dear Mr. Lucas:

You ask about the public availability under the Texas Open Records Act, article 6252-17a, V.T.C.S., of voted ballots from the March, 1988, primary elections in El Paso County and of computer software used in the tabulation of the votes in those elections.

Generally, all information held by governmental bodies is open to public inspection unless the information falls within an exception to disclosure under the Open Records Act. See Attorney General Opinion JM-672 (1987). You assert that the voted ballots and the computer programs are protected from disclosure under sections 3(a)(1) and 3(a)(10), respectively. Those sections except from disclosure the following:

(1) information deemed confidential by law, either Constitutional, statutory, or by judicial decision;

. . . .

(10) trade secrets and commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision.

Your inquiry about the voted primary ballots is a question of first impression to this office. The Election Code designates the county clerk or the county elections administrator, if any, as the general custodian of election

records for a primary election. Elec. Code §§ 66.001 and 31.043. The disposition of election records generally is governed by chapter 66 of the Election Code. Voted ballots come within the statutory definition of "precinct election records." Elec. Code § 66.002.

Both federal and state law govern the preservation and retention of voted ballots in an election involving a federal office.¹ Section 66.058(b) of the Election Code requires voted ballots to be preserved securely in a locked room in the locked ballot box in which the ballots were delivered to the general custodian on election night. The preservation period for precinct election records (including voted ballots) in an election such as a primary election is 22 months after election day. Elec. Code § 66.058(g). No entry may be made into the locked box except as authorized by the Election Code. Elec. Code § 66.058(b).² During the preservation period, the voted ballots are protected from required disclosure by section 3(a)(1) of the Open Records Act in conjunction with section 66.058 of the Election Code.

Section 1.013 of the Election Code permits but does not require the destruction of voted ballots and other election records after the expiration of the prescribed preservation period. Before the substantive revision and recodification of the Election Code in 1985, the destruction of voted ballots was governed by article 8.32 of the Election Code. The former law required the destruction of voted ballots by burning or shredding at the end of the preservation period, unless an election contest or criminal investigation was

1. A primary election involves candidates for federal, state, district, county, and precinct offices. Elec. Code § 172.001. Section 1974 of Title 42, United States Code requires retention for 22 months of the records of an election (including voted ballots) where candidates for a federal office were voted upon. Because Texas law parallels the federally required retention period, only the state's statutory provisions will be discussed in this opinion.

2. As a general rule, no one may have access to voted ballots during the retention period. The statutory exceptions for gaining access to voted ballots include recounts, election contests, criminal investigations, and counts conducted pursuant to chapter 127 of the Election Code. None of these exceptions is applicable to your inquiry.

pending. Thus, under the former code provision, there was never a time when voted ballots maintained in the custody of an election official were available for public inspection.

Because the Election Code no longer mandates the destruction of voted ballots, it is our opinion that any voted ballots retained by the custodian of election records after the prescribed retention period are subject to the Open Records Act. They are, therefore, available for public inspection unless protected by one of the act's exceptions. Section 3(a)(1) of the Open Records Act applies only to the extent that section 66.058 applies -- during the retention period.

The Election Code specifically addresses the time and place that election records are to be made available. Section 1.012 provides:

(a) Subject to subsection (b), an election record that is public information shall be made available to the public during the regular business hours of the record's custodian.

(b) For the purpose of safeguarding the election records or economizing the custodian's time, the custodian may adopt reasonable rules limiting public access.

Although the above-quoted language differs slightly from the wording of sections 4 and 13 of the Open Records Act pertaining to the production of public information for inspection or duplication, we do not consider the provisions to be in conflict. See Attorney General Opinion JM-757 (1987). The reference in Election Code section 1.012(b) to "limiting access" is not authorization for a custodian of election records to restrict the right of the public to inspect election records that are public records. Rather, that subsection recognizes the uniqueness of the information maintained by election officials and authorizes the custodian to adopt rules governing access to those documents. Any rule that purported to prohibit access would be unreasonable and would violate the requirements of both the Election Code and the Open Records Act.

It is not clear from your request whether you have asserted that voted ballots remain unavailable for inspection under the Open Records Act after the expiration of the

prescribed retention period. In our opinion, voted ballots from primary elections are statutorily exempt from public inspection only during the prescribed retention period. Any ballots retained by the custodian after that period are available for public inspection.

Further, it is our opinion that a request made during the retention period to inspect voted ballots must be treated as a request to inspect the ballots when the retention period expires. Our conclusion is based on our understanding of the purposes and interpretation of the Open Records Act. Section 14 of the Open Records Act provides, in part:

(a) This Act does not prohibit any governmental body from voluntarily making part or all of its records available to the public, unless expressly prohibited by law; provided that such records shall then be available to any person.

(b) This Act does not authorize the withholding of information or limit the availability of public records to the public, except as expressly so provided.

. . . .

(d) This Act shall be liberally construed in favor of the granting of any request for information.

This emphasis on the availability of public records coupled with the removal from the Election Code of the provision mandating the destruction of voted ballots requires us to conclude that records that would otherwise become public on a given date may not be destroyed until the request for public inspection has been resolved.

You also inquire about the availability of the computer programs used to tabulate the votes cast in the primary election. You indicate that the election results were tabulated on computer software which the county purchased from a private corporation. The vendor owns the copyrights to the programs. This copyright information appears on the screen whenever the various programs are accessed. Federal law, not the Open Records Act, governs the right to reproduce copyrighted materials. See Attorney General Opinion

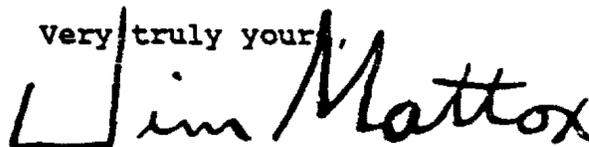
MW-307 (1981). Release of copies of computer programs protected by copy-right would violate federal law.

S U M M A R Y

Voted ballots from a primary election become public information available for public inspection after the 22 month retention period. A request under the Open Records Act for access to voted ballots must be honored before the ballots may be destroyed.

Release of copies of computer programs protected by copy-right would violate federal law.

Very truly yours,

A handwritten signature in black ink that reads "Jim Mattox". The signature is written in a cursive style with a large, stylized "J" and "M".

J I M M A T T O X
Attorney General of Texas

MARY KELLER
First Assistant Attorney General

LOU MCCREARY
Executive Assistant Attorney General

JUDGE ZOLLIE STEAKLEY
Special Assistant Attorney General

RICK GILPIN
Chairman, Opinion Committee

JENNIFER S. RIGGS
Chief, Open Government Section
of the Opinion Committee

Prepared by Karen C. Gladney
Assistant Attorney General



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

RECEIVED
Exhibit B
AUG 02 2022
CIVIL DIVISION
CRIMINAL DISTRICT ATTORNEY

July 26, 2022

Ms. Hannah Bell
Assistant District Attorney
Tarrant County Criminal District Attorney's Office
401 West Belknap, 9th Floor
Fort Worth, Texas 76196-0201

OR2022-21874

Dear Ms. Bell:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 962319.

The Tarrant County Criminal District Attorney's Office and the Tarrant County Elections Administration (collectively, the "county") received two requests from different requestors for specified election records. The county claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the county claims and reviewed the submitted representative sample of information.¹

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 66.058 of the Election Code, which provides:

(a) Except as otherwise provided by this code, the precinct election records shall be preserved by the authority to whom they are distributed for at least 22 months after election day.

(b) For a period of at least 60 days after the date of the election, the voted ballots shall be preserved securely in a locked room in the locked ballot box

¹ We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

in which they are delivered to the general custodian of election records. On the 61st day after election day, the general custodian of election records may:

(1) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and

(2) unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period.

(b-1) Except as permitted by this code, a ballot box or other secure container containing voted ballots may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box or other secure container containing voted ballots, when the purpose for the entry is fulfilled, the box or container shall be relocked or resecured, and the box and key or secure container returned to the custodian.

(d) A custodian of a ballot box or secure container containing voted ballots commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box or container; or

(2) fails to prevent another person from handling the box or container in an unauthorized manner or from making an unauthorized entry into the box or container.

(e) An offense under Subsection (d) is a Class A misdemeanor.

(f) The records in ballot box no. 4 may be preserved in that box or by any other method chosen by the custodian. If the records are removed from the box, they may not be commingled with any other election records kept by the custodian.

(g) Electronic records created under Chapter 129 shall be preserved in a secure container.

(h) For the preservation of precinct election records in an election involving a federal office, the secretary of state shall instruct the affected authorities on the actions necessary to comply with federal law and otherwise implement this section.

Elec. Code § 66.058. "Precinct election records" means the precinct election returns, voted ballots, and other records of an election that are assembled and distributed under chapter 66 of the Election Code. *See id.* § 66.002; *see also id.* §§ 121.001 (noting other provisions of this code apply to an election in which a voting system is used), 127.132 (explaining

voted ballots, election returns, and other election records of an electronic voting system shall be delivered to authorities who receive corresponding records from precinct polling places using regular paper ballots), 129.001 (stating chapter 129 applies to voting system that uses direct recording electronic voting machines and, to extent possible, procedures applicable to electronic voting system under chapter 127 are applicable to voting system under chapter 129). You state the submitted information is within this meaning of “precinct election records.”

The Election Code authorizes access to election records during the preservation period for several purposes, including, for example, recounts, election contests, criminal investigations, and counts conducted pursuant to chapter 127 of the Election Code. *See* Open Records Decision No. 505 at 2 n.2 (1988). We have no indication the Election Code authorizes access to the submitted information in this case. Therefore, pursuant to section 66.058(a) of the Election Code, the information at issue is confidential for at least 22 months after election day. *See* Elec. Code § 66.058(a). Accordingly, the county must withhold the information at issue under section 552.101 of the Government Code on that basis for the duration of the preservation period. After this period, the information at issue is subject to public disclosure. *See* ORD 505 at 4 (request made during preservation period to inspect voted ballots must be treated as request to inspect ballots when retention period expires).

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/mo

Ref: ID# 962319

Enc. Submitted documents

c: Requestor
(w/o enclosures)



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

Exhibit C

August 17, 2022

The Honorable Kelly Hancock
Chair, Senate Committee on Veteran Affairs & Border Security
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

The Honorable Matt Krause
Chair, House Committee on General Investigating
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Opinion No. KP-0411

Re: Whether a legislator or a member of the public may inspect or obtain copies of anonymous voted ballots (RQ-0424-KP)

Dear Senator Hancock and Representative Krause:

You ask whether a member of the public or a legislator may inspect or obtain copies of anonymous voted ballots.¹ To be clear, you explain that the subject of your inquiry is “anonymous voted ballots” or other voted ballots that have had any voter-identifying data redacted. Krause Letter at 1. You explain that members of the public and individual members of the Legislature desire to audit the results of Texas elections, but election administrators cite section 66.058 of the Election Code as precluding the release of voted ballots. Hancock Letter at 1; Krause Letter at 1. Thus, the question presented is whether the information contained within a voted ballot *that has been stripped of any information that could be used to reveal the identity of the voter* is public information subject to disclosure.

¹See Letter from Honorable Kelly Hancock, Chair, Senate Comm. on Veteran Affairs & Border Sec., to Honorable Ken Paxton, Tex. Att’y Gen. at 1 (Sept. 28, 2021) (“Hancock Letter”); Letter from Honorable Matt Krause, Chair, House Comm. on Gen. Investigating, to Honorable Ken Paxton, Tex. Att’y Gen. at 1–2 (Aug. 16, 2021) (“Krause Letter”); <https://texasattorneygeneral.gov/sites/default/files/request-files/request/2021/RQ0424KP.pdf>.

To fulfill the Texas Constitution’s mandate that Texas preserve election integrity, the Legislature has designated anonymous voted ballots as election records under the Election Code and has established procedures aimed at both preserving those records and granting public access to them.

Article VI, section 4 of the Texas Constitution provides:

In all elections by the people, the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature shall provide by law for the registration of all voters.

TEX. CONST. art. VI, § 4. This provision requires the Legislature to “pass laws as necessary to deter fraud and protect ballot purity [and] is addressed to the sound discretion of the Legislature.” *Andrade v. NAACP*, 345 S.W.3d 1, 16 (Tex. 2011) (quoting *Wood v. State ex rel. Lee*, 126 S.W.2d 4, 9 (Tex. 1939) (quotation marks omitted)).

Your question involves access to “election records” which include “anything distributed or received by government under [the Election Code].” TEX. ELEC. CODE § 1.012(d)(1). Voted ballots are expressly designated as “precinct election records.” *Id.* § 66.002 (defining “precinct election records” as “the precinct election returns, *voted ballots*, and other records of an election that are assembled and distributed” under chapter 66 of the Election Code (emphasis added)). The Election Code contains provisions aimed at both preserving election records and granting access to review those records. *See id.* §§ 1.012, 66.058.

To fulfill its constitutional mandate, the Legislature created the position of general custodian of election records and charged that office with, among other things, preserving precinct election records.² *See id.* §§ 66.001, .058. Subsection 66.058(a) requires “the precinct election records [to] be preserved by the authority to whom they are distributed for at least 22 months after election day.” *Id.* § 66.058(a); *see also* 52 U.S.C. § 20701 (establishing 22-month preservation period for election records in certain federal elections). For at least 60 days after an election, voted ballots must be kept in a locked room, in the locked ballot box delivered to the custodian. TEX. ELEC. CODE § 66.058(b).³ On the 61st day, the custodian may require the return of the key that unlocks the ballot box containing voted ballots and may “unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period.” *Id.* § 66.058(b)(1), (2).

“Except as permitted by [the Election Code], a ballot box or other secure container containing voted ballots may not be opened during the preservation period.” *Id.* § 66.058(b-1).

²Depending on the type of election, the general custodian of election records is either the county clerk, the city secretary, or the secretary or presiding officer of a political subdivision’s governing body. TEX. ELEC. CODE § 66.001.

³Due to potential recounts and provisional ballots, the Legislature requires the election record custodian to keep voted ballots secure for the 60-day period. *Id.* § 66.058(b)

The custodian commits a criminal offense if, during the preservation period, the custodian makes an unauthorized entry into the box or container or “fails to prevent another person from handling the box or container in an unauthorized manner or from making an unauthorized entry into the box or container.” *Id.* § 66.058(d), (e). If anonymous voted ballots are disclosable public information, then the custodian’s entry into the box to fulfill the state’s disclosure obligations is authorized.

The Election Code designates all election records, including anonymous voted ballots, as public information.

Alongside the goal of ballot preservation, the Election Code also recognizes the importance of granting access to the public to review election records and ensure transparency and confidence in Texas elections. To that end, section 1.012 of the Election Code provides: “Except as otherwise provided by [the Election Code] or [the Public Information Act], all election records are public information.” *Id.* § 1.012(c). Voted ballots become public information once “the custodian completes the unofficial tabulation of the results for that precinct.” *Id.* § 66.057(a). “[A]n election record that is public information shall be made available to the public during the regular business hours of the record’s custodian.” *Id.* § 1.012(a).

Because the Legislature designated anonymous voted ballots as public information and required public access to those records, a custodian’s entry into the locked box for such purposes is an authorized entry under the Election Code.

Section 66.058 recognizes the existence of exceptions that authorize entry into the locked ballot box during the preservation period provided the box or container is relocked or resecured after the authorized purpose has been fulfilled. *Id.* § 66.058(b-1), (c); *see, e.g., id.* §§ 213.007 (authorizing the custodian to make ballots available for a recount), 273.042 (authorizing the custodian to make the ballots available to a grand jury for purposes of a criminal investigation). Section 1.012 of the Election Code establishes one such exception by generally requiring the custodian to make election records available to the public, unless such records are expressly excepted by the Public Information Act or the Election Code.⁴ *Id.* § 1.012(c); *see also* TEX. GOV’T CODE § 552.006 (providing that the Public Information Act “does not authorize the withholding of public information or limit the availability of public information to the public, except as expressly provided” within the Act).

Subchapter C of the Public Information Act establishes the exceptions to the general rule that public information shall be made available to the public. *See* TEX. GOV’T CODE §§ 552.101–.162 (“Information Excepted from Required Disclosure”). No section within that subchapter addresses anonymous voted ballots or expressly excepts them from disclosure. Furthermore, no

⁴Thirty-four years ago, in Open Records Decision 505, a previous Attorney General considered public access to voted ballots under the Public Information Act. Tex. Att’y Gen. ORD 505 (1988) at 1–2. The decision concluded that section 66.058’s prohibition on unauthorized entry into the locked ballot box during the preservation period fell within the Public Information Act’s disclosure exceptions for privileged or confidential information. Tex. Att’y Gen. ORD 505 (1988) at 2–3. However, in-depth review by this office of the issues raised in that decision results in the opposite conclusion. No language in either the Election Code nor the Public Information Act makes the entirety of a voted ballot privileged or confidential. Open Records Decision 505 is therefore overruled to the extent inconsistent with this opinion.

provision in the Election Code designates anonymous voted ballots as confidential or otherwise prohibits their disclosure to the public. By demanding that the public have access to election records, including anonymous voted ballots, the Legislature thereby authorized the election records custodian's entry to the locked ballot box during the 22-month preservation period for such purposes.

Any personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections must be redacted for purposes of disclosure to protect the constitutional right to a secret ballot in Texas.

While you ask specifically about *anonymous* voted ballots, it is important to note that Texas law has long established that all elections shall be by secret ballot. *Wood*, 126 S.W.2d at 9. This requirement of secrecy is mandatory—"that every voter is thus enabled to secure and preserve the most complete and inviolable secrecy *in regard to the persons for whom he votes*["*Id.* at 8; *Carroll v. State*, 61 S.W.2d 1005, 1007 (Tex. Crim. App. 1933) (emphasis added). In order to protect the secret ballot, "[p]ublic policy requires that the veil of secrecy should be impenetrable, unless the voter himself voluntarily determines to lift it["*Carroll*, 61 S.W.2d at 1008. The right of nondisclosure belongs to the individual voter. *See Oliphint v. Christy*, 299 S.W.2d 933, 939 (Tex. 1957). Your question appears to acknowledge this requirement by only inquiring about voted ballots that (1) have no information that could be used to identify the voter or (2) have been redacted to exclude any information that could be used to identify the voter. Krause Letter at 1.

Information is excepted from public disclosure under the Public Information Act "if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision." TEX. GOV'T CODE § 552.101. No statutory provision generally designates election records or their contents to be confidential. However, the right to a secret ballot has been held to protect personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections. *See generally Wood*, 126 S.W.2d at 9; *Carroll*, 61 S.W.2d at 1008. Therefore, a court would likely find that personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is excepted from public disclosure. As a result, such information must be preserved, and the election records custodian must redact such personally identifiable information to protect the constitutional right to a secret ballot in Texas. TEX. GOV'T CODE § 552.007 (providing that a governmental body has no discretion to release information deemed confidential by law). To be clear, the presence of some confidential information on a ballot does not provide a basis to withhold the ballot in its entirety.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

The Secretary of State is the chief elections officer of the state and is required to "assist and advise all election authorities with regard to the application, operation, and interpretation" of the Election Code and any other election laws. TEX. ELEC. CODE §§ 31.001(a), .004(a). In furtherance of the preservation of precinct election records in particular, the Legislature directed the Secretary of State to "instruct the affected authorities on the actions necessary to comply" with

section 66.058. *Id.* § 66.058(h). Thus, the Secretary of State has the authority to instruct elections administrators as to how to comply with both the ballot preservation requirements in section 66.058 and the public access requirements in section 1.012.

With the Secretary of State's oversight, the Legislature expressly authorized the election records custodian to "adopt reasonable rules limiting public access" under section 1.012 to further the purposes of "safeguarding the election records or economizing the custodian's time." *Id.* § 1.012(b). Pursuant to their respective authority, the Secretary of State and the election records custodians may establish procedures as authorized by law to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots under the Election Code.

S U M M A R Y

Anonymous voted ballots are election records under the Election Code, and the Legislature has established procedures aimed at both preserving those records and granting public access to them.

Section 66.058 of the Election Code requires the anonymous ballots to be held in a locked ballot box during a 22-month preservation period, with entry only as authorized by the Election Code. Section 1.012 establishes these ballots as public information and requires the election records custodian to make the ballots available to the public. By expressly requiring the custodian to provide public access to such records, the Legislature authorized entry into the locked ballot box for such purpose during the 22-month period. Thus, members of the public and legislators may inspect or obtain copies of anonymous voted ballots during the 22-month preservation period.

Personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is confidential and excepted from public disclosure. Any confidential information on an anonymous voted ballot must be redacted for purposes of disclosure in order to protect the constitutional right to a secret ballot.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

Very truly yours,



KEN PAXTON
Attorney General of Texas

BRENT E. WEBSTER
First Assistant Attorney General

LESLEY FRENCH
Chief of Staff

D. FORREST BRUMBAUGH
Deputy Attorney General for Legal Counsel

AARON REITZ
Deputy Attorney General for Legal Strategy

AUSTIN KINGHORN
General Counsel

RALPH MOLINA
Special Counsel to the First Assistant Attorney General

CHARLOTTE M. HARPER
Deputy Chair, Opinion Committee

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Syretta Antwi-Boasiako on behalf of Stephen Lund

Bar No. 24086920

sjboasiako@tarrantcountytx.gov

Envelope ID: 67484043

Status as of 8/19/2022 2:55 PM CST

Associated Case Party: THETARRANT COUNTY TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Leslie Hunt		llhunt@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Mark Kratovil		mckratovil@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Ann Diamond		adiamond@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT

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Envelope ID: 67484043

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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel L. Bates		dbates@deckerjones.com	8/19/2022 2:46:56 PM	SENT
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Stephen A. Lund		salund@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT

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Syretta Antwi-Boasiako on behalf of Stephen Lund

Bar No. 24086920

sjboasiako@tarrantcountytx.gov

Envelope ID: 67484043

Status as of 8/19/2022 2:55 PM CST

Associated Case Party: HEIDERGARCIA

Name	BarNumber	Email	TimestampSubmitted	Status
Leslie Hunt		llhunt@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Mark Kratovil		mckratovil@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Ann Diamond		adiamond@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT

From: Chris Davis <cjdavis@wilco.org>
Sent: Friday, August 26, 2022 10:50 AM EDT
To: Jessica Morrison <jessica.morrison@wilco.org>
Subject: FW: FYI
Attachment(s): "Supplemental Brief re MSJ.pdf"
FYI: from my colleague in Tarrant County.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](https://www.wilcoelections.com)

From: Heider I. Garcia <HIGarcia@tarrantcounty.com>
Sent: Friday, August 26, 2022 9:47 AM
To: 'Trudy R. Hancock' <thancock@brazoscountytexas.gov>; 'Jennifer Anderson' <janderson@co.hays.tx.us>; shannon.lackey@randallcounty.com; Chris Davis <cjdavis@wilco.org>; Remi Garza <Remi.Garza@co.cameron.tx.us>
Subject: FYI

EXTERNAL email: Exercise caution when opening.

Karen Wiseman,

Plaintiff,

v.

**Tarrant County, Texas, and
Heider Garcia, in his capacity as
Elections Administrator for
Tarrant County, Texas,**

Defendants.

IN THE DISTRICT COURT

96th JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

Supplemental Brief in Support of Motion for Summary Judgment

As requested by the Court at the August 5, 2022 summary judgment hearing, the Defendants offer the additional briefing below concerning election records.

Election records and confidentiality

The Election Code provides that “an election record that is public information shall be made available to the public during the regular business hours of the record’s custodian.” Tex. Election Code Ann. § 1.012(a). Election records are “the precinct election returns, voted ballots, and other records of an election[.]” Tex. Election Code Ann. § 66.002. All election records—except as otherwise provided in the Election Code or the Public Information Act—are public information. Tex. Election Code Ann. § 1.012(c). The Public Information Act provides that information is excepted from public disclosure when it is considered confidential by law. Tex. Gov’t Code Ann. § 552.101. This law can include both the PIA and other statutes. *Id.*

The Election Code requires the election authority to preserve election records for at least 22 months after election day. Tex. Election Code Ann. § 65.058(a). During the preservation period, voted ballots must be kept in a locked ballot box or secured container. Tex. Election Code Ann. § 66.058(b). If ballots are electronic, those must be kept in a secure container. Tex. Election Code Ann. § 66.058(g). During the preservation period, “a ballot box or other secure container containing

voted ballots may not be opened” unless otherwise permitted in the Election Code. Tex. Election Code Ann. § 66.058(b-1) (emphasis added). To access ballots during the preservation period (unless authorized in the Election Code) is a crime. Tex. Election Code Ann. § 66.058(d). Tarrant County contends that Section 66.058 makes voted ballots (whether paper or electronic) confidential for 22 months following an election.

Established rules of statutory construction show that voted ballots are confidential

The Attorney General consistently ruled as such since Open Records Decision No. 505 (1988) (**Exh. A**), including as recently as July 26, 2022 (**Exh. B**). But, on August 17, 2022, the Attorney General issued a formal opinion concluding for the first time in almost 40 years that voted ballots are not confidential. *See*, Op. Att’y Gen. KP-0441 (**Exh. C**). For the reasons below, the Attorney General’s most recent interpretation is erroneous, and the Court should not follow it.

A court is to construe a statute as a whole rather than viewing individual parts in isolation. *Johnson v. Simmons*, 597 S.W.3d 538, 541 (Tex. App.—Fort Worth 2020, pet. denied). The court must also avoid an interpretation that renders any portion of the statute meaningless. *Id.*

Considering Sections 1.012 and 66.058 together, while all election records are public information, voted ballots are confidential during the 22-month preservation period. This gives effect to Section 1.012’s command that election records be made available except as otherwise provided in the Election Code or the PIA. It also gives effect to Section 66.058’s prohibition on accessing voted ballots except as otherwise authorized in the Election Code.

If the Legislature intended to include PIA requests as an authorized reason to access voted ballots, it would have explicitly stated as such. It has in other instances, such as recounts, Tex. Election Code Ann. § 213.007 (when presented with a recount order, custodian shall make ballots available to recount committee), and election contests. Tex. Election Code Ann. § 221.008 (tribunal hearing election contest may cause secured ballots to be accessed to determine any issue relevant to the contest). Section 1.012 has no such language about accessing secured ballots. Tex. Election Code Ann. § 1.012. The lack of such language shows that the Legislature did not include PIA requests as one of the

permissible reasons to access voted ballots. *City of Richardson v. Oncor Electric Delivery Co., LLC*, 539 S.W.3d 252, 261 (Tex. 2018) (term used in one provision but excluded in another should not be implied where excluded). Because the Attorney General’s opinion conflicts with both the Election Code and the rules of statutory construction, the Court should decline to follow it. Instead, the Court should follow Section 66.058’s plain language, which prohibits disclosure of voted ballots.

Conclusion and Prayer

All of the items at issue in Wiseman’s September PIA request and item 7 in her November PIA request are ballots. *See*, Exh. A to Reply in Support of Motion for Summary Judgment. Because ballots are confidential for the 22 months following the election, Wiseman is not entitled to them. Hence, the Court should grant the Defendants judgment as a matter of law denying Wiseman’s claim for mandamus for those ballots.

Respectfully submitted,

SHAREN WILSON
Criminal District Attorney
Tarrant County, Texas

s/ Stephen A. Lund

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STEPHEN A. LUND
State Bar No. 24086920
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Attorneys for Defendants

Certificate of Service

On August 19, 2022, I served the above document on all counsel of record in accordance with Tex. R. Civ. P. 21a.

s/ Stephen A. Lund _____

STEPHEN A. LUND



Exhibit A

**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

September 2, 1988

Honorable Joe Lucas
El Paso County Attorney
Room 201, City-County
Building
El Paso, Texas 79901

Open Records Decision No. 505

Re: Whether voted ballots and software purchased for the tabulation of votes are public information under the Texas Open Records Act, article 6252-17a, V.T.C.S. (RQ-1410)

Dear Mr. Lucas:

You ask about the public availability under the Texas Open Records Act, article 6252-17a, V.T.C.S., of voted ballots from the March, 1988, primary elections in El Paso County and of computer software used in the tabulation of the votes in those elections.

Generally, all information held by governmental bodies is open to public inspection unless the information falls within an exception to disclosure under the Open Records Act. See Attorney General Opinion JM-672 (1987). You assert that the voted ballots and the computer programs are protected from disclosure under sections 3(a)(1) and 3(a)(10), respectively. Those sections except from disclosure the following:

(1) information deemed confidential by law, either Constitutional, statutory, or by judicial decision;

. . . .

(10) trade secrets and commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision.

Your inquiry about the voted primary ballots is a question of first impression to this office. The Election Code designates the county clerk or the county elections administrator, if any, as the general custodian of election

records for a primary election. Elec. Code §§ 66.001 and 31.043. The disposition of election records generally is governed by chapter 66 of the Election Code. Voted ballots come within the statutory definition of "precinct election records." Elec. Code § 66.002.

Both federal and state law govern the preservation and retention of voted ballots in an election involving a federal office.¹ Section 66.058(b) of the Election Code requires voted ballots to be preserved securely in a locked room in the locked ballot box in which the ballots were delivered to the general custodian on election night. The preservation period for precinct election records (including voted ballots) in an election such as a primary election is 22 months after election day. Elec. Code § 66.058(g). No entry may be made into the locked box except as authorized by the Election Code. Elec. Code § 66.058(b).² During the preservation period, the voted ballots are protected from required disclosure by section 3(a)(1) of the Open Records Act in conjunction with section 66.058 of the Election Code.

Section 1.013 of the Election Code permits but does not require the destruction of voted ballots and other election records after the expiration of the prescribed preservation period. Before the substantive revision and recodification of the Election Code in 1985, the destruction of voted ballots was governed by article 8.32 of the Election Code. The former law required the destruction of voted ballots by burning or shredding at the end of the preservation period, unless an election contest or criminal investigation was

1. A primary election involves candidates for federal, state, district, county, and precinct offices. Elec. Code § 172.001. Section 1974 of Title 42, United States Code requires retention for 22 months of the records of an election (including voted ballots) where candidates for a federal office were voted upon. Because Texas law parallels the federally required retention period, only the state's statutory provisions will be discussed in this opinion.

2. As a general rule, no one may have access to voted ballots during the retention period. The statutory exceptions for gaining access to voted ballots include recounts, election contests, criminal investigations, and counts conducted pursuant to chapter 127 of the Election Code. None of these exceptions is applicable to your inquiry.

pending. Thus, under the former code provision, there was never a time when voted ballots maintained in the custody of an election official were available for public inspection.

Because the Election Code no longer mandates the destruction of voted ballots, it is our opinion that any voted ballots retained by the custodian of election records after the prescribed retention period are subject to the Open Records Act. They are, therefore, available for public inspection unless protected by one of the act's exceptions. Section 3(a)(1) of the Open Records Act applies only to the extent that section 66.058 applies -- during the retention period.

The Election Code specifically addresses the time and place that election records are to be made available. Section 1.012 provides:

(a) Subject to subsection (b), an election record that is public information shall be made available to the public during the regular business hours of the record's custodian.

(b) For the purpose of safeguarding the election records or economizing the custodian's time, the custodian may adopt reasonable rules limiting public access.

Although the above-quoted language differs slightly from the wording of sections 4 and 13 of the Open Records Act pertaining to the production of public information for inspection or duplication, we do not consider the provisions to be in conflict. See Attorney General Opinion JM-757 (1987). The reference in Election Code section 1.012(b) to "limiting access" is not authorization for a custodian of election records to restrict the right of the public to inspect election records that are public records. Rather, that subsection recognizes the uniqueness of the information maintained by election officials and authorizes the custodian to adopt rules governing access to those documents. Any rule that purported to prohibit access would be unreasonable and would violate the requirements of both the Election Code and the Open Records Act.

It is not clear from your request whether you have asserted that voted ballots remain unavailable for inspection under the Open Records Act after the expiration of the

prescribed retention period. In our opinion, voted ballots from primary elections are statutorily exempt from public inspection only during the prescribed retention period. Any ballots retained by the custodian after that period are available for public inspection.

Further, it is our opinion that a request made during the retention period to inspect voted ballots must be treated as a request to inspect the ballots when the retention period expires. Our conclusion is based on our understanding of the purposes and interpretation of the Open Records Act. Section 14 of the Open Records Act provides, in part:

(a) This Act does not prohibit any governmental body from voluntarily making part or all of its records available to the public, unless expressly prohibited by law; provided that such records shall then be available to any person.

(b) This Act does not authorize the withholding of information or limit the availability of public records to the public, except as expressly so provided.

. . . .

(d) This Act shall be liberally construed in favor of the granting of any request for information.

This emphasis on the availability of public records coupled with the removal from the Election Code of the provision mandating the destruction of voted ballots requires us to conclude that records that would otherwise become public on a given date may not be destroyed until the request for public inspection has been resolved.

You also inquire about the availability of the computer programs used to tabulate the votes cast in the primary election. You indicate that the election results were tabulated on computer software which the county purchased from a private corporation. The vendor owns the copyrights to the programs. This copyright information appears on the screen whenever the various programs are accessed. Federal law, not the Open Records Act, governs the right to reproduce copyrighted materials. See Attorney General Opinion

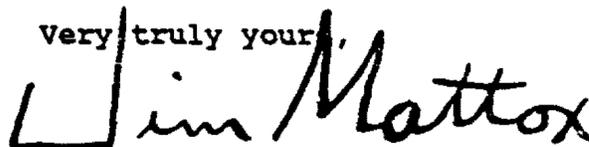
MW-307 (1981). Release of copies of computer programs protected by copy-right would violate federal law.

S U M M A R Y

Voted ballots from a primary election become public information available for public inspection after the 22 month retention period. A request under the Open Records Act for access to voted ballots must be honored before the ballots may be destroyed.

Release of copies of computer programs protected by copy-right would violate federal law.

Very truly yours,

A handwritten signature in black ink that reads "Jim Mattox". The signature is written in a cursive style with a large, stylized "J" and "M".

J I M M A T T O X
Attorney General of Texas

MARY KELLER
First Assistant Attorney General

LOU MCCREARY
Executive Assistant Attorney General

JUDGE ZOLLIE STEAKLEY
Special Assistant Attorney General

RICK GILPIN
Chairman, Opinion Committee

JENNIFER S. RIGGS
Chief, Open Government Section
of the Opinion Committee

Prepared by Karen C. Gladney
Assistant Attorney General



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

RECEIVED
Exhibit B
AUG 02 2022
CIVIL DIVISION
CRIMINAL DISTRICT ATTORNEY

July 26, 2022

Ms. Hannah Bell
Assistant District Attorney
Tarrant County Criminal District Attorney's Office
401 West Belknap, 9th Floor
Fort Worth, Texas 76196-0201

OR2022-21874

Dear Ms. Bell:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 962319.

The Tarrant County Criminal District Attorney's Office and the Tarrant County Elections Administration (collectively, the "county") received two requests from different requestors for specified election records. The county claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the county claims and reviewed the submitted representative sample of information.¹

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 66.058 of the Election Code, which provides:

- (a) Except as otherwise provided by this code, the precinct election records shall be preserved by the authority to whom they are distributed for at least 22 months after election day.
- (b) For a period of at least 60 days after the date of the election, the voted ballots shall be preserved securely in a locked room in the locked ballot box

¹ We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

in which they are delivered to the general custodian of election records. On the 61st day after election day, the general custodian of election records may:

(1) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and

(2) unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period.

(b-1) Except as permitted by this code, a ballot box or other secure container containing voted ballots may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box or other secure container containing voted ballots, when the purpose for the entry is fulfilled, the box or container shall be relocked or resecured, and the box and key or secure container returned to the custodian.

(d) A custodian of a ballot box or secure container containing voted ballots commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box or container; or

(2) fails to prevent another person from handling the box or container in an unauthorized manner or from making an unauthorized entry into the box or container.

(e) An offense under Subsection (d) is a Class A misdemeanor.

(f) The records in ballot box no. 4 may be preserved in that box or by any other method chosen by the custodian. If the records are removed from the box, they may not be commingled with any other election records kept by the custodian.

(g) Electronic records created under Chapter 129 shall be preserved in a secure container.

(h) For the preservation of precinct election records in an election involving a federal office, the secretary of state shall instruct the affected authorities on the actions necessary to comply with federal law and otherwise implement this section.

Elec. Code § 66.058. "Precinct election records" means the precinct election returns, voted ballots, and other records of an election that are assembled and distributed under chapter 66 of the Election Code. *See id.* § 66.002; *see also id.* §§ 121.001 (noting other provisions of this code apply to an election in which a voting system is used), 127.132 (explaining

voted ballots, election returns, and other election records of an electronic voting system shall be delivered to authorities who receive corresponding records from precinct polling places using regular paper ballots), 129.001 (stating chapter 129 applies to voting system that uses direct recording electronic voting machines and, to extent possible, procedures applicable to electronic voting system under chapter 127 are applicable to voting system under chapter 129). You state the submitted information is within this meaning of “precinct election records.”

The Election Code authorizes access to election records during the preservation period for several purposes, including, for example, recounts, election contests, criminal investigations, and counts conducted pursuant to chapter 127 of the Election Code. *See* Open Records Decision No. 505 at 2 n.2 (1988). We have no indication the Election Code authorizes access to the submitted information in this case. Therefore, pursuant to section 66.058(a) of the Election Code, the information at issue is confidential for at least 22 months after election day. *See* Elec. Code § 66.058(a). Accordingly, the county must withhold the information at issue under section 552.101 of the Government Code on that basis for the duration of the preservation period. After this period, the information at issue is subject to public disclosure. *See* ORD 505 at 4 (request made during preservation period to inspect voted ballots must be treated as request to inspect ballots when retention period expires).

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/mo

Ref: ID# 962319

Enc. Submitted documents

c: Requestor
(w/o enclosures)



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

Exhibit C

August 17, 2022

The Honorable Kelly Hancock
Chair, Senate Committee on Veteran Affairs & Border Security
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

The Honorable Matt Krause
Chair, House Committee on General Investigating
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Opinion No. KP-0411

Re: Whether a legislator or a member of the public may inspect or obtain copies of anonymous voted ballots (RQ-0424-KP)

Dear Senator Hancock and Representative Krause:

You ask whether a member of the public or a legislator may inspect or obtain copies of anonymous voted ballots.¹ To be clear, you explain that the subject of your inquiry is “anonymous voted ballots” or other voted ballots that have had any voter-identifying data redacted. Krause Letter at 1. You explain that members of the public and individual members of the Legislature desire to audit the results of Texas elections, but election administrators cite section 66.058 of the Election Code as precluding the release of voted ballots. Hancock Letter at 1; Krause Letter at 1. Thus, the question presented is whether the information contained within a voted ballot *that has been stripped of any information that could be used to reveal the identity of the voter* is public information subject to disclosure.

¹See Letter from Honorable Kelly Hancock, Chair, Senate Comm. on Veteran Affairs & Border Sec., to Honorable Ken Paxton, Tex. Att’y Gen. at 1 (Sept. 28, 2021) (“Hancock Letter”); Letter from Honorable Matt Krause, Chair, House Comm. on Gen. Investigating, to Honorable Ken Paxton, Tex. Att’y Gen. at 1–2 (Aug. 16, 2021) (“Krause Letter”); <https://texasattorneygeneral.gov/sites/default/files/request-files/request/2021/RQ0424KP.pdf>.

To fulfill the Texas Constitution’s mandate that Texas preserve election integrity, the Legislature has designated anonymous voted ballots as election records under the Election Code and has established procedures aimed at both preserving those records and granting public access to them.

Article VI, section 4 of the Texas Constitution provides:

In all elections by the people, the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature shall provide by law for the registration of all voters.

TEX. CONST. art. VI, § 4. This provision requires the Legislature to “pass laws as necessary to deter fraud and protect ballot purity [and] is addressed to the sound discretion of the Legislature.” *Andrade v. NAACP*, 345 S.W.3d 1, 16 (Tex. 2011) (quoting *Wood v. State ex rel. Lee*, 126 S.W.2d 4, 9 (Tex. 1939) (quotation marks omitted)).

Your question involves access to “election records” which include “anything distributed or received by government under [the Election Code].” TEX. ELEC. CODE § 1.012(d)(1). Voted ballots are expressly designated as “precinct election records.” *Id.* § 66.002 (defining “precinct election records” as “the precinct election returns, *voted ballots*, and other records of an election that are assembled and distributed” under chapter 66 of the Election Code (emphasis added)). The Election Code contains provisions aimed at both preserving election records and granting access to review those records. *See id.* §§ 1.012, 66.058.

To fulfill its constitutional mandate, the Legislature created the position of general custodian of election records and charged that office with, among other things, preserving precinct election records.² *See id.* §§ 66.001, .058. Subsection 66.058(a) requires “the precinct election records [to] be preserved by the authority to whom they are distributed for at least 22 months after election day.” *Id.* § 66.058(a); *see also* 52 U.S.C. § 20701 (establishing 22-month preservation period for election records in certain federal elections). For at least 60 days after an election, voted ballots must be kept in a locked room, in the locked ballot box delivered to the custodian. TEX. ELEC. CODE § 66.058(b).³ On the 61st day, the custodian may require the return of the key that unlocks the ballot box containing voted ballots and may “unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period.” *Id.* § 66.058(b)(1), (2).

“Except as permitted by [the Election Code], a ballot box or other secure container containing voted ballots may not be opened during the preservation period.” *Id.* § 66.058(b-1).

²Depending on the type of election, the general custodian of election records is either the county clerk, the city secretary, or the secretary or presiding officer of a political subdivision’s governing body. TEX. ELEC. CODE § 66.001.

³Due to potential recounts and provisional ballots, the Legislature requires the election record custodian to keep voted ballots secure for the 60-day period. *Id.* § 66.058(b)

The custodian commits a criminal offense if, during the preservation period, the custodian makes an unauthorized entry into the box or container or “fails to prevent another person from handling the box or container in an unauthorized manner or from making an unauthorized entry into the box or container.” *Id.* § 66.058(d), (e). If anonymous voted ballots are disclosable public information, then the custodian’s entry into the box to fulfill the state’s disclosure obligations is authorized.

The Election Code designates all election records, including anonymous voted ballots, as public information.

Alongside the goal of ballot preservation, the Election Code also recognizes the importance of granting access to the public to review election records and ensure transparency and confidence in Texas elections. To that end, section 1.012 of the Election Code provides: “Except as otherwise provided by [the Election Code] or [the Public Information Act], all election records are public information.” *Id.* § 1.012(c). Voted ballots become public information once “the custodian completes the unofficial tabulation of the results for that precinct.” *Id.* § 66.057(a). “[A]n election record that is public information shall be made available to the public during the regular business hours of the record’s custodian.” *Id.* § 1.012(a).

Because the Legislature designated anonymous voted ballots as public information and required public access to those records, a custodian’s entry into the locked box for such purposes is an authorized entry under the Election Code.

Section 66.058 recognizes the existence of exceptions that authorize entry into the locked ballot box during the preservation period provided the box or container is relocked or resecured after the authorized purpose has been fulfilled. *Id.* § 66.058(b-1), (c); *see, e.g., id.* §§ 213.007 (authorizing the custodian to make ballots available for a recount), 273.042 (authorizing the custodian to make the ballots available to a grand jury for purposes of a criminal investigation). Section 1.012 of the Election Code establishes one such exception by generally requiring the custodian to make election records available to the public, unless such records are expressly excepted by the Public Information Act or the Election Code.⁴ *Id.* § 1.012(c); *see also* TEX. GOV’T CODE § 552.006 (providing that the Public Information Act “does not authorize the withholding of public information or limit the availability of public information to the public, except as expressly provided” within the Act).

Subchapter C of the Public Information Act establishes the exceptions to the general rule that public information shall be made available to the public. *See* TEX. GOV’T CODE §§ 552.101–.162 (“Information Excepted from Required Disclosure”). No section within that subchapter addresses anonymous voted ballots or expressly excepts them from disclosure. Furthermore, no

⁴Thirty-four years ago, in Open Records Decision 505, a previous Attorney General considered public access to voted ballots under the Public Information Act. Tex. Att’y Gen. ORD 505 (1988) at 1–2. The decision concluded that section 66.058’s prohibition on unauthorized entry into the locked ballot box during the preservation period fell within the Public Information Act’s disclosure exceptions for privileged or confidential information. Tex. Att’y Gen. ORD 505 (1988) at 2–3. However, in-depth review by this office of the issues raised in that decision results in the opposite conclusion. No language in either the Election Code nor the Public Information Act makes the entirety of a voted ballot privileged or confidential. Open Records Decision 505 is therefore overruled to the extent inconsistent with this opinion.

provision in the Election Code designates anonymous voted ballots as confidential or otherwise prohibits their disclosure to the public. By demanding that the public have access to election records, including anonymous voted ballots, the Legislature thereby authorized the election records custodian's entry to the locked ballot box during the 22-month preservation period for such purposes.

Any personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections must be redacted for purposes of disclosure to protect the constitutional right to a secret ballot in Texas.

While you ask specifically about *anonymous* voted ballots, it is important to note that Texas law has long established that all elections shall be by secret ballot. *Wood*, 126 S.W.2d at 9. This requirement of secrecy is mandatory—"that every voter is thus enabled to secure and preserve the most complete and inviolable secrecy *in regard to the persons for whom he votes*["*Id.* at 8; *Carroll v. State*, 61 S.W.2d 1005, 1007 (Tex. Crim. App. 1933) (emphasis added). In order to protect the secret ballot, "[p]ublic policy requires that the veil of secrecy should be impenetrable, unless the voter himself voluntarily determines to lift it["*Carroll*, 61 S.W.2d at 1008. The right of nondisclosure belongs to the individual voter. *See Oliphint v. Christy*, 299 S.W.2d 933, 939 (Tex. 1957). Your question appears to acknowledge this requirement by only inquiring about voted ballots that (1) have no information that could be used to identify the voter or (2) have been redacted to exclude any information that could be used to identify the voter. Krause Letter at 1.

Information is excepted from public disclosure under the Public Information Act "if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision." TEX. GOV'T CODE § 552.101. No statutory provision generally designates election records or their contents to be confidential. However, the right to a secret ballot has been held to protect personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections. *See generally Wood*, 126 S.W.2d at 9; *Carroll*, 61 S.W.2d at 1008. Therefore, a court would likely find that personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is excepted from public disclosure. As a result, such information must be preserved, and the election records custodian must redact such personally identifiable information to protect the constitutional right to a secret ballot in Texas. TEX. GOV'T CODE § 552.007 (providing that a governmental body has no discretion to release information deemed confidential by law). To be clear, the presence of some confidential information on a ballot does not provide a basis to withhold the ballot in its entirety.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

The Secretary of State is the chief elections officer of the state and is required to "assist and advise all election authorities with regard to the application, operation, and interpretation" of the Election Code and any other election laws. TEX. ELEC. CODE §§ 31.001(a), .004(a). In furtherance of the preservation of precinct election records in particular, the Legislature directed the Secretary of State to "instruct the affected authorities on the actions necessary to comply" with

section 66.058. *Id.* § 66.058(h). Thus, the Secretary of State has the authority to instruct elections administrators as to how to comply with both the ballot preservation requirements in section 66.058 and the public access requirements in section 1.012.

With the Secretary of State's oversight, the Legislature expressly authorized the election records custodian to "adopt reasonable rules limiting public access" under section 1.012 to further the purposes of "safeguarding the election records or economizing the custodian's time." *Id.* § 1.012(b). Pursuant to their respective authority, the Secretary of State and the election records custodians may establish procedures as authorized by law to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots under the Election Code.

S U M M A R Y

Anonymous voted ballots are election records under the Election Code, and the Legislature has established procedures aimed at both preserving those records and granting public access to them.

Section 66.058 of the Election Code requires the anonymous ballots to be held in a locked ballot box during a 22-month preservation period, with entry only as authorized by the Election Code. Section 1.012 establishes these ballots as public information and requires the election records custodian to make the ballots available to the public. By expressly requiring the custodian to provide public access to such records, the Legislature authorized entry into the locked ballot box for such purpose during the 22-month period. Thus, members of the public and legislators may inspect or obtain copies of anonymous voted ballots during the 22-month preservation period.

Personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is confidential and excepted from public disclosure. Any confidential information on an anonymous voted ballot must be redacted for purposes of disclosure in order to protect the constitutional right to a secret ballot.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

Very truly yours,



KEN PAXTON
Attorney General of Texas

BRENT E. WEBSTER
First Assistant Attorney General

LESLEY FRENCH
Chief of Staff

D. FORREST BRUMBAUGH
Deputy Attorney General for Legal Counsel

AARON REITZ
Deputy Attorney General for Legal Strategy

AUSTIN KINGHORN
General Counsel

RALPH MOLINA
Special Counsel to the First Assistant Attorney General

CHARLOTTE M. HARPER
Deputy Chair, Opinion Committee

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Syretta Antwi-Boasiako on behalf of Stephen Lund

Bar No. 24086920

sjboasiako@tarrantcountytx.gov

Envelope ID: 67484043

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Associated Case Party: THETARRANT COUNTY TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Leslie Hunt		llhunt@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Mark Kratovil		mckratovil@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Ann Diamond		adiamond@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT

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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel L. Bates		dbates@deckerjones.com	8/19/2022 2:46:56 PM	SENT
Gaitrie (Gigi) Gosai		ggosai@deckerjones.com	8/19/2022 2:46:56 PM	SENT
Stephen A. Lund		salund@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT

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Syretta Antwi-Boasiako on behalf of Stephen Lund

Bar No. 24086920

sjboasiako@tarrantcountytx.gov

Envelope ID: 67484043

Status as of 8/19/2022 2:55 PM CST

Associated Case Party: HEIDERGARCIA

Name	BarNumber	Email	TimestampSubmitted	Status
Leslie Hunt		llhunt@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Mark Kratovil		mckratovil@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Ann Diamond		adiamond@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT

From: [Chris Davis](#)
To: [Cary Roberts](#); "[Heather Hawthorne](#)"
Subject: FW: FYI
Date: Friday, August 26, 2022 9:54:00 AM
Attachments: [Supplemental Brief re MSJ.pdf](#)

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Heider I. Garcia <HIGarcia@tarrantcounty.com>
Sent: Friday, August 26, 2022 9:47 AM
To: 'Trudy R. Hancock' <thancock@brazoscountytexas.gov>; 'Jennifer Anderson' <janderson@co.hays.tx.us>; shannon.lackey@randallcounty.com; Chris Davis <cjdavis@wilco.org>; Remi Garza <Remi.Garza@co.cameron.tx.us>
Subject: FYI

EXTERNAL email: Exercise caution when opening.

Karen Wiseman,

Plaintiff,

v.

**Tarrant County, Texas, and
Heider Garcia, in his capacity as
Elections Administrator for
Tarrant County, Texas,**

Defendants.

IN THE DISTRICT COURT

96th JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

Supplemental Brief in Support of Motion for Summary Judgment

As requested by the Court at the August 5, 2022 summary judgment hearing, the Defendants offer the additional briefing below concerning election records.

Election records and confidentiality

The Election Code provides that “an election record that is public information shall be made available to the public during the regular business hours of the record’s custodian.” Tex. Election Code Ann. § 1.012(a). Election records are “the precinct election returns, voted ballots, and other records of an election[.]” Tex. Election Code Ann. § 66.002. All election records—except as otherwise provided in the Election Code or the Public Information Act—are public information. Tex. Election Code Ann. § 1.012(c). The Public Information Act provides that information is excepted from public disclosure when it is considered confidential by law. Tex. Gov’t Code Ann. § 552.101. This law can include both the PIA and other statutes. *Id.*

The Election Code requires the election authority to preserve election records for at least 22 months after election day. Tex. Election Code Ann. § 65.058(a). During the preservation period, voted ballots must be kept in a locked ballot box or secured container. Tex. Election Code Ann. § 66.058(b). If ballots are electronic, those must be kept in a secure container. Tex. Election Code Ann. § 66.058(g). During the preservation period, “a ballot box or other secure container containing

voted ballots may not be opened” unless otherwise permitted in the Election Code. Tex. Election Code Ann. § 66.058(b-1) (emphasis added). To access ballots during the preservation period (unless authorized in the Election Code) is a crime. Tex. Election Code Ann. § 66.058(d). Tarrant County contends that Section 66.058 makes voted ballots (whether paper or electronic) confidential for 22 months following an election.

Established rules of statutory construction show that voted ballots are confidential

The Attorney General consistently ruled as such since Open Records Decision No. 505 (1988) (**Exh. A**), including as recently as July 26, 2022 (**Exh. B**). But, on August 17, 2022, the Attorney General issued a formal opinion concluding for the first time in almost 40 years that voted ballots are not confidential. *See*, Op. Att’y Gen. KP-0441 (**Exh. C**). For the reasons below, the Attorney General’s most recent interpretation is erroneous, and the Court should not follow it.

A court is to construe a statute as a whole rather than viewing individual parts in isolation. *Johnson v. Simmons*, 597 S.W.3d 538, 541 (Tex. App.—Fort Worth 2020, pet. denied). The court must also avoid an interpretation that renders any portion of the statute meaningless. *Id.*

Considering Sections 1.012 and 66.058 together, while all election records are public information, voted ballots are confidential during the 22-month preservation period. This gives effect to Section 1.012’s command that election records be made available except as otherwise provided in the Election Code or the PIA. It also gives effect to Section 66.058’s prohibition on accessing voted ballots except as otherwise authorized in the Election Code.

If the Legislature intended to include PIA requests as an authorized reason to access voted ballots, it would have explicitly stated as such. It has in other instances, such as recounts, Tex. Election Code Ann. § 213.007 (when presented with a recount order, custodian shall make ballots available to recount committee), and election contests. Tex. Election Code Ann. § 221.008 (tribunal hearing election contest may cause secured ballots to be accessed to determine any issue relevant to the contest). Section 1.012 has no such language about accessing secured ballots. Tex. Election Code Ann. § 1.012. The lack of such language shows that the Legislature did not include PIA requests as one of the

permissible reasons to access voted ballots. *City of Richardson v. Oncor Electric Delivery Co., LLC*, 539 S.W.3d 252, 261 (Tex. 2018) (term used in one provision but excluded in another should not be implied where excluded). Because the Attorney General’s opinion conflicts with both the Election Code and the rules of statutory construction, the Court should decline to follow it. Instead, the Court should follow Section 66.058’s plain language, which prohibits disclosure of voted ballots.

Conclusion and Prayer

All of the items at issue in Wiseman’s September PIA request and item 7 in her November PIA request are ballots. *See*, Exh. A to Reply in Support of Motion for Summary Judgment. Because ballots are confidential for the 22 months following the election, Wiseman is not entitled to them. Hence, the Court should grant the Defendants judgment as a matter of law denying Wiseman’s claim for mandamus for those ballots.

Respectfully submitted,

SHAREN WILSON
Criminal District Attorney
Tarrant County, Texas

s/ Stephen A. Lund

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STEPHEN A. LUND
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Attorneys for Defendants

Certificate of Service

On August 19, 2022, I served the above document on all counsel of record in accordance with Tex. R. Civ. P. 21a.

s/ Stephen A. Lund

STEPHEN A. LUND



Exhibit A

**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

September 2, 1988

Honorable Joe Lucas
El Paso County Attorney
Room 201, City-County
Building
El Paso, Texas 79901

Open Records Decision No. 505

Re: Whether voted ballots and software purchased for the tabulation of votes are public information under the Texas Open Records Act, article 6252-17a, V.T.C.S. (RQ-1410)

Dear Mr. Lucas:

You ask about the public availability under the Texas Open Records Act, article 6252-17a, V.T.C.S., of voted ballots from the March, 1988, primary elections in El Paso County and of computer software used in the tabulation of the votes in those elections.

Generally, all information held by governmental bodies is open to public inspection unless the information falls within an exception to disclosure under the Open Records Act. See Attorney General Opinion JM-672 (1987). You assert that the voted ballots and the computer programs are protected from disclosure under sections 3(a)(1) and 3(a)(10), respectively. Those sections except from disclosure the following:

(1) information deemed confidential by law, either Constitutional, statutory, or by judicial decision;

.....

(10) trade secrets and commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision.

Your inquiry about the voted primary ballots is a question of first impression to this office. The Election Code designates the county clerk or the county elections administrator, if any, as the general custodian of election

records for a primary election. Elec. Code §§ 66.001 and 31.043. The disposition of election records generally is governed by chapter 66 of the Election Code. Voted ballots come within the statutory definition of "precinct election records." Elec. Code § 66.002.

Both federal and state law govern the preservation and retention of voted ballots in an election involving a federal office.¹ Section 66.058(b) of the Election Code requires voted ballots to be preserved securely in a locked room in the locked ballot box in which the ballots were delivered to the general custodian on election night. The preservation period for precinct election records (including voted ballots) in an election such as a primary election is 22 months after election day. Elec. Code § 66.058(g). No entry may be made into the locked box except as authorized by the Election Code. Elec. Code § 66.058(b).² During the preservation period, the voted ballots are protected from required disclosure by section 3(a)(1) of the Open Records Act in conjunction with section 66.058 of the Election Code.

Section 1.013 of the Election Code permits but does not require the destruction of voted ballots and other election records after the expiration of the prescribed preservation period. Before the substantive revision and recodification of the Election Code in 1985, the destruction of voted ballots was governed by article 8.32 of the Election Code. The former law required the destruction of voted ballots by burning or shredding at the end of the preservation period, unless an election contest or criminal investigation was

1. A primary election involves candidates for federal, state, district, county, and precinct offices. Elec. Code § 172.001. Section 1974 of Title 42, United States Code requires retention for 22 months of the records of an election (including voted ballots) where candidates for a federal office were voted upon. Because Texas law parallels the federally required retention period, only the state's statutory provisions will be discussed in this opinion.

2. As a general rule, no one may have access to voted ballots during the retention period. The statutory exceptions for gaining access to voted ballots include recounts, election contests, criminal investigations, and counts conducted pursuant to chapter 127 of the Election Code. None of these exceptions is applicable to your inquiry.

pending. Thus, under the former code provision, there was never a time when voted ballots maintained in the custody of an election official were available for public inspection.

Because the Election Code no longer mandates the destruction of voted ballots, it is our opinion that any voted ballots retained by the custodian of election records after the prescribed retention period are subject to the Open Records Act. They are, therefore, available for public inspection unless protected by one of the act's exceptions. Section 3(a)(1) of the Open Records Act applies only to the extent that section 66.058 applies -- during the retention period.

The Election Code specifically addresses the time and place that election records are to be made available. Section 1.012 provides:

(a) Subject to Subsection (b), an election record that is public information shall be made available to the public during the regular business hours of the record's custodian.

(b) For the purpose of safeguarding the election records or economizing the custodian's time, the custodian may adopt reasonable rules limiting public access.

Although the above-quoted language differs slightly from the wording of sections 4 and 13 of the Open Records Act pertaining to the production of public information for inspection or duplication, we do not consider the provisions to be in conflict. See Attorney General Opinion JM-757 (1987). The reference in Election Code section 1.012(b) to "limiting access" is not authorization for a custodian of election records to restrict the right of the public to inspect election records that are public records. Rather, that subsection recognizes the uniqueness of the information maintained by election officials and authorizes the custodian to adopt rules governing access to those documents. Any rule that purported to prohibit access would be unreasonable and would violate the requirements of both the Election Code and the Open Records Act.

It is not clear from your request whether you have asserted that voted ballots remain unavailable for inspection under the Open Records Act after the expiration of the

prescribed retention period. In our opinion, voted ballots from primary elections are statutorily exempt from public inspection only during the prescribed retention period. Any ballots retained by the custodian after that period are available for public inspection.

Further, it is our opinion that a request made during the retention period to inspect voted ballots must be treated as a request to inspect the ballots when the retention period expires. Our conclusion is based on our understanding of the purposes and interpretation of the Open Records Act. Section 14 of the Open Records Act provides, in part:

(a) This Act does not prohibit any governmental body from voluntarily making part or all of its records available to the public, unless expressly prohibited by law; provided that such records shall then be available to any person.

(b) This Act does not authorize the withholding of information or limit the availability of public records to the public, except as expressly so provided.

. . . .

(d) This Act shall be liberally construed in favor of the granting of any request for information.

This emphasis on the availability of public records coupled with the removal from the Election Code of the provision mandating the destruction of voted ballots requires us to conclude that records that would otherwise become public on a given date may not be destroyed until the request for public inspection has been resolved.

You also inquire about the availability of the computer programs used to tabulate the votes cast in the primary election. You indicate that the election results were tabulated on computer software which the county purchased from a private corporation. The vendor owns the copyrights to the programs. This copyright information appears on the screen whenever the various programs are accessed. Federal law, not the Open Records Act, governs the right to reproduce copyrighted materials. See Attorney General Opinion

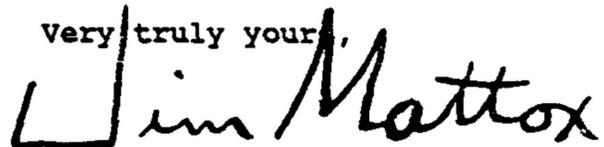
MW-307 (1981). Release of copies of computer programs protected by copy-right would violate federal law.

S U M M A R Y

Voted ballots from a primary election become public information available for public inspection after the 22 month retention period. A request under the Open Records Act for access to voted ballots must be honored before the ballots may be destroyed.

Release of copies of computer programs protected by copy-right would violate federal law.

Very truly yours,

A handwritten signature in black ink that reads "Jim Mattox". The signature is written in a cursive style with a large, stylized "J" and "M".

J I M M A T T O X
Attorney General of Texas

MARY KELLER
First Assistant Attorney General

LOU MCCREARY
Executive Assistant Attorney General

JUDGE ZOLLIE STEAKLEY
Special Assistant Attorney General

RICK GILPIN
Chairman, Opinion Committee

JENNIFER S. RIGGS
Chief, Open Government Section
of the Opinion Committee

Prepared by Karen C. Gladney
Assistant Attorney General



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

RECEIVED
Exhibit B
AUG 02 2022
CIVIL DIVISION
CRIMINAL DISTRICT ATTORNEY

July 26, 2022

Ms. Hannah Bell
Assistant District Attorney
Tarrant County Criminal District Attorney's Office
401 West Belknap, 9th Floor
Fort Worth, Texas 76196-0201

OR2022-21874

Dear Ms. Bell:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 962319.

The Tarrant County Criminal District Attorney's Office and the Tarrant County Elections Administration (collectively, the "county") received two requests from different requestors for specified election records. The county claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the county claims and reviewed the submitted representative sample of information.¹

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 66.058 of the Election Code, which provides:

- (a) Except as otherwise provided by this code, the precinct election records shall be preserved by the authority to whom they are distributed for at least 22 months after election day.
- (b) For a period of at least 60 days after the date of the election, the voted ballots shall be preserved securely in a locked room in the locked ballot box

¹ We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

in which they are delivered to the general custodian of election records. On the 61st day after election day, the general custodian of election records may:

(1) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and

(2) unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period.

(b-1) Except as permitted by this code, a ballot box or other secure container containing voted ballots may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box or other secure container containing voted ballots, when the purpose for the entry is fulfilled, the box or container shall be relocked or resecured, and the box and key or secure container returned to the custodian.

(d) A custodian of a ballot box or secure container containing voted ballots commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box or container; or

(2) fails to prevent another person from handling the box or container in an unauthorized manner or from making an unauthorized entry into the box or container.

(e) An offense under Subsection (d) is a Class A misdemeanor.

(f) The records in ballot box no. 4 may be preserved in that box or by any other method chosen by the custodian. If the records are removed from the box, they may not be commingled with any other election records kept by the custodian.

(g) Electronic records created under Chapter 129 shall be preserved in a secure container.

(h) For the preservation of precinct election records in an election involving a federal office, the secretary of state shall instruct the affected authorities on the actions necessary to comply with federal law and otherwise implement this section.

Elec. Code § 66.058. "Precinct election records" means the precinct election returns, voted ballots, and other records of an election that are assembled and distributed under chapter 66 of the Election Code. *See id.* § 66.002; *see also id.* §§ 121.001 (noting other provisions of this code apply to an election in which a voting system is used), 127.132 (explaining

voted ballots, election returns, and other election records of an electronic voting system shall be delivered to authorities who receive corresponding records from precinct polling places using regular paper ballots), 129.001 (stating chapter 129 applies to voting system that uses direct recording electronic voting machines and, to extent possible, procedures applicable to electronic voting system under chapter 127 are applicable to voting system under chapter 129). You state the submitted information is within this meaning of “precinct election records.”

The Election Code authorizes access to election records during the preservation period for several purposes, including, for example, recounts, election contests, criminal investigations, and counts conducted pursuant to chapter 127 of the Election Code. *See* Open Records Decision No. 505 at 2 n.2 (1988). We have no indication the Election Code authorizes access to the submitted information in this case. Therefore, pursuant to section 66.058(a) of the Election Code, the information at issue is confidential for at least 22 months after election day. *See* Elec. Code § 66.058(a). Accordingly, the county must withhold the information at issue under section 552.101 of the Government Code on that basis for the duration of the preservation period. After this period, the information at issue is subject to public disclosure. *See* ORD 505 at 4 (request made during preservation period to inspect voted ballots must be treated as request to inspect ballots when retention period expires).

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/mo

Ref: ID# 962319

Enc. Submitted documents

c: Requestor
(w/o enclosures)



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

Exhibit C

August 17, 2022

The Honorable Kelly Hancock
Chair, Senate Committee on Veteran Affairs & Border Security
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

The Honorable Matt Krause
Chair, House Committee on General Investigating
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Opinion No. KP-0411

Re: Whether a legislator or a member of the public may inspect or obtain copies of anonymous voted ballots (RQ-0424-KP)

Dear Senator Hancock and Representative Krause:

You ask whether a member of the public or a legislator may inspect or obtain copies of anonymous voted ballots.¹ To be clear, you explain that the subject of your inquiry is “anonymous voted ballots” or other voted ballots that have had any voter-identifying data redacted. Krause Letter at 1. You explain that members of the public and individual members of the Legislature desire to audit the results of Texas elections, but election administrators cite section 66.058 of the Election Code as precluding the release of voted ballots. Hancock Letter at 1; Krause Letter at 1. Thus, the question presented is whether the information contained within a voted ballot *that has been stripped of any information that could be used to reveal the identity of the voter* is public information subject to disclosure.

¹See Letter from Honorable Kelly Hancock, Chair, Senate Comm. on Veteran Affairs & Border Sec., to Honorable Ken Paxton, Tex. Att’y Gen. at 1 (Sept. 28, 2021) (“Hancock Letter”); Letter from Honorable Matt Krause, Chair, House Comm. on Gen. Investigating, to Honorable Ken Paxton, Tex. Att’y Gen. at 1–2 (Aug. 16, 2021) (“Krause Letter”); <https://texasattorneygeneral.gov/sites/default/files/request-files/request/2021/RQ0424KP.pdf>.

To fulfill the Texas Constitution’s mandate that Texas preserve election integrity, the Legislature has designated anonymous voted ballots as election records under the Election Code and has established procedures aimed at both preserving those records and granting public access to them.

Article VI, section 4 of the Texas Constitution provides:

In all elections by the people, the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature shall provide by law for the registration of all voters.

TEX. CONST. art. VI, § 4. This provision requires the Legislature to “pass laws as necessary to deter fraud and protect ballot purity [and] is addressed to the sound discretion of the Legislature.” *Andrade v. NAACP*, 345 S.W.3d 1, 16 (Tex. 2011) (quoting *Wood v. State ex rel. Lee*, 126 S.W.2d 4, 9 (Tex. 1939) (quotation marks omitted)).

Your question involves access to “election records” which include “anything distributed or received by government under [the Election Code].” TEX. ELEC. CODE § 1.012(d)(1). Voted ballots are expressly designated as “precinct election records.” *Id.* § 66.002 (defining “precinct election records” as “the precinct election returns, *voted ballots*, and other records of an election that are assembled and distributed” under chapter 66 of the Election Code (emphasis added)). The Election Code contains provisions aimed at both preserving election records and granting access to review those records. *See id.* §§ 1.012, 66.058.

To fulfill its constitutional mandate, the Legislature created the position of general custodian of election records and charged that office with, among other things, preserving precinct election records.² *See id.* §§ 66.001, .058. Subsection 66.058(a) requires “the precinct election records [to] be preserved by the authority to whom they are distributed for at least 22 months after election day.” *Id.* § 66.058(a); *see also* 52 U.S.C. § 20701 (establishing 22-month preservation period for election records in certain federal elections). For at least 60 days after an election, voted ballots must be kept in a locked room, in the locked ballot box delivered to the custodian. TEX. ELEC. CODE § 66.058(b).³ On the 61st day, the custodian may require the return of the key that unlocks the ballot box containing voted ballots and may “unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period.” *Id.* § 66.058(b)(1), (2).

“Except as permitted by [the Election Code], a ballot box or other secure container containing voted ballots may not be opened during the preservation period.” *Id.* § 66.058(b-1).

²Depending on the type of election, the general custodian of election records is either the county clerk, the city secretary, or the secretary or presiding officer of a political subdivision’s governing body. TEX. ELEC. CODE § 66.001.

³Due to potential recounts and provisional ballots, the Legislature requires the election record custodian to keep voted ballots secure for the 60-day period. *Id.* § 66.058(b)

The custodian commits a criminal offense if, during the preservation period, the custodian makes an unauthorized entry into the box or container or “fails to prevent another person from handling the box or container in an unauthorized manner or from making an unauthorized entry into the box or container.” *Id.* § 66.058(d), (e). If anonymous voted ballots are disclosable public information, then the custodian’s entry into the box to fulfill the state’s disclosure obligations is authorized.

The Election Code designates all election records, including anonymous voted ballots, as public information.

Alongside the goal of ballot preservation, the Election Code also recognizes the importance of granting access to the public to review election records and ensure transparency and confidence in Texas elections. To that end, section 1.012 of the Election Code provides: “Except as otherwise provided by [the Election Code] or [the Public Information Act], all election records are public information.” *Id.* § 1.012(c). Voted ballots become public information once “the custodian completes the unofficial tabulation of the results for that precinct.” *Id.* § 66.057(a). “[A]n election record that is public information shall be made available to the public during the regular business hours of the record’s custodian.” *Id.* § 1.012(a).

Because the Legislature designated anonymous voted ballots as public information and required public access to those records, a custodian’s entry into the locked box for such purposes is an authorized entry under the Election Code.

Section 66.058 recognizes the existence of exceptions that authorize entry into the locked ballot box during the preservation period provided the box or container is relocked or resecured after the authorized purpose has been fulfilled. *Id.* § 66.058(b-1), (c); *see, e.g., id.* §§ 213.007 (authorizing the custodian to make ballots available for a recount), 273.042 (authorizing the custodian to make the ballots available to a grand jury for purposes of a criminal investigation). Section 1.012 of the Election Code establishes one such exception by generally requiring the custodian to make election records available to the public, unless such records are expressly excepted by the Public Information Act or the Election Code.⁴ *Id.* § 1.012(c); *see also* TEX. GOV’T CODE § 552.006 (providing that the Public Information Act “does not authorize the withholding of public information or limit the availability of public information to the public, except as expressly provided” within the Act).

Subchapter C of the Public Information Act establishes the exceptions to the general rule that public information shall be made available to the public. *See* TEX. GOV’T CODE §§ 552.101–.162 (“Information Excepted from Required Disclosure”). No section within that subchapter addresses anonymous voted ballots or expressly excepts them from disclosure. Furthermore, no

⁴Thirty-four years ago, in Open Records Decision 505, a previous Attorney General considered public access to voted ballots under the Public Information Act. Tex. Att’y Gen. ORD 505 (1988) at 1–2. The decision concluded that section 66.058’s prohibition on unauthorized entry into the locked ballot box during the preservation period fell within the Public Information Act’s disclosure exceptions for privileged or confidential information. Tex. Att’y Gen. ORD 505 (1988) at 2–3. However, in-depth review by this office of the issues raised in that decision results in the opposite conclusion. No language in either the Election Code nor the Public Information Act makes the entirety of a voted ballot privileged or confidential. Open Records Decision 505 is therefore overruled to the extent inconsistent with this opinion.

provision in the Election Code designates anonymous voted ballots as confidential or otherwise prohibits their disclosure to the public. By demanding that the public have access to election records, including anonymous voted ballots, the Legislature thereby authorized the election records custodian's entry to the locked ballot box during the 22-month preservation period for such purposes.

Any personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections must be redacted for purposes of disclosure to protect the constitutional right to a secret ballot in Texas.

While you ask specifically about *anonymous* voted ballots, it is important to note that Texas law has long established that all elections shall be by secret ballot. *Wood*, 126 S.W.2d at 9. This requirement of secrecy is mandatory—"that every voter is thus enabled to secure and preserve the most complete and inviolable secrecy *in regard to the persons for whom he votes*["]” *Id.* at 8; *Carroll v. State*, 61 S.W.2d 1005, 1007 (Tex. Crim. App. 1933) (emphasis added). In order to protect the secret ballot, "[p]ublic policy requires that the veil of secrecy should be impenetrable, unless the voter himself voluntarily determines to lift it["]” *Carroll*, 61 S.W.2d at 1008. The right of nondisclosure belongs to the individual voter. *See Oliphint v. Christy*, 299 S.W.2d 933, 939 (Tex. 1957). Your question appears to acknowledge this requirement by only inquiring about voted ballots that (1) have no information that could be used to identify the voter or (2) have been redacted to exclude any information that could be used to identify the voter. Krause Letter at 1.

Information is excepted from public disclosure under the Public Information Act "if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision." TEX. GOV'T CODE § 552.101. No statutory provision generally designates election records or their contents to be confidential. However, the right to a secret ballot has been held to protect personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections. *See generally Wood*, 126 S.W.2d at 9; *Carroll*, 61 S.W.2d at 1008. Therefore, a court would likely find that personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is excepted from public disclosure. As a result, such information must be preserved, and the election records custodian must redact such personally identifiable information to protect the constitutional right to a secret ballot in Texas. TEX. GOV'T CODE § 552.007 (providing that a governmental body has no discretion to release information deemed confidential by law). To be clear, the presence of some confidential information on a ballot does not provide a basis to withhold the ballot in its entirety.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

The Secretary of State is the chief elections officer of the state and is required to "assist and advise all election authorities with regard to the application, operation, and interpretation" of the Election Code and any other election laws. TEX. ELEC. CODE §§ 31.001(a), .004(a). In furtherance of the preservation of precinct election records in particular, the Legislature directed the Secretary of State to "instruct the affected authorities on the actions necessary to comply" with

section 66.058. *Id.* § 66.058(h). Thus, the Secretary of State has the authority to instruct elections administrators as to how to comply with both the ballot preservation requirements in section 66.058 and the public access requirements in section 1.012.

With the Secretary of State's oversight, the Legislature expressly authorized the election records custodian to "adopt reasonable rules limiting public access" under section 1.012 to further the purposes of "safeguarding the election records or economizing the custodian's time." *Id.* § 1.012(b). Pursuant to their respective authority, the Secretary of State and the election records custodians may establish procedures as authorized by law to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots under the Election Code.

S U M M A R Y

Anonymous voted ballots are election records under the Election Code, and the Legislature has established procedures aimed at both preserving those records and granting public access to them.

Section 66.058 of the Election Code requires the anonymous ballots to be held in a locked ballot box during a 22-month preservation period, with entry only as authorized by the Election Code. Section 1.012 establishes these ballots as public information and requires the election records custodian to make the ballots available to the public. By expressly requiring the custodian to provide public access to such records, the Legislature authorized entry into the locked ballot box for such purpose during the 22-month period. Thus, members of the public and legislators may inspect or obtain copies of anonymous voted ballots during the 22-month preservation period.

Personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is confidential and excepted from public disclosure. Any confidential information on an anonymous voted ballot must be redacted for purposes of disclosure in order to protect the constitutional right to a secret ballot.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

Very truly yours,



KEN PAXTON
Attorney General of Texas

BRENT E. WEBSTER
First Assistant Attorney General

LESLEY FRENCH
Chief of Staff

D. FORREST BRUMBAUGH
Deputy Attorney General for Legal Counsel

AARON REITZ
Deputy Attorney General for Legal Strategy

AUSTIN KINGHORN
General Counsel

RALPH MOLINA
Special Counsel to the First Assistant Attorney General

CHARLOTTE M. HARPER
Deputy Chair, Opinion Committee

Automated Certificate of eService

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Syretta Antwi-Boasiako on behalf of Stephen Lund

Bar No. 24086920

sjboasiako@tarrantcountytx.gov

Envelope ID: 67484043

Status as of 8/19/2022 2:55 PM CST

Associated Case Party: THETARRANT COUNTY TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Leslie Hunt		llhunt@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Mark Kratovil		mckratovil@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Ann Diamond		adiamond@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT

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sjboasiako@tarrantcountytx.gov

Envelope ID: 67484043

Status as of 8/19/2022 2:55 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel L. Bates		dbates@deckerjones.com	8/19/2022 2:46:56 PM	SENT
Gaitrie (Gigi) Gosai		ggosai@deckerjones.com	8/19/2022 2:46:56 PM	SENT
Stephen A. Lund		salund@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT

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Syretta Antwi-Boasiako on behalf of Stephen Lund

Bar No. 24086920

sjboasiako@tarrantcountytx.gov

Envelope ID: 67484043

Status as of 8/19/2022 2:55 PM CST

Associated Case Party: HEIDERGARCIA

Name	BarNumber	Email	TimestampSubmitted	Status
Leslie Hunt		llhunt@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Mark Kratovil		mckratovil@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Ann Diamond		adiamond@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT

From: Chris Davis <cjdavis@wilco.org>
Sent: Tuesday, October 11, 2022 6:03 PM EDT
To: Shannon Francis <sfrancis@wilco.org>
Subject: FW: MASS EMAIL--CC/EA(930)--Recommended Procedures for Access to Anonymous Voted Ballots (Attorney General Opinion No. KP-0411)

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Elections Internet <Elections@sos.texas.gov>
Sent: Tuesday, September 6, 2022 3:26 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: MASS EMAIL--CC/EA(930)--Recommended Procedures for Access to Anonymous Voted Ballots (Attorney General Opinion No. KP-0411)
Sensitivity: Personal

EXTERNAL email: Exercise caution when opening.

Dear Election Officials,

On August 17, 2022, the Texas Attorney General's office issued Opinion No. [KP-0411](#). In an effort to clarify prior interpretations and in light of this opinion, our office is issuing the below guidance on recommended procedures for providing public access to anonymous voted ballots. These procedures will help ensure that you can maintain the security and integrity of voted ballots:

Public Inspection of Anonymous Voted Ballots

- The general custodian of election records should establish a written policy that specifies procedures for providing access to anonymous voted ballots through public inspection. This written policy should reflect "procedures as authorized by law to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots under the Election Code." (Opinion No. [KP-0411](#), p. 5).
- The general custodian's policy should, at a minimum, include the following provisions:
 - A defined time period for public inspection consistent with the Public Information Act.
 - A log of all individuals accessing the anonymous voted ballots during the defined time period.
 - General regulations regarding access to the ballots, including the following protocols:
 - § **At least one member of the general custodian's staff must be present at all times in the room containing the voted ballots while public inspection is taking place.**
 - § Pens, pencils, and other marking devices are prohibited in the room containing the voted ballots.
 - § Food and beverages are prohibited in the room containing the voted ballots.
 - § Voted ballots must be kept in the same stacks, containers, or boxes, whichever is applicable, while public inspection is taking place.
 - § Voted ballots may not be removed from the room in which public inspection is taking place.
 - § Imaging devices may be used to take photos or make copies of the voted ballots.
 - If you have video surveillance available, the SOS recommends that you utilize the surveillance system to monitor all activities in the inspection room during the time that the ballots are made available for public inspection.
 - In the space where you plan to provide public access to the anonymous voted ballots, you should ensure that all other materials unrelated to the ballot request are removed from that location.

Records Retention and Management

- Voted ballots containing personally identifiable information that could tie a voter's identity to their voting selections must be redacted before allowing public access to the ballots. As Opinion No. KP-0411 recognizes, "such information must be preserved, and the election records custodian must redact such personally identifiable information to protect the constitutional right to a secret ballot in Texas." (Opinion No. [KP-0411](#), p. 4).
- Voted paper ballots are the official ballot of record for recounts and election contests.
- If a county has maintained an electronic copy (e.g., ballot image, cast vote record) in addition to the voted paper ballot, copies of the electronic records should be made available upon request just as paper ballots are made available.
- If you do not already have anonymous voted ballots scanned or imaged, you may want to consider imaging them prior to public inspection to ensure that there is a record of the image prior to public inspection.
- If you are providing files in any electronic format, the SOS strongly recommends that you calculate a hash value to validate the integrity of the files and to ensure they are not altered in any way. The SOS will provide additional guidance on how to accomplish this security measure.
- At the conclusion of the retention period, contents of locked ballot boxes or secure containers may only be destroyed if there is no election contest, criminal investigation, or pending public information request that has yet to be fulfilled. (Secs. [1.012](#), [66.058](#)). You should also consult with your county attorney or district attorney and any county records management officers before disposing of such materials after the 22-month retention period.

As always, please let us know if you have any questions or concerns.

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.

From: [Chris Davis](#)
To: [Jessica Huseman](#)
Subject: FW: MASS EMAIL--CC/EA--Attorney General Opinion No. KP-0411
Date: Monday, August 22, 2022 4:58:00 PM
Attachments: [image001.png](#)
Sensitivity: Personal

Best,

Chris Davis

Elections Administrator, Williamson County, TX

cidavis@wilco.org

Off: 512.943.1630

[@WilCoElections](#)

From: Elections Internet <Elections@sos.texas.gov>
Sent: Friday, August 19, 2022 4:01 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: MASS EMAIL--CC/EA--Attorney General Opinion No. KP-0411
Sensitivity: Personal

EXTERNAL email: Exercise caution when opening.

Dear Election Officials,

On August 17, 2022, the Attorney General issued Opinion No. [KP-0411](#) regarding whether a legislator or a member of the public may inspect or obtain copies of anonymous voted ballots.

If you have questions about fulfilling public information requests for voted ballots under Opinion No. KP-0411, please continue to consult with your county attorney and/or public information coordinator. In addition, you may wish to contact the Attorney General's Open Government Hotline at (877) 673-6839 for assistance regarding procedures for complying with the Public Information Act.

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.

From: Yehuda Miller [REDACTED]
Sent: Monday, September 5, 2022 1:45 PM
Subject: Notice of Preservation of records and Public records request

EXTERNAL email: Exercise caution when opening.

Notice of Preservation of records and Public records request

I am requesting under state law and common law, access to physically inspect ALL ORIGINAL documents and records relating to the 2020 general election, for your entire jurisdiction and/or in your custody, this request should be construed liberally to include every record relating to the 2020 general election, to include but not limited to all physical and electronic records to include every type of ballot, ballot envelopes tally sheets, chain of custody documentation, splunk logs, routers, Cast Vote records, adjudication logs etc.

If this request is denied or a fee is assessed in whole or in part, this shall serve as a notice to preserve all the original records being requested to allow for the completion of legal timeline statute of limitations for an appeal process.

In addition please take into consideration my civil rights in inspecting the records.

Please confirm that you will be preserving the records pursuant to the above notice and pending litigation cited below.

Please be advised there is current pending litigation in another state, with allegations and implications across the USA, Please accept this as a notice to preserve records in relation to the below litigation,

Gibson et al v. Frederick County Maryland et al

Case Number:	1:2022cv01642
Filed:	July 5, 2022
Court:	US District Court for the District of Maryland
Presiding Judge:	George Levi Russell
Nature of Suit:	Civil Rights: Other
Cause of Action:	28 U.S.C. § 1331 Federal Question: Other Civil Rights
Jury Demanded By:	Plaintiff

For questions about this notice, please allow a 30 day response.

Yehuda Miller

[REDACTED]
140 Merrison St
Teaneck NJ 07666

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Lois Ann Gibson, et al and Maryland 20-20 Watch,)
Frederick, Maryland, et al;)
C/O Counsel, and Amicus, P.O Box 370)
Woodsboro, Maryland, 21798;)

And)

Case No. GLR-22-1642

Class Representatives Pursuant to Federal Rule of)
Civil Procedure 23, and/or Putative Classes of)
similarly situated Voters of Maryland and/or)
Elsewhere In the United States of America:)

And)

All others similarly situated injured persons, in)
whatever State or County they reside, deprived of)
their Constitutionally Guaranteed, Freedom, Liberty,)
Expression and Right to an Effective Vote by the acts)
or Actions of the Defendants herein;)

PLAINTIFFS)

V.)

The State of Maryland and Several Agencies of the)
State, Including at least the State and County Boards)
of Elections in the Specific Counties Listed herein)

And)

A State and National Rico Enterprise, in Part Located)
in Maryland, and/or doing Business as Part of the)
Commerce in Maryland with Counties, i.e.,)
Frederick, Howard County, Carroll Counties,)
Maryland and 18 additional Counties or Voting)
Jurisdictions:)

And)

Center for Tech and Civic Life (CTCL))
A Chicago IRS Code §501 (c)(3) Corporation)
233 N Michigan Ave., Suite 1800)
Chicago, Il. 60601;)

And;)

Presently Unknown Defendants,)

And;)
The State of Maryland Office of the State Prosecutor,)
DEFENDANTS)
_____)

Notes to the Clerk of this Court, Regarding the Emergency Nature of this Amended Complaint; the Necessity for forthwith Injunctive and Investigative Relief:

(1) Service of Process for the Multiple Defendants is Proceeding Pursuant to Applicable State and Federal Rules;

(2) This First Amended Complaint is filed pursuant to Federal Rule of Civil Procedure 15 (a)(1)(A) in that; on information and belief, no party has been formally served or filed a responsive pleading to the Complaint, as of the date this First Amended Complaint is Filed in this Court;

(3) Or Alternatively any such response is within 21 days of such response that has been filed which is presently unknown to these plaintiffs and their counsel. Accordingly, this Amendment, relies upon material evidence of the specificity of the Frauds and RICO conspiracies alleged both foreign and domestic, and may include participants in acts of war, in attempting to overthrow by fraudulent means the Government(s) of Individual States and the Government of the United States itself.

(4) Under the RICO statute, with its inherent 10 year statute of limitations on unlawful acts alleged, the specificity of the frauds is indeed Legion. Therefore all of these allegations and parties place these plaintiffs squarely before this Court. Each and every allegation herein, when tried or otherwise proven shall demonstrate the existence of a Conspiracy to overthrow the lawful government of this Nation, by force, violence, trickery and corruption of its most basic systems.

(5) All of these matters reek of immediate and irreparable harm, the most urgent of which is the failure of some of the conspirators to abide by the Federal protective statute expiring within about two weeks, September 3rd, 2022. This Note to the Court and the allegations contained in the Heading for this Case, and in the Body of the First Amended Complaint, are therefore, respectfully requested to be construed as a request for a Hearing on a Preliminary Injunction to be convened at the earliest opportunity.

(6) Plaintiffs respectfully request that this case should be on a fast track to a Hearing on a Preliminary Injunction once notification has occurred, including attempted service of process. Steps are being taken forthwith by Counsel to serve all necessary parties within the State of Maryland, and the Chicago corporate defendant.

FIRST AMENDED COMPLAINT

I. NATURE OF THIS CASE--A SUMMARY:

A. The background of this case began shortly before the presidential election of 2016 when a group of concerned citizens formed an informal organization entitled Maryland 20-20 Watch. Investigations were undertaken, a series of anomalies and voting practices were noted and reports furnished to Maryland's governmental officials and the groups investigated with no observable results.

Shortly before the presidential election of November 2020 plaintiff Mrs. Lois Ann Gibson volunteered to be an election judge. She received the training and was prepared to serve during the election of November 2020. However, on election day she became ill and unable to serve. She testified via a declaration:

“on or around November 2, 2020, I Lois Ann Gibson, at approximately 9am, went to the Frederick Board of Elections Office at 340A Montevue Lane, Frederick, Maryland to return the training manuals. This location had a Ballot drop Box out front at the end of the building. I witnessed a man hurriedly stuffing what appeared to be a large number of ballots at least several dozen from a canvas bag he was carrying to the ballot box.

I asked this person who he was and seemed startled but said he was from the Post Office and he quickly went back to the vehicle and left. I was concerned because he did not have any official uniform, badge, or vehicle and was very anxious. This incident occurred at or before 9am. “ [s].

Later, at a public meeting, with an employee of the Board of Elections attending, when pointed questions were raised about surveillance cameras for drop-boxes in Frederic County, an employee of the Board of Elections

(Anthony) admitted that none of the eight locations for Frederic County Drop-Boxes had functional surveillance cameras during the 2020 election cycle.

These and many other corroborating and supplementing anomalies of malfunctions, along with accumulating similar information across the country cause a surge of investigations some of which were reported in the complaint filed on July 4, 2022. That investigative effort as reported in the complaint also included financial documents obtained from three counties Frederick, Carol and Howard.

The results of that analysis strongly indicated that the monies obtained as grants from CTCL were used to influence the elections and likely included payments to couriers and for the harvesting of ballots unlawfully delivered into drop boxes.

In the meantime similar investigations were occurring all over the country and the various voter organizations and Maryland counties continued the investigation process.

On or about July 21, 2022 a game changing revelation occurred in a meeting of the Baltimore County Republican women's club. At that meeting a renown physicist and expert witness, Dr. Douglas G. Frank, Exhibit # 10, made a presentation at a regular club meeting. Dr. Frank presented evidence of voter rolls and voting that demonstrates the existence of the system by which, nation-wide voters rolls are fraudulently manipulated. Analysis of 43 states where this appeared to be true was presented, and one of the most clearly manipulated election states was Maryland.

That presentation resulted in Dr. Frank agreeing to become an expert witness in this case and thereby to make available as evidence his evidence and investigation results. That evidentiary material, up to that point in time, regarding a total of 43 different states was striking. Systemic intentional voter fraud was demonstrated as starkly apparent evidence in all of the 43 states examined, including Maryland.

Dr. Frank's mathematical and statistical analysis is to the effect that since the turn of the century public, data records regarding population and voter information, using as a baseline, the United States Census, demonstrates what appears to be, with no other credible explanation, material manipulation of voting results in all 43 states examined. Further, the control methodology for achieving the results observed appear from the data to be virtually the same. The inescapable conclusion is that a massive vote fraud not only has occurred, but that fact is provable in Court with probative evidence.

His opinion, again based upon essentially incontrovertible data supports the conclusion that Maryland leads the pack in terms of its success in manipulating vote data regularly as a systemic fraud. But the most striking evidence of all is the conclusion that the only practical way to accomplish this result is a database management system, on-line, in each state being manipulated. If this is true, and it appears to be so, then exposure of this fact amounts to a disclosure of a massive insurrection against our entire constitutional framework, and this Country itself.

This case's anecdotal evidence was then compared to this new evidence.

Both sets of information corroborate each other set. Therefore, plaintiffs amend their allegations to include this specific allegation of vote fraud by systemic controls over the election process, both voting and counting, based upon this new evidence. It is now alleged that this fraud has occurred in all counties and overall in the 2020 election.

Plaintiffs propose to prove that result by probative evidence presentation to this Court, and/or at the accelerated hearing on a Preliminary Injunction. But, the defendants must not be allowed to destroy the evidence contained in paper, electronic and data base systems, the data itself, with four elements preserved, reports and displays, controls, storage and retrieval elements. Also, with on-line data control systems, system and data definitions, and programs preserved.

These materials are in addition to paper ballots and electronic images of the results of voting and vote counts. From all of these materials a 30(b)(6) deposition or three, will, plaintiffs allege expose the entire fraudulent scheme. If preservation does not occur, such exposure of the truth shall not be possible. (Or as a practical Matter very much more difficult).

This conclusion is further corroborated by the experiences of undersigned counsel with on-line digital financial and personnel database management systems, and supports the conclusion that a highly effective database control system allowing the manipulation of vote counts does in fact exist in the state of Maryland. The effectiveness of the application of available statistics and the weaknesses, or more correctly the total

lack of any chain of custody control over ballots or voter identification measures has allowed and continues to allow a total breakdown in the credibility of Maryland system. This breakdown in all 43 examined states, including the six swing states examined by Dr. Frank's methodology supports this conclusion to a high degree of certainty.

Further, this conclusion by Dr. Frank is corroborated by all of the anomalies known to exist beginning about the turn of the century by Maryland 20-20 Watch and all of the exhibits one through 11 attached to this first amended complaint.

To further corroborate this opinion and the existing set of evidence to the point of trial evidence to a certainty of nearly 100% certain all that is necessary, in the opinion of plaintiff's here in and their counsel is to conduct a short series of 30 B6 depositions with associated subpoenas for documents in the form of the database files which are known and admitted to exist in the offices of the Maryland State Board of elections. Also necessary would be depositions of control persons who do the actual manipulating of the database systems to commit the fraud and the vote counts in Maryland.

Respectfully, it is imperative to the interests of justice that this Honorable Court allow the presentation of the above evidence and has coordinated there with issue a fourth with stay on the destruction of any election materials electronic or otherwise by the persons who are now known to have committed these horrific breaches of duty and trust of this state and their country.

B. CONCLUSION REGARDING INJUNCTIVE RELIEF:

Accordingly, the court should issue the necessary orders setting the date of the hearing for a preliminary injunction at the earliest possible moment. In addition the court should approve at least a truncated discovery scheduling order to include the issuance of subpoenas duces as needed and preservation of all election records and materials from November 2020 elections and later until removed by further court order.

II. JURISDICTION:

Plaintiffs in this case filed this action on July 4th 2022 as a Federal Cause of action in the District of Maryland. They allege Federal Question jurisdiction regarding wide spread intentional vote fraud in Maryland and elsewhere in the United States of America. They allege amounting to systemic fraud, in highly similar actions in virtually every state, and essentially all Counties and Voting Jurisdictions in Maryland. Recent developments, some of which were unknown at the time of the filing have allegedly uncovered the virtually identical pattern of data-based computer fraud in each state.

A conspiracy under the RICO statute and other constitutional violations, including the equal protection of the laws, falsification of State and Federal Voting records and the magnitude of the claims and due process violations patent in the facts firmly establish Federal Jurisdiction. The temporal scope of the claims is beginning in about the year 2000, proceeding through the 2016, and 2020 presidential elections, and ongoing at the present time.

The pattern of alleged fraud, as demonstrated by both statistics and sworn anecdotal evidence, is virtually identical in all states. The frauds consist of at least 7 different methods of false voting and manipulation of voting results. A centralized on-line database management system, and a stash of available false but credible on their face votes is the heart of the fraudulent state-wide system.

The recently discovered central control mechanism, on-line data-base manipulation and control of utilizing a repository of pre-selected vulnerable voter registration “available fake votes”. “Inflating our registration rolls, stuffing phantom ballots, and then cleaning it up afterwards, its that simple” (Ref. Frank Comment regarding Idaho voter fraud). Therefore these fake votes, phantom voters, accounts available for manipulation, is central to the claim of Multi-District fraud upon honest citizens. Examination of public data in (as of now) 43 states discloses the fraudulent manipulations.

The pattern is inescapable, amazing, and clear. That central claim, and the mechanism of the fraudulent actions also provides the key to the methodology as well as the proof of its existence. The fact of a central control system also, if preservation of the evidence is required, and a short but targeted discovery is allowed, with subpoenas, shall provide, by the time set for a preliminary injunction hearing incontrovertible proof of the truth of the allegations herein.

III. NECESSITY FOR A PROTECTIVE ORDER

To provide this solution, the Court is requested to reconsider, and hold an adversary hearing regarding such an emergency Injunctive Order, i.e, that all such election evidence must be preserved beyond the cut-off date of September 3, 2022. Such Order is requested for Maryland, and for all other Federal Districts. Otherwise, the Court can expect the perpetrators of these voluminous frauds will destroy the evidence of their guilt.

For this reason, a protective order extending the existing deadline during this pendency of this case is vital, not just for proof of the allegations herein, but for elimination of the fraud in all future elections. Thereby, elimination of the fraud(s) in this case provides a just avenue for all-time elimination of such events in our voting history. by injunctive corrections by this Court. Upon the conclusion of this case, with proper implementation, the history of such outrageous abuses as outlined herein should be expected to cease.

IV. DETAILED STATEMENT OF FACTS

1. This filing is believed to be an unprecedented, unique, but likely determinative of the future of election fairness in for this State.
2. The designation and classification of this case as a potentially multi-district Federal and Maryland class action appears to be warranted based upon similarity of claims, and information now available on similarity of methodology of election fraud now

known to exist in multiple, but likely not in all jurisdictions, in the United States.

3. Accordingly, this case is filed on behalf of all honest American citizens who have been deprived of their Constitutional freedom and right to a fair election in Maryland, and elsewhere across America, for now and forever with a hope and trust in God, that this Country as we know and love it survives.

4. Nation-Wide fraud and money laundering, has undoubtedly occurred and shall, unless stopped in its tracks, occur again. In the 2020 election, in Maryland, in a series of Twenty-One fraudulent payments to County Government, through apparently normal official budgeting receipt channels, payments, disguised as “grants” totaling for the 21 counties, \$ 6, 245,797 (million) dollars, monies were “Granted” to 21 Jurisdictions in Maryland.

5. Apparently through a uniform process by a carefully controlled, “conditional agreement”, from two documents furnished, the same “Grantor” (CTCL or Grantor) in a separate “Boiler-Plate” type document for each county of the 21 Counties in Maryland, through their party controlled leaders, donated a substantial sum of money designated for particularly defined uses related to the Presidential Election of 2020.

6. Those funds were carefully proscribed to be spent, by the Grantor, and agreed in writing as a signatory to the Grant Document by the County Management, for a particular (purportedly) innocuous and perfectly lawful, usage.

7. But, disclosure of the money spent does not conform with the stated purposes.

The funds were just not spent that way, in fact a large proportion of the funding are alleged to be for unlawful purposes designed to aid one party, the one party favored by the Grantor.

8. This allegation, if proven to be true, as it appears from the three County sample of financial records examined would be a massive violation of election law as well as tax law, filtering down to every individual who performed any unlawful service.

9. Such violations, by individuals and supervisors would necessarily be in violation of any of the applicable laws. In addition, all financial officials would be misreporting budget funds to the extent any misspending or misreporting occurred.

10. The purported purposes, clearly were disguised, designed and incorporated into the “Grant Agreement Document” strictures to fraudulently protect the tax exempt status of the Grantor, but ONLY IF, the Grantor’s Agents, or Principal Donors, knew or should have known that BOTH the Grants and the Facilitators, the Harvesters paid the big money listed on the disbursement sheets.

11. It appears, and Plaintiffs allege, that these money launders were, either the couriers who delivered the harvested and created unlawful votes, or they conspired with the persons who got paid for delivering them to the drop boxes. In either event, these persons who received the money, and those that handed it out, were in fact unlawfully biased.

12. Similarly, so were the very agents doing the negotiation, for the Grantors,

CTCL, and for each receiving County. Implicitly, its management as well as the Grantee participated in the Tax fraud which are imbedded into this RICO fraud conspiracy process.

13. In this regard, Plaintiffs seek the immediate permission to conduct at least one Rule 30(b)(6) deposition from each of the four counties, Frederick, Carroll, Harford and Howard, on a forthwith basis.

14. Permission is requested to require, immediately upon service, that each County to furnish the person or persons who negotiated with the Grantor, and those who assigned personnel and equipment and expended the funds donated including record-keeping on those expenditures, including personnel for a Rule 30(b)(6) deposition, after responding to subpoenas for the relevant documents for each county where material deviation from normal is indicated.

15. It is expected that testimony will be elicited to the effect that the requirements expected by the Grantor (CTCL) included prohibited practices, and the Grantor's funding persons were well aware of the unlawful nature of the actual requirements as distinguished from the purported fraudulent requirements of the written Grants. This was because neither the Grantor, nor the Grantee ever expected those "paper" requirements to be followed.

16. If those requirements were serious, and other than a fraud which they were, there would have been some follow-up, corrections and corrected reporting on the actual

incorrect, i.e. overpayments, underpayments or simple reporting errors, or missing a required limit. It is telling that not only were there none, there were not even any semblance of any such bookkeeping adjustments.

17. However, after three counties of comparisons, there were no such corrective actions, not a hint of a single one. This apparent fact demonstrates forcefully the fact of the subterfuge.

18. In this regard, Plaintiffs request permission to advance and notice several 30(b)(6) depositions, along with necessary subpoenas, forthwith, before the hearing on the Preliminary Injunction to clarify facts necessary to aid the Court at the time of the Preliminary Injunction hearing.

19. This information, easily obtained, will demonstrate this key element of the financial manipulations of each counties record. This is evidence demonstrating the financing element of the actual vote counting fraud throughout the State of Maryland.

20. As a related but different aspect of the presence of fraud in this entire situation, those same manipulations were in fact an enabling fraud which violated Federal Tax law, both individual (as to the contributors and managers of the “purported charity”, and lack of enforcement by IRS as a federal agency. The truth is, that the purported tax constraints were nothing but sham requirements designed to facilitate and hide the real purpose of the alleged charity, vote fraud, paid for by our own Federal Government via loss of tax revenue by extremely wealthy contributors. The requirements

were merely a fraud for subverting the legal requirements with camouflage, and the fraud worked, beautifully.

21. It has been admitted by the Elections Board of Frederick County, by its chairman, a county employee, that for the past presidential election, there were 8 drop boxes in Frederick, County and Eight cameras for surveillance.

22. And none were ever monitored (Admission of party opponents in open meetings).

23. The lead Plaintiff, Ms Gibson, was on election day, a trained Judge of elections, however, she was ill and therefore could not serve as a judge. She, while attempting to return election materials to the office before hours, observed and interacted with a person depositing “dozens of ballots into the drop-box and inquired, “what are you doing”. The person responded, “I am from the Post Office”, then quickly got in his vehicle. (Declaration, Lois Ann Gibson) (Exhibit # 2-1). The post office deliveries are not made into drop boxes, and there is no working surveillance camera at that location, or any other in Frederick County (Admission of “Anthony” a Election Board employee of Frederick County in an open public meeting).

24. When later, at a Board meeting, further questioning elicited the responses to the effect that the video tape cameras were never monitored, so all such events have for the entire period of drop-box use, apparently been without any intervention, control or monitoring whatsoever. All of this failure is contrary to the requirements, of the

Maryland constitution for which the State of Maryland, and the Maryland State Prosecutor have the duty to monitor fraud and abuse. They failed.

25. An oral admission from the Board of Elections of Frederick County is believed to report that the surveillance cameras for the eight drop-box locations were privately owned, privately controlled, and no examination at all has ever been made of the tapes which would indicate with specificity the identity of the couriers acting as mules for the fake overrun ballots.

26. This entire subject shall be explored for available probative evidence utilizing 30(b)(6) depositions and subpoenas just as soon as the Court authorizes such usage. The suggested plan (at this time, subject to change) is to start small to obtain details on the methodology of the fraud, present the facts at the hearing for a preliminary injunction, and plan the trial evidence gathering soon thereafter.

27. All of the 21 Counties would be expected to be analyzed for fraudulent drop boxes and addresses, in detail, with the burden placed upon the County, in each instance to show a reasonable methodology preventing fraudulent count results. All of this would be prospectively applied and controlled, with the consequences of the past election to follow as dictated by the Court to follow in due course thereafter.

28. The accounting records for the three counties examined indicate manipulation of the county disbursement records to conform to the penny to the grant amounts. As an accounting matter this item alone renders these figures suspect. These indicators

cumulatively demonstrate that it is extremely likely that the identity of the recipients of the funds, which does appear to be recoverable via subpoenas, coupled with a deposition would indicate with specificity that these particular persons performed at least some of the fraudulent acts. Those resulting, in counting of inactive voters and deceased voters, for example, and the electronic manipulation of ballot results.

29. This conclusion conforms to the results observed across the country and the strikingly similar pattern of the unlawful *Corporate* Financing of the voter fraud. See below for confirmation of this actions of the part time workers, paid with the unlawful corporate money. These actual tasks, as compared to the non-partisan tasks for which they were purportedly hired shall be gleaned, for those part time workers specifically, one way or another, by the planned subpoenas and depositions, hopefully as approved by the Court on an emergency basis prior to the hearing on the Preliminary Injunction.

30. On information and belief, all of the voting machines in Maryland are all under the control of the Dominion/ES&S Rico Enterprise, rented or owned or otherwise a controlled system. This system, and management controls are well established to have online capabilities and manipulation capabilities actually observed as such on multiple occasions.

31. Repeated inquiries for a description of the chain of custody of ballots removed from drop boxes (if any exist and subsequent handling) i.e. , placing of ballots into the boxes, removal from the boxes and forwarded ballots to machine counting or other accumulation

stations. Control counts apparently for the three counties apparently do not exist.

32. Certainly, no such detailed descriptions of control methodologies have ever been received in response to inquiries. No response at all has ever been received from the three counties examined. And again, no surveillance tapes or results have also ever been described in materials received, and apparently, on information and belief, do not exist.

33. This aspect of the analysis for the three counties is presently being re-verified, and shall be subject to the subpoena process in the interim between the filing of this complaint and the requested hearing on the Preliminary Injunction.

34. On information and belief a substantial number of persons received funding from participation in the collection of ballots from voters, and distribution to drop-boxes. See testimony of plaintiff Gibson (Exhibit # 2-1) and adjoining County detailed payments, (Exhibit # 5) , and the newly discovered scheme (Harvesting unused ballots from voters who have left the state, via the ERIC system, Exhibit # 3).

35. Disbursement records disclose that some individuals received multiple checks or money orders for paid activities that remain undisclosed in the disbursements record, despite repeated inquiries. Relatively large sums of money for specific persons who received more than one check have been observed, without the explanation of duties required by the Grant Contract. As mentioned earlier, three persons from Howard County received identical sums of over \$ 11,000 each, out of a total of over 800 individual money distributions to about 730 different persons. Strangely, the great majority of the

distributions were in round dollar (that is .00) amounts, an indication of piece work payment, as for example, for a per ballot delivered pay rate (as rumored). This matter will be verified by a subpoena or deposition in due course.

36. A Federal Rule of Civil Procedure Rule 30 (b)(6) deposition coupled with a subpoena for disbursement documents is presently being requested to be permitted, one such subpoena and deposition, for each of the three counties for which the initial investigation leading to injunctive relief is requested.

37. Similar inquiries are expected based upon the successes to be achieved by this investigative result during the immediate interim week following filing of this complaint, as applicable to the remaining 18 Counties receiving Grant funds (Exhibit #1).

38. A substantial equipment expenditure appears in disbursement records for the four Counties for which expenditure data was only partially acquired. The request for several subpoenas pursuant to a Rule 30(b)(6) deposition, and equipment disclosures shall include a production and/or inspection of all such equipment, and also ballots, with envelopes made available for inspection and copying for test purposes.

39. It is expected that a subpoena for production of all electronic images of voting and actual paper ballots and envelopes will require a subpoena for leave to examine all ballots by electronic equipment, likely for all three sample counties.

40. To date requests for such complete production have been resisted, (in two of the three examined counties) accompanied by a demand for payment for purported retrieval

expenses.

41. At the hearing for a Preliminary Injunction, a request shall be made for a protective order requiring production of each and every ballot and envelope as well as electronic images, to the extent such exist. It is not expected that such production will be on an emergency basis, but a substantial testing is necessary for a complete analysis of the allegation that false or duplicate copies of ballots were manufactured as a part of the alleged fraud. Such forensic testing is now well known to be within the state of the balloting art and science (Ref. Jovan Hutton Pulitzer, et al).

Three Kinds of Fraud in the Grants

42. The specificity in the three kinds of fraud in the Grants are: (1) To hand out money, purportedly for a lawful purpose, but as a hidden yet operative part, the real agenda, is to never countermand, or challenge the misuse and misreporting by the governmental agency of the actual unlawful use of the funds, and the cover-up of the misuse by misreporting. The actual use of the funds, that is the actual monies spent from the disbursement records have been furnished.

Those expenditures do not comport with the purported uses required by the Contracts. Again, the use of at least one Rule 30(b)(6) deposition as to what was done, and the associated equipment expenses is expected to elicit details of specific matters directly related to election ballot and counting fraud. This fact has implications wherever it has occurred.

And alleged fraud appears to be identical for all Counties, from the consistency of the contracts required for rewarding of the Grant(s) across Maryland (See Exhibit # 1, - grants from same grantor, \$ 6. 2 Million). (2) disclosure of tax fraud by those large - money contributors. (3) the Grantor fund would itself be participating in a tax-fraud and would lose its exemption from tax laws retroactively, with parallel effects upon its donor contributors.

43. The purportedly innocuous classification of Grant Use matters are by no means routine violations or mere error. Such manipulation of decades-old IRS Section 501(c)(3) principles are: (when demonstrated to have occurred with knowledge or intent as appears herein) would be in reality intentional violations of Tax law, by both the Grantor and the Grantor's principals, those with knowledge, who participated in the tax evasion as well as the misreporting of fraudulent received funds, with intent to subvert the election laws of the State of Maryland as well as the Tax Laws applicable to non-profit 501 (c)(3) organizations (For Example, Defendant CTCL) .

44. The existence of these malfunctions have been disclosed and are alleged in this filing. Given the apparently reoccurring and casual nature of the misreporting discovered as to the three Counties investigated, to date but only considered as a voting integrity matter, the evidence is nevertheless clear.

45. For this reason, all records of all related financial transactions, Grants, reports of expenditures, 1099 forms for all employees, whether regular or temporary, to deliver and

pick-up ballots, or otherwise are hard documentary evidence of the intent to use misstatements of or mislabeling of entries into financial records to cover-up the fraud in the ballot fabrication and false delivery process.

46. And this process will undoubtedly be repeated in future elections unless it is corrected forthwith, with this lawsuit.

47. Second, the Grantor, the non-profit organization, would upon demonstration of a biased, non-qualified for charitable taxable use of Grants, be expected to lose its tax exempt status under IRS Code Section, 501(c)(3). In this event, where the contributors conspired with the Grantor, and took tax deductions, they would be expected to be participating in a tax fraud.

48. If, as reputed, large contributors were involved with knowledge of these improper tax deductions, those Contributors could be liable for recovery for Tax Fraud, and possible false claims act liability.

49. This disclosure would be expected to have severe consequences to each of the large contributors who it appears have funded the unlawful nation-wide constitutional violations, while being rewarded for their unlawful efforts with large tax deductions, to which they were not in fact eligible. Such considerations would be a related matter to the main thrust of these claims of voter fraud.

50. Cleverly, and apparently incorrectly, as if with knowledge of the falsities, the agreement with each conspiring donee voting jurisdiction (a County, like here Frederick,

Howard, and Carroll, and presumably 18 others) would have to agree to spend the money for the legitimate purposes as agreed.

51. If the constraints were not met, as they apparently were not, at least in some instances, each such failing jurisdiction would purportedly (under the terms of the contract) have to refund the Grant. Apparently none have done so. Each such instance would be both a voting law violation, and a tax law violation, and each such fabricated vote would be a constitutional violation if each plaintiff voter whose vote is negated by the false uttering procedures.

52. New technology now aids in identifying and proof of the various methodologies to catalog and prove each type of fraud. This has now become practical, given the disclosure of the Ballots and Envelopes, to an amazing extent.

53. To the extent each official who disbursed the money and covered up the failure to spend it as agreed, that person would also be committing, or at least aiding and abetting the overall tax evasion scheme, for every 1099 error and each tax deduction as well. If any part of the funds were used for an unauthorized, or unlawful purpose, that County would be in violation of the Maryland Election law.

54. To the extent this evidence, when placed in good form via, subpoenas and depositions an election law violation has occurred, and will thus occur again unless this system is disassembled by legal edict, of one kind or another. This malfunction of the working persons level within each county government accepting such funds now has

become clear.

55. To this end, once the equitable relief necessary for corrective action become effective by Order of the Honorable Court, it appears that corrective action in the form of legislative actions, or even jury decisions may become necessary as determined according to Constitutional constrains under the existing Twombly/Iqbal procedural standard,

56. Nevertheless, as to Grant funds received and expended, the evidence clearly shows, when finally produced, after years of attempting to obtain it, the purposes for which the money was spent do not conform to the agreed in writing, election neutral purposes.

Testing of actual uses of the funds as compared to the required partizan neutral requirement is expected to demonstrate unlawful bias pervading the Grant distribution process along prohibited partizan lines. And also cover-up of the violations by knowingly false financial reporting.

57. Thereby, the honest functioning of Maryland's entire constitutional process is not only threatened, but virtually guaranteed to fail in the upcoming election as well. All that must occur to assure this result and to assure the replication from now on, is a simple expansion and repeat performance of the "Gibson drop-box trick" which is, by all of the available evidence, now alive and well in Maryland. (See, Exhibit # 2.1. Declaration of Witness, Lois Ann Gibson).

58. To demonstrate the magnitude and the prevalence of the unlawful practices in Maryland these Plaintiffs submit herewith both anecdotal and sampling evidence demonstrating the existence of election fraud. The frauds have occurred, both in the

biased financing of the election operations, in hiring of personnel and the false and/or inaccurate reporting of funds spent as received from Grants, and in the misdirection or obstruction of inquiries regarding expenditures of “Grants”.

59. All but three Counties in Maryland have partaken of the funding by outside influences, subject to control over the spending. That control, apparently is uniform in abuse of not conforming to Federal Guidelines, this also being apparently a tongue-in-cheek, disguise according to the sampling completed as of the date of this filing. The first three counties for which data has been retrieved and examined. 18 more counties have received the suspect funds, but expenditures have yet to be analyzed by plaintiffs herein. See Exhibit # 1 for Total Funding Reported for Maryland, subject to analysis. \$ 6,245,797.

60. The events described in this lawsuit, unless placed under judicial control, immediately, threaten the stability of the Republic, threaten to destroy all hope of any fair election process for all time.

61. This filing is also pursuant to the Constitution of the United States of America and the Constitution of the State of Maryland’s believed to be unique Amendment. That amendment, established the Maryland Office of the State Prosecutor¹ with the jurisdiction and specific power to investigate election fraud.

That agency has not yet responded to our requests for an investigation and/or aid in the investigation of the factual underpinnings of these Class Actions.

62. This filing is also, pursuant to federal rule of civil procedure 23, alleging, among

¹Maryland State Prosecutor - Origin & Functions, <https://msa.maryland.gov/msa/mdmanual/html>. The office of State Prosecutor was established by Constitutional Amendment in 1976 (Chapter 612, Acts of 1976, ratified Nov. 2, 1976). Part of the Constitutional duties of that Office is to maintain election integrity, free from fraud or political abuse.

other violations, a RICO conspiracy by multiple parties, alleging fraud, money laundering and bribery; a conspiracy to violate federal constitutional liberty, due process of law, and federal and state civil rights (abrogation of voting privileges by fraudulent dilution of valid votes).

63. This filing is also against the State of Maryland in that the Constitution of the State of Maryland, in an Amendment thereto established the Office of the Maryland State Prosecutor, with the specific jurisdiction and authority to investigate Election related violations of law and fraud. This State failed to carry-out its duty to insure that the voters systems and function were free from fraud, manipulation and malfunction.

64. Accordingly, the State of Maryland should be held accountable for all expenses of remedial action with regard to all of the matters herein, and funding of corrective measures including the attorney's fees and costs of this litigation and all cures required to create a workable fraud free system beginning immediately.

65. This prospective loss of the right to vote, is material, genuine, and undeniable, both as to what has previously occurred, and prospective continuing irreparable harm absence of the required extraordinary corrective action.

Immediate and Irreparable Harm Has Occurred and is Continuing:

66. Immediate and irreparable harm has already occurred, is continuing, and is, on information and belief is now being planned by the wrongdoers to be repeated. Thereby absent extraordinary emergency action by this Court shall not just continue, but to be exacerbated, and will occur again into the foreseeable future. There is no reason why any doubt whatever exists as to the likelihood of these fraudulent actions to continue.

67. Need for Injunctive Relief with evidence Protective Orders, Witness Protection

and mandatory financial and data protection Orders are required to extend the preservation of evidence to Conform to 52 U.S.C. § 20701 until full knowledge of these complex facts can be disclosed, corrected and expunged for all time from our governmental acceptable function.

68. These acts shall continue, as in the normal course, with continuing immediate irreparable and unconscionable damages, so long as the denials of rights extant in the occurrences of the past and foreseeable future are not corrected. All of this is contrary to the contract contained in both the Maryland Constitution, and the Constitution of the United States of America. The Property, Liberty, and Voting Rights, of each State of their residency's guarantees, (for example here) these Plaintiffs, the State of Maryland, and/or in their respective State (Again Here the State of Maryland) by the events described in this Complaint for Relief and/or as attached.

**NEWLY DISCOVERED EVIDENCE
ADDED IN 1ST AMENDED COMPLAINT**

69.. Exhibit # 6 (Attached to the First Amended Complaint).

70. Newly Discovered Evidence, Alleged to be Business Records and An Admissions of a Party Opponent.

The Maryland Board of Elections, by the release of its records to an apparent Baltimore Sun reporter, and her reporting on the internet on or about July 11, 2022, disclosed that it had sent, so far, about a half-million ballots to persons who requested ballots, issued in the names of purported genuine voters, with the names printed on the

Ballots, for use in the Maryland State Primaries, which occurred, July 19, 2022.

71.. It is alleged, that it is self-evident that no proper vetting, identification of the person making the requests, of security, AT ALL could have existed on such a high volume of requests. Further, as labeled in Exhibit 6, labeled by the defendant Election Board, About 55,000 of the requests were by July 17, 2022, internet email.

72.. Exhibit #7, Mail In Ballot Requests by County, November 3, 2020. Exhibits 6 and 7, standing alone, demonstrate that there is no chain of custody over election Ballots, sufficient to guarantee that Maryland Voters will get a secure and non-corrupted election result without great change.

73. Exhibit # 8 is the results of the Harford County “canvas” demonstrating the series of anomalies found to exist by investigators, 8/1/22.

74. But this result, a conclusion of no vote security at all does not stand alone. The expansion of the drop box use and the also admitted (by Frederick County) that the surveillance cameras at drop boxes (8 in the previous election, of 2020, are not owned or maintained by the County and further none of the cameras were even checked during the previous election wherein the lead plaintiff herein gave eyewitness testimony of volume stuffing of drop boxes.

75. It has also been recently discovered that flawed ballots are “re-created”, i.e. Entirely fabricated on new paper, not by the voter, but by members of the purportedly unbiased election board or its apparently contract employees by purportedly unbiased

“election personnel”.

76. Exhibit 9, Surveillance cameras in Harford County did not have the capability to retain the (tape) footage.

77.. But this process totally by-passes the supposed and lawful essence of the election process. The vote is not secure, and the result is only exactly what the election governmental managers want those results to be, a totally fixed election with the sanctity of a secure secret vote gone, forever or not, depends upon the outcome of this case.

78. Accordingly, the immediate and irreparable harm is occurring, right now by the creating and distribution of Ballots to anyone requesting a ballot. Exhibit #6 and #7 are compilations of the Requests for Ballots that were made and distributed to those individuals for the 2022 and 2020 elections to date. This procedure is an outrage violation of all of the principles of election security and must be an initial effort to subvert the system. Exhibit # 6, contains data from the account of the Request for ballots which contain the official records of the Maryland State Board of Elections, as excerpted from its records, and reported on the internet and in the Baltimore Sun paper on or about July 11, 2022. The Maryland Election Board are using a totally corrupted non-secure election system methodology. There is no chain of custody, no validation for active voters, and the ERIC system for flagging departing Marylanders which triggers the availability for utilization for a harvested ballot.

79. NOTICE OF INTENT TO REQUEST A CLASS OR CLASSES OF NAMED CLASS REPRESENTATIVES:

Approximately one named class representative is expected to be selected to represent each political subdivision of the State of Maryland, and similarly, for each state, to act for themselves and a class (or classes) of all other citizens of every qualified vested voter of Maryland and all other persons, in Districts across the Country, similarly situated, as a F. R. Civ. P. Rule 23, class and/or, Alternatively an Opt-In collective action, or both.

80. THE CLASS(ES) OF PLAINTIFFS:

This case is a Federal Claim's Multi-District RICO Federal Rule of Civil Procedure, Rule 23, Class Action. Also, alternatively, a Collective Action by a large class group, or alternatively an Opt-In collective action Citizen/Voters.

81. MOTION FOR A PRELIMINARY INJUNCTION; AND/OR RENEWAL OF MOTION FOR AN EMERGENCY TRO, TO PREVENT SPOILAGE OF ELECTION CRITICAL ELECTION MATERIALS BY BOARDS OF ELECTIONS, BOTH COUNTY AND STATEWIDE:

A. Plaintiffs Hereby Request an Extraordinary Emergency Hearing on Preliminary Injunctive Relief, to Require, Permanent Preservation of Evidence of the Ballots, Envelopes and All Related Election Records, Both Financial and Operative, Related to the Presidential Election of 2020, under Penalties of a Finding of Violation of Felony Spoilation of Federal Election Materials.

B. The revelations contained in this First Amended Complaint, including the existence of a secret system of databases and database controls for manipulating votes and vote counts shall be destroyed, unless all such materials existing at the Maryland

State Board of Elections, and, also to the extent any local county Board of Elections used such materials.

C. Now, critical facts regarding the alleged existence of an unlawful database control system operating in the State of Maryland coupled with the service of all materials upon the State of Maryland, through its Attorney, and the looming cut off date of September 3, 2022 for destruction of materials from the 2020 election have radically changed the danger of spoilage. This change in the degree of concern with spoilage has become, likely critical to this entire case.

D. Without a forthwith Protective Order, reminding Defendants of the duty to preserve evidence, coupled with extension of the currently effective evidence preservation date of September 3, 2022 will undoubtedly result in destruction of trial evidence. That event, if it occurs will likely determinative of an unjust result in this case.

E. That result shall be catastrophic in result, not just unjust. It shall be a message to all Traitors that they have a defacto license to do whatever the perpetrators of the frauds herein wish, forever regarding rules of law, and destruction of evidence, with irrevocable and irrecoverable harm.

F. The evidence of malfunctions will be forever lost from recovery. Accordingly the preservation Order included in a Temporary Restraining Order should issue, postponing destruction of all election materials pending further Order of Court.

82. Linked to the preservation of evidence, and considering the great benefits of additional, easily obtainable evidence Plaintiffs Request Permission immediately upon service of process, to Issue 3 to 6 Subpoenas for Documents and 2 Rule 30(b)(6) deposition notices for each County or voting jurisdiction in Maryland.

This Request for Documentary Evidence Production via Subpoena, and 30(b)(6) testimony supporting document production information, is Intended to Produce Documents and Testimony which shall, be presented at the Initial Hearing on a Preliminary Injunction, shall either produce overwhelming and definitive proof of the actual fraudulent facts and the magnitude thereof or not, in each of these 21 counties and elsewhere, every voting jurisdiction im Maryland, and likely every State, resulting in the massive election fraud which, now, has become impossible to deny existed. The use of the subpoena power of the Court will greatly simplify and clarify the Injunction presentation and clarify the interests of truth and justice.

A draft Preliminary Injunction Order shall be produced forthwith upon conclusion of the hearing on a preliminary injunction. The Honorable Court is urged to use its emergency powers to set this hearing before September 3, 2022 to avert loss of critical determinative evidence.

In the event this Order is not Granted, all election materials, including Envelopes and Ballots, and financial records are subject to destruction, pursuant to 52 U.S.C. § 20,701.

Undersigned Counsel certifies pursuant to F. R. Civ. P. Rule 65 (b)(B) that in several of the voting jurisdictions, repeated request by Plaintiffs utilizing normal informal and PIA methods have elicited oral or non responsive answers, strongly indicating that preservation method are already being violated, or de facto adherence to that law was never followed in the first instance. Therefore further destruction of key evidence is likely and expected to occur without, or even in spite of an Injunction Order.

For this reason an injunction should be issued with the normal expiration date of 90 or 180 days, subject to renewal as per Rule 65.

V. CONCLUSION

A. For all of the above reasons either a expedited hearing on a Preliminary Injunction should be granted, as needed to extend the statutory destruction date for Election materials and financial records of September 3, 2022, renewable upon application, should be granted. Further permission for the issuance of 5 Notices of F. R. Civ. P.30(b)(6) depositions is granted. Attachment A is a draft Temporary Restraining Order.

As to the accompanying request for permission to take several Rule 30(b)(6) depositions, the Court should limit quashing of production of materials requested, incident to reasonable, substantial and material reasons move to quash any Notice of Deposition upon a demonstration of substantial burdensomeness or other just cause shown.

Because of the complexity of the alleged frauds, Plaintiffs expect to detail the preparation of a proposed draft of the Preliminary Injunction is respectfully reserved until after the evidentiary hearing on the Injunction itself, or as combined with a trial on the merits.

**VI. ADDITIONS TO CONCLUSIONS BASED UPON
NEWLY DISCOVERED EVIDENCE AND
CONCLUSIONS TO BE DRAWN THEREFROM**

Exhibit #6 is attached. That information purports to show that the Board received and responded to requests for official election Ballots. The responses contained an official ballot with the requestor's name inserted, ready for filing. Exhibit #6 was apparently prepared by Board employees, and contains data which appears to admit that call-in or on-line requests for a Ballot, later to be used by the receiver in the form furnished by the Board would be eligible for voting, with the voters name already inserted on the ballot. Presumably some of these would be placed into a drop box. Whether a correct registered voter or not may have thereby received the Ballot and later present it is not traceable and allows for uttering of a ballot by Department of Election employees. This is because there is no control or chain of custody for the ballot itself. This also explains the source of the hundreds of thousands of ballots known to be false in the 2020 election.

And now it is happening again. Whether or not the requester, he or she, is an actual qualified voter under the laws of the State is also wide open and unverifiable.

Once this occurs, no amount of observation or after the vote auditing can correct the not just flawed results, but an entirely complete and effective corruption of the election process, system and results. For this reason, a declaratory judgement is necessary to recapture the integrity of the entire election process in Maryland. And only then can a secure and valid count be made. This injunctive relief is vital to the survival of every citizen's power of the vote, and indeed, our entire system of government.

At the hearing on a preliminary injunction, after a short period of obtaining Trial Proof if so demonstrated these verified allegations, the system may be, under the guidance of constitutional constraints entirely correctable. However, if a correction in system methodology and control does not occur, the absolute corruption of this process succeeds and our way of life is doomed.

The fabrication of Ballots and lack of security are demonstrated by this evidence, from the time of the ballot issuance and printing at the very start of the election process proceeding in each step downstream in the election collection and summarization process. This entire process creates irreparable harm, the denial of an effective vote by unsuspecting citizens. Moreover, the greatest part of each aspect of the conspiratorial and fraudulent conduct has been admitted by the perpetrators. The only real question remaining is whether or not the Court, here the protectors of citizen's constitutional rights will act, or merely allow this disaster to our Republic to unfold to extinction, along with its honest and law-abiding citizens.

That process, now firmly imbedded in the election system, in Maryland and elsewhere, includes the Fabrication of Ballots, Drop Boxes Unattended, and without the Purported Security of any effective Camera Surveillance and follow up when fraud or errors occur. During this Entire Process there is no Fair Basis for the Existence of a Registered Voter. And now, the corrupted Board, allows any person requesting a Ballot, for any other person, to have their way with the entire State and later, National Election.

Exhibit #6, therefore and the preceding Exhibit #7 should be taken as verified evidence demonstrating without a shadow of a doubt that the system is wide open to fraud, malfeasance and error it is self evident that no verifiable or reliable system can possibly produce reliable and accurate results. This situation is completely intolerable and unacceptable and must be corrected forthwith for all of the foregoing reasons.

These records demonstrate that a Mere Request for a Ballot over the Internet is Enough to receive the right to vote. This shocking fact, standing alone, is sufficient to corrupt and disqualify integrity of the entire system. And also to demonstrate the element of immediate and irreparable harm by violating the Constitutional rights of every citizen in every state and county where applicable. And this false corrupted security picture is piled upon the also recently discovered Use of a Corrupted ERIC System to “Harvest” Known Departed or Deceased parties Gleaned from the MVA and automated residency motor vehicle and other automated citizen records across the United

States of America.

And now, as new evidence comes the astounding Nation-wide existence of an intentionally created and usable slush fund of harvested ballots, usable at will from foreign sources manipulating our election counts, by insertion of these fake vote, wherever and to whatever extent needed for the perpetrators to falsely prevail. This fraudulent result simply cannot be allowed to stand.

**VII. CLAIMS FOR RELIEF,
LEGAL, EQUITABLE, MANDAMUS AND PUNITIVE:**

**(AGAINST MARYLAND FOR THE FAILURE TO PROTECT THE
CITIZENRY'S INDIVIDUAL AND COLLECTIVE RIGHTS, CRIMINAL
FORFEITURE'S AGAINST ALL CORPORATE AND INDIVIDUALS WHO
PERFORMED THE FRAUDS OR AIDED AND ABETTED SAME. BOTH
ACTUAL, LEGAL, EQUITABLE AND PUNITIVE):**

A. A Declaratory Judgment of a Constitutional And/or Common Law Fraud Is Hereby Requested from this Court or a Jury, if Applicable.

B. A Jury Trial Is Demanded for All Claims for Which a Jury Demand Is Allowed by Law, and to Determine the Relief, Both Criminal, Civil, Punitive and Exemplary to Be Assessed by this Court.

C. These fake and corrupted systems are in use throughout the entire Country. They must be scrapped and never used again. Replacement should be as soon as possible, with equitable and truthful systems governed by audited and controlled results free from

political taint and controlled and audited by a non-political arm of the Federal Judicial System.

D. The use of these demonstrated to be dishonest systems and measures, are no less than Treason, and anathema to our way of life. and, plaintiffs are certain that the Court, and any jury convened in this State, will agree. Criminal and civil penalties should be assessed with criminal fines and sentences commensurate with the magnitude of the wrongs committed, but not less than existing criminal sentencing guidelines, such that no repetition of this situation will ever again occur in this Country.

Respectfully submitted,

VIII. JURY DEMAND

Plaintiffs hereby demand a Jury Trial for all claims, damages and issues, for which a jury trial is available for any issue of fact or law. Further, Plaintiffs demand a Grand Jury be convened to investigate and act upon all matters for which the Constitution of the United States makes such relief available.

IX. DEMAND FOR INJUNCTIVE AND REMEDIAL RELIEF

Plaintiffs demand equitable, legal, remedial and injunctive relief designed to make all plaintiffs whole and legal relief to punish the wrongdoers, should any RICO Entity, or a group of them be found to exist by the Court or, if allowable under law, the Jury, whether civil or criminal. Plaintiffs pray, that the Honorable Court consider the irreparable harm to the perceived integrity of our Great Nation, and its proud citizens, and

their progeny, who will continue to suffer such irreparable harm in the event this Court fails in its perceived duty by these plaintiffs, and the host of others, born and unborn, who shall suffer egregious harm if the wrongs merely outlined in this complaint are allowed to persist and prevail. These facts utterly destroy the rights to freedom and equality of power flowing from the creator which are the now shaken foundations of our great Constitution.

X. VERIFICATION

I, Lewis T. Porter, am a named plaintiff in this case, and I am over the age of 18, a Citizen of the State of Maryland, and otherwise qualified to testify before this Court; I hereby swear under the penalties of perjury that all of the facts appearing herein, and as attached to this Complaint, including Exhibits 1-7, but excluding the statistical materials pertaining to the Expert Population and Data Base testimony, of which I have no expert knowledge, and Requests for Injunctive relief are true and correct as stated and each evidentiary attachment hereto is a genuine document to the best of my current, knowledge, information and belief.

Respectfully submitted,

Lewis T. Porter, Electronic Signature, Plaintiff/ Investigator,
Secretary Maryland 20-20 Watch
Lewis T. Porter, June 28, 2022, as Amended July 18, 2022, and August 19, 2022

Respectfully submitted,

Walter T. Charlton, Electronic Signature, June 28, 2022, And as Amended, July 18, 2022, And July 25, and August 19th, 2022,.

Walter T. Charlton, Esq.,
DC Bar # 186940,
United States District Court Bar, District of Maryland # 07638
Walter T. Charlton & Associates, CPA/Attorney
11213 Angus Way, Woodsboro, Maryland 21798
Telephone, 410 571 8764, email, charltonwt @ comcast.net
Post Office Box # 370, Woodsboro, Maryland 21798

INDEX OF ATTACHMENTS

Attachment A- Draft Temporary Restraining Orders (Originals- (Denied)
Included for Information Purposes Only.....

Motion for a Preliminary Injunction and Permanent Injunctive
Relief , Deferred Pending Scheduling and Initial Discovery.....

Renewal Request for Emergency TRO, Regarding September 3, 2022
Destruction Deadline for Election Materials and Data Bases.....

Exhibit # 1 Grants to 21 Maryland Counties and Baltimore City, ... \$ 6, 245,797.

Exhibit # 2 .1 Declaration of Eye-Witness to Ballot Stuffing, Lois Ann Gibson....

Exhibit # 2.2 and 2.3 Declaration of Two Witnesses,

Exhibit # 3 Declaration of Newly Non-Resident, Kurt Kolb, regarding
Automated Voter Harvesting,

Exhibit # 4 Frederick and Carroll County Grant Contracts, with Terms

Exhibit # 5 Howard County, List of Payments of Exact Money Dollars
Received in Grants from Chicago (Purported 501(c)(3) Charity,
Center for :Tech and Civic Life, (CTCL) \$ 688,226, distributed
in Same Amount, \$ 688,226, to List of about 730 Named Persons
also Furnished from disbursement Records of Howard County

Exhibit # 6 Mail-In Ballot Requests by County, July 17, 2022, 508,024.....

Exhibit # 7 Mail-in Ballot Requests by County, November 3, 2020, 1,688,480...

Exhibit # 8 Verification of Harford County Canvas of 2020, Presidential
General Election, through February 2022.....

Exhibit # 9, Verification Report, Ballot Images and Fake Surveillance
Camera Report, May 26, 2022.....

Exhibit # 10 Curriculum Vitae, Dr. Douglas G. Frank.

CERTIFICATE OF SERVICE

THESE MATERIALS, BOTH ORIGINAL COMPLAINT AND MOTIONS FOR INJUNCTIVE RELIEF, BOTH VERSIONS, AND THE COURT'S ORDER OF JULY 6, 2022. AND THE RULE 59(e) MOTION AND ORDER, denying that Motion, WERE DELIVERED BY AGAIN TO ALL DEFENDANTS, EXCEPT CTCL, WHICH WAS MAILED PRIORITY MAIL, RETURN RECEIPT REQUESTED. ALL STATE AGENCIES WERE SERVED BY THE APPROVED ELECTRONIC MEANS, for each State agency, ON OR ABOUT AUGUST 24th, 2022.

Emails to: Brent.Bolea1@Maryland.gov; Michael.Friedman@Maryland.gov; OAG@OAG.State.Md.US

THE FIRST AMENDED COMPLAINT, AND THE IMBEDDED RENEWAL OF THE MOTION FOR A TRO, WERE DELIVERED BY ELECTRONIC EMAIL, ON AUGUST 19, 2022.

Natalie Melendez Abbas.

Natalie Abbas, Paralegal, August 19, 2022.

From: Chris Davis

Sent: Monday, September 12, 2022 11:08 AM

To: piarequest <piarequest@wilco.org>; Matthew Dutton <matthew.dutton@wilco.org>

Cc: Allyssa Delgadillo <allyssa.delgadillo@wilco.org>; Ariane Flores <ariane.flores@wilco.org>; Corby Holcomb <corby.holcomb@wilco.org>; Jessica Morrison <jessica.morrison@wilco.org>; Kerstin Siptak <kerstin.siptak@wilco.org>; Peggy Vasquez <pvasquez@wilco.org>

Subject: RE: Public Information Request of Chris Carlin (2022-868-PIA)

As I read the below, this is a request from Chris Carlin of an in-person, on-site inspection of several types of November 3, 2020 election records, including actual voted ballots.

We would need to come up with a cost estimate of labor required to retrieve and produce the several pallets-worth of boxes containing all of these record types.

Also, I anticipate that the originals CANNOT be produced for items #3.4 & #3.6, due to the presence of personally identifiable information (phone numbers & email addresses). So, copies of these records and then manual redactions of the copies must be made.

Please advise on whether we'd need to also charge for the cost of the necessary presence of one of my staff as per the Texas SoS' most recent guidance after KP-04121 (and attached to this email).

Best,

Chris Davis

Elections Administrator, Williamson County, TX

cjdavis@wilco.org

Off: 512.943.1630

[@WilCoElections](#)

From: [Elections Internet](#)
To: [Elections Internet](#)
Subject: MASS EMAIL--CC/EA(930)--Recommended Procedures for Access to Anonymous Voted Ballots (Attorney General Opinion No. KP-0411)
Date: Tuesday, September 6, 2022 3:25:51 PM
Attachments: [image001.png](#)
Sensitivity: Personal

EXTERNAL email: Exercise caution when opening.

Dear Election Officials,

On August 17, 2022, the Texas Attorney General's office issued Opinion No. [KP-0411](#). In an effort to clarify prior interpretations and in light of this opinion, our office is issuing the below guidance on recommended procedures for providing public access to anonymous voted ballots. These procedures will help ensure that you can maintain the security and integrity of voted ballots:

Public Inspection of Anonymous Voted Ballots

- The general custodian of election records should establish a written policy that specifies procedures for providing access to anonymous voted ballots through public inspection. This written policy should reflect "procedures as authorized by law to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots under the Election Code." (Opinion No. [KP-0411](#), p. 5).
- The general custodian's policy should, at a minimum, include the following provisions:
 - A defined time period for public inspection consistent with the Public Information Act.
 - A log of all individuals accessing the anonymous voted ballots during the defined time period.
 - General regulations regarding access to the ballots, including the following protocols:
 - **At least one member of the general custodian's staff must be present at all times in the room containing the voted ballots while public inspection is taking place.**
 - Pens, pencils, and other marking devices are prohibited in the room containing the voted ballots.
 - Food and beverages are prohibited in the room containing the voted ballots.
 - Voted ballots must be kept in the same stacks, containers, or boxes, whichever is applicable, while public inspection is taking place.
 - Voted ballots may not be removed from the room in which public inspection is taking place.
 - Imaging devices may be used to take photos or make copies of the voted ballots.
 - If you have video surveillance available, the SOS recommends that you utilize the surveillance system to monitor all activities in the inspection room during the time that the ballots are made available for public inspection.
 - In the space where you plan to provide public access to the anonymous voted ballots, you should ensure that all other materials unrelated to the ballot request are removed from that location.

Records Retention and Management

- Voted ballots containing personally identifiable information that could tie a voter's identity to their voting selections must be redacted before allowing public access to the ballots. As Opinion No. KP-0411 recognizes, "such information must be preserved, and the election records custodian must redact such personally identifiable information to protect the constitutional right to a secret ballot in Texas." (Opinion No. [KP-0411](#), p. 4).
- Voted paper ballots are the official ballot of record for recounts and election contests.
- If a county has maintained an electronic copy (e.g., ballot image, cast vote record) in addition to the voted paper ballot, copies of the electronic records should be made available upon request just as paper ballots are made available.
- If you do not already have anonymous voted ballots scanned or imaged, you may want to consider imaging them prior to public inspection to ensure that there is a record of the image prior to public inspection.
- If you are providing files in any electronic format, the SOS strongly recommends that you calculate a hash value to validate the integrity of the files and to ensure they are not altered in any way. The SOS will provide additional guidance on how to accomplish this security measure.
- At the conclusion of the retention period, contents of locked ballot boxes or secure containers may only be destroyed if there is no election contest, criminal investigation, or pending public information request that has yet to be fulfilled. (Secs. [1.012](#), [66.058](#)). You should also consult with your county attorney or district attorney and any county records management officers before disposing of such materials after the 22-month retention period.

As always, please let us know if you have any questions or concerns.

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.

From: Elections Internet <Elections@sos.texas.gov>
Sent: Monday, November 7, 2022 2:22:22 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: [CAUTION EXTERNAL] MASS EMAIL (CC/EA/VR -1082) - Procedures for Precinct Scanner Malfunctions

CAUTION: This email is from OUTSIDE Travis County. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious.

Dear Election Officials,

We've received questions from several counties regarding the procedures that election officials should follow if a precinct scanner malfunctions in a polling place.

For counties that have established a central counting station, Section 127.156 of the Texas Election Code provides that if a discrepancy of four or more ballots exists between the number of ballots recorded on the ballot and seal certificate and the number of ballots cast on the tape containing the tabulation from the precinct scanner, the official tabulation shall be conducted at the central counting station. Additionally, Section 127.157 provides that the tabulation of irregularly marked ballots (which includes write-in votes) shall be conducted at the central counting station.

For those counties with a central counting station, there is no procedure by which the malfunction of a precinct scanner would result in a hand tally in the polling place.

For counties that have NOT established a central counting station, there are scenarios where you may be required to establish a central count to handle certain discrepancies. If you have not established a CCS and a precinct scanner malfunctions while voting is occurring, we recommend that you contact our office for guidance based on the specific facts surrounding the malfunction.

As a reminder, under Section 276.003 of the Texas Election Code, a person commits an offense if the person knowingly or intentionally removes or attempts to remove the voted ballots from a ballot box in a manner not authorized by law. An offense under Section 276.003 is a felony of the third degree, unless the person is convicted of an attempt (in which case the offense is a Class A misdemeanor).

If you experience an equipment malfunction or failure at a polling place, please do not hesitate to contact our office for additional guidance.

Thank you,

Christina Worrell Adkins

Legal Director – 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/gcc02.safelinks.protection.outlook.com

For Voter Related Information, please visit:

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This electronic mail message, including any attachments, may be confidential or privileged under applicable law. This email is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient of this email, you are notified that any use, dissemination, distribution, copying, disclosure or any other action taken in relation to the content of this email including any attachments is strictly prohibited. If you have received this email in error, please notify the sender immediately and permanently delete the original and any copy of this email, including secure destruction of any printouts.

From: Chris Davis <cjdavis@wilco.org>
Sent: Tuesday, September 06, 2022 4:55 PM EDT
To: Jessica Morrison <jessica.morrison@wilco.org>
Subject: Fwd: MASS EMAIL--CC/EA(930)--Recommended Procedures for Access to Anonymous Voted Ballots (Attorney General Opinion No. KP-0411)

FYI.

Christopher Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
@WilCoElections

From: Elections Internet <Elections@sos.texas.gov>
Sent: Tuesday, September 6, 2022 3:25:40 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: MASS EMAIL--CC/EA(930)--Recommended Procedures for Access to Anonymous Voted Ballots (Attorney General Opinion No. KP-0411)

EXTERNAL email: Exercise caution when opening.

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 - § Imaging devices may be used to take photos or make copies of the voted ballots.
 - If you have video surveillance available, the SOS recommends that you utilize the surveillance system to monitor all activities in the inspection room during the time that the ballots are made available for public inspection.
 - In the space where you plan to provide public access to the anonymous voted ballots, you should ensure that all other materials unrelated to the ballot request are removed from that location.

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As always, please let us know if you have any questions or concerns.

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.

From: Chris Davis <cjdavis@wilco.org>
Sent: Friday, August 19, 2022 5:05 PM EDT
To: Jessica Morrison <jessica.morrison@wilco.org>
Subject: Fwd: MASS EMAIL--CC/EA--Attorney General Opinion No. KP-0411
TexSoS punted, as expected.

Christopher Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
@WilCoElections

From: Chris Davis <cjdavis@wilco.org>
Sent: Friday, August 19, 2022 4:02:38 PM
To: alopez@npr.org <alopez@npr.org>
Subject: Fwd: MASS EMAIL--CC/EA--Attorney General Opinion No. KP-0411

Told ya so.

Christopher Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
@WilCoElections

From: Elections Internet <Elections@sos.texas.gov>
Sent: Friday, August 19, 2022 4:01:17 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: MASS EMAIL--CC/EA--Attorney General Opinion No. KP-0411

EXTERNAL email: Exercise caution when opening.

Dear Election Officials,

On August 17, 2022, the Attorney General issued Opinion No. [KP-0411](#) regarding whether a legislator or a member of the public may inspect or obtain copies of anonymous voted ballots.

If you have questions about fulfilling public information requests for voted ballots under Opinion No. KP-0411, please continue to consult with your county attorney and/or public information coordinator. In addition, you may wish to contact the Attorney General's Open Government Hotline at (877) 673-6839 for assistance regarding procedures for complying with the Public Information Act.

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.

From: Heider I. Garcia <HIGarcia@tarrantcounty.com>

Sent: Friday, August 26, 2022 10:46 AM EDT

To: Trudy R. Hancock <thancock@brazoscountytx.gov>; Jennifer Anderson <janderson@co.hays.tx.us>; shannon.lackey@randallcounty.com <shannon.lackey@randallcounty.com>; Chris Davis <cjdavis@wilco.org>; Remi Garza <Remi.Garza@co.cameron.tx.us>

Subject: FYI

Attachment(s): "Supplemental Brief re MSJ.pdf"

EXTERNAL email: Exercise caution when opening.

Karen Wiseman,

Plaintiff,

v.

**Tarrant County, Texas, and
Heider Garcia, in his capacity as
Elections Administrator for
Tarrant County, Texas,**

Defendants.

IN THE DISTRICT COURT

96th JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

Supplemental Brief in Support of Motion for Summary Judgment

As requested by the Court at the August 5, 2022 summary judgment hearing, the Defendants offer the additional briefing below concerning election records.

Election records and confidentiality

The Election Code provides that “an election record that is public information shall be made available to the public during the regular business hours of the record’s custodian.” Tex. Election Code Ann. § 1.012(a). Election records are “the precinct election returns, voted ballots, and other records of an election[.]” Tex. Election Code Ann. § 66.002. All election records—except as otherwise provided in the Election Code or the Public Information Act—are public information. Tex. Election Code Ann. § 1.012(c). The Public Information Act provides that information is excepted from public disclosure when it is considered confidential by law. Tex. Gov’t Code Ann. § 552.101. This law can include both the PIA and other statutes. *Id.*

The Election Code requires the election authority to preserve election records for at least 22 months after election day. Tex. Election Code Ann. § 65.058(a). During the preservation period, voted ballots must be kept in a locked ballot box or secured container. Tex. Election Code Ann. § 66.058(b). If ballots are electronic, those must be kept in a secure container. Tex. Election Code Ann. § 66.058(g). During the preservation period, “a ballot box or other secure container containing

voted ballots may not be opened” unless otherwise permitted in the Election Code. Tex. Election Code Ann. § 66.058(b-1) (emphasis added). To access ballots during the preservation period (unless authorized in the Election Code) is a crime. Tex. Election Code Ann. § 66.058(d). Tarrant County contends that Section 66.058 makes voted ballots (whether paper or electronic) confidential for 22 months following an election.

Established rules of statutory construction show that voted ballots are confidential

The Attorney General consistently ruled as such since Open Records Decision No. 505 (1988) (**Exh. A**), including as recently as July 26, 2022 (**Exh. B**). But, on August 17, 2022, the Attorney General issued a formal opinion concluding for the first time in almost 40 years that voted ballots are not confidential. *See*, Op. Att’y Gen. KP-0441 (**Exh. C**). For the reasons below, the Attorney General’s most recent interpretation is erroneous, and the Court should not follow it.

A court is to construe a statute as a whole rather than viewing individual parts in isolation. *Johnson v. Simmons*, 597 S.W.3d 538, 541 (Tex. App.—Fort Worth 2020, pet. denied). The court must also avoid an interpretation that renders any portion of the statute meaningless. *Id.*

Considering Sections 1.012 and 66.058 together, while all election records are public information, voted ballots are confidential during the 22-month preservation period. This gives effect to Section 1.012’s command that election records be made available except as otherwise provided in the Election Code or the PIA. It also gives effect to Section 66.058’s prohibition on accessing voted ballots except as otherwise authorized in the Election Code.

If the Legislature intended to include PIA requests as an authorized reason to access voted ballots, it would have explicitly stated as such. It has in other instances, such as recounts, Tex. Election Code Ann. § 213.007 (when presented with a recount order, custodian shall make ballots available to recount committee), and election contests. Tex. Election Code Ann. § 221.008 (tribunal hearing election contest may cause secured ballots to be accessed to determine any issue relevant to the contest). Section 1.012 has no such language about accessing secured ballots. Tex. Election Code Ann. § 1.012. The lack of such language shows that the Legislature did not include PIA requests as one of the

permissible reasons to access voted ballots. *City of Richardson v. Oncor Electric Delivery Co., LLC*, 539 S.W.3d 252, 261 (Tex. 2018) (term used in one provision but excluded in another should not be implied where excluded). Because the Attorney General’s opinion conflicts with both the Election Code and the rules of statutory construction, the Court should decline to follow it. Instead, the Court should follow Section 66.058’s plain language, which prohibits disclosure of voted ballots.

Conclusion and Prayer

All of the items at issue in Wiseman’s September PIA request and item 7 in her November PIA request are ballots. *See*, Exh. A to Reply in Support of Motion for Summary Judgment. Because ballots are confidential for the 22 months following the election, Wiseman is not entitled to them. Hence, the Court should grant the Defendants judgment as a matter of law denying Wiseman’s claim for mandamus for those ballots.

Respectfully submitted,

SHAREN WILSON
Criminal District Attorney
Tarrant County, Texas

s/ Stephen A. Lund

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STEPHEN A. LUND
State Bar No. 24086920
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Attorneys for Defendants

Certificate of Service

On August 19, 2022, I served the above document on all counsel of record in accordance with Tex. R. Civ. P. 21a.

s/ Stephen A. Lund _____

STEPHEN A. LUND



Exhibit A

**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

September 2, 1988

Honorable Joe Lucas
El Paso County Attorney
Room 201, City-County
Building
El Paso, Texas 79901

Open Records Decision No. 505

Re: Whether voted ballots and software purchased for the tabulation of votes are public information under the Texas Open Records Act, article 6252-17a, V.T.C.S. (RQ-1410)

Dear Mr. Lucas:

You ask about the public availability under the Texas Open Records Act, article 6252-17a, V.T.C.S., of voted ballots from the March, 1988, primary elections in El Paso County and of computer software used in the tabulation of the votes in those elections.

Generally, all information held by governmental bodies is open to public inspection unless the information falls within an exception to disclosure under the Open Records Act. See Attorney General Opinion JM-672 (1987). You assert that the voted ballots and the computer programs are protected from disclosure under sections 3(a)(1) and 3(a)(10), respectively. Those sections except from disclosure the following:

(1) information deemed confidential by law, either Constitutional, statutory, or by judicial decision;

. . . .

(10) trade secrets and commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision.

Your inquiry about the voted primary ballots is a question of first impression to this office. The Election Code designates the county clerk or the county elections administrator, if any, as the general custodian of election

records for a primary election. Elec. Code §§ 66.001 and 31.043. The disposition of election records generally is governed by chapter 66 of the Election Code. Voted ballots come within the statutory definition of "precinct election records." Elec. Code § 66.002.

Both federal and state law govern the preservation and retention of voted ballots in an election involving a federal office.¹ Section 66.058(b) of the Election Code requires voted ballots to be preserved securely in a locked room in the locked ballot box in which the ballots were delivered to the general custodian on election night. The preservation period for precinct election records (including voted ballots) in an election such as a primary election is 22 months after election day. Elec. Code § 66.058(g). No entry may be made into the locked box except as authorized by the Election Code. Elec. Code § 66.058(b).² During the preservation period, the voted ballots are protected from required disclosure by section 3(a)(1) of the Open Records Act in conjunction with section 66.058 of the Election Code.

Section 1.013 of the Election Code permits but does not require the destruction of voted ballots and other election records after the expiration of the prescribed preservation period. Before the substantive revision and recodification of the Election Code in 1985, the destruction of voted ballots was governed by article 8.32 of the Election Code. The former law required the destruction of voted ballots by burning or shredding at the end of the preservation period, unless an election contest or criminal investigation was

1. A primary election involves candidates for federal, state, district, county, and precinct offices. Elec. Code § 172.001. Section 1974 of Title 42, United States Code requires retention for 22 months of the records of an election (including voted ballots) where candidates for a federal office were voted upon. Because Texas law parallels the federally required retention period, only the state's statutory provisions will be discussed in this opinion.

2. As a general rule, no one may have access to voted ballots during the retention period. The statutory exceptions for gaining access to voted ballots include recounts, election contests, criminal investigations, and counts conducted pursuant to chapter 127 of the Election Code. None of these exceptions is applicable to your inquiry.

pending. Thus, under the former code provision, there was never a time when voted ballots maintained in the custody of an election official were available for public inspection.

Because the Election Code no longer mandates the destruction of voted ballots, it is our opinion that any voted ballots retained by the custodian of election records after the prescribed retention period are subject to the Open Records Act. They are, therefore, available for public inspection unless protected by one of the act's exceptions. Section 3(a)(1) of the Open Records Act applies only to the extent that section 66.058 applies -- during the retention period.

The Election Code specifically addresses the time and place that election records are to be made available. Section 1.012 provides:

(a) Subject to subsection (b), an election record that is public information shall be made available to the public during the regular business hours of the record's custodian.

(b) For the purpose of safeguarding the election records or economizing the custodian's time, the custodian may adopt reasonable rules limiting public access.

Although the above-quoted language differs slightly from the wording of sections 4 and 13 of the Open Records Act pertaining to the production of public information for inspection or duplication, we do not consider the provisions to be in conflict. See Attorney General Opinion JM-757 (1987). The reference in Election Code section 1.012(b) to "limiting access" is not authorization for a custodian of election records to restrict the right of the public to inspect election records that are public records. Rather, that subsection recognizes the uniqueness of the information maintained by election officials and authorizes the custodian to adopt rules governing access to those documents. Any rule that purported to prohibit access would be unreasonable and would violate the requirements of both the Election Code and the Open Records Act.

It is not clear from your request whether you have asserted that voted ballots remain unavailable for inspection under the Open Records Act after the expiration of the

prescribed retention period. In our opinion, voted ballots from primary elections are statutorily exempt from public inspection only during the prescribed retention period. Any ballots retained by the custodian after that period are available for public inspection.

Further, it is our opinion that a request made during the retention period to inspect voted ballots must be treated as a request to inspect the ballots when the retention period expires. Our conclusion is based on our understanding of the purposes and interpretation of the Open Records Act. Section 14 of the Open Records Act provides, in part:

(a) This Act does not prohibit any governmental body from voluntarily making part or all of its records available to the public, unless expressly prohibited by law; provided that such records shall then be available to any person.

(b) This Act does not authorize the withholding of information or limit the availability of public records to the public, except as expressly so provided.

. . . .

(d) This Act shall be liberally construed in favor of the granting of any request for information.

This emphasis on the availability of public records coupled with the removal from the Election Code of the provision mandating the destruction of voted ballots requires us to conclude that records that would otherwise become public on a given date may not be destroyed until the request for public inspection has been resolved.

You also inquire about the availability of the computer programs used to tabulate the votes cast in the primary election. You indicate that the election results were tabulated on computer software which the county purchased from a private corporation. The vendor owns the copyrights to the programs. This copyright information appears on the screen whenever the various programs are accessed. Federal law, not the Open Records Act, governs the right to reproduce copyrighted materials. See Attorney General Opinion

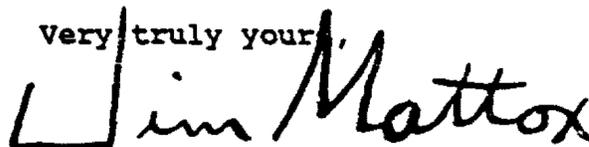
MW-307 (1981). Release of copies of computer programs protected by copy-right would violate federal law.

S U M M A R Y

Voted ballots from a primary election become public information available for public inspection after the 22 month retention period. A request under the Open Records Act for access to voted ballots must be honored before the ballots may be destroyed.

Release of copies of computer programs protected by copy-right would violate federal law.

Very truly yours,

A handwritten signature in black ink that reads "Jim Mattox". The signature is written in a cursive style with a large, prominent "J" and "M".

J I M M A T T O X
Attorney General of Texas

MARY KELLER
First Assistant Attorney General

LOU MCCREARY
Executive Assistant Attorney General

JUDGE ZOLLIE STEAKLEY
Special Assistant Attorney General

RICK GILPIN
Chairman, Opinion Committee

JENNIFER S. RIGGS
Chief, Open Government Section
of the Opinion Committee

Prepared by Karen C. Gladney
Assistant Attorney General



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

RECEIVED
Exhibit B
AUG 02 2022
CIVIL DIVISION
CRIMINAL DISTRICT ATTORNEY

July 26, 2022

Ms. Hannah Bell
Assistant District Attorney
Tarrant County Criminal District Attorney's Office
401 West Belknap, 9th Floor
Fort Worth, Texas 76196-0201

OR2022-21874

Dear Ms. Bell:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 962319.

The Tarrant County Criminal District Attorney's Office and the Tarrant County Elections Administration (collectively, the "county") received two requests from different requestors for specified election records. The county claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the county claims and reviewed the submitted representative sample of information.¹

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 66.058 of the Election Code, which provides:

- (a) Except as otherwise provided by this code, the precinct election records shall be preserved by the authority to whom they are distributed for at least 22 months after election day.
- (b) For a period of at least 60 days after the date of the election, the voted ballots shall be preserved securely in a locked room in the locked ballot box

¹ We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

in which they are delivered to the general custodian of election records. On the 61st day after election day, the general custodian of election records may:

(1) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and

(2) unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period.

(b-1) Except as permitted by this code, a ballot box or other secure container containing voted ballots may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box or other secure container containing voted ballots, when the purpose for the entry is fulfilled, the box or container shall be relocked or resecured, and the box and key or secure container returned to the custodian.

(d) A custodian of a ballot box or secure container containing voted ballots commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box or container; or

(2) fails to prevent another person from handling the box or container in an unauthorized manner or from making an unauthorized entry into the box or container.

(e) An offense under Subsection (d) is a Class A misdemeanor.

(f) The records in ballot box no. 4 may be preserved in that box or by any other method chosen by the custodian. If the records are removed from the box, they may not be commingled with any other election records kept by the custodian.

(g) Electronic records created under Chapter 129 shall be preserved in a secure container.

(h) For the preservation of precinct election records in an election involving a federal office, the secretary of state shall instruct the affected authorities on the actions necessary to comply with federal law and otherwise implement this section.

Elec. Code § 66.058. "Precinct election records" means the precinct election returns, voted ballots, and other records of an election that are assembled and distributed under chapter 66 of the Election Code. *See id.* § 66.002; *see also id.* §§ 121.001 (noting other provisions of this code apply to an election in which a voting system is used), 127.132 (explaining

voted ballots, election returns, and other election records of an electronic voting system shall be delivered to authorities who receive corresponding records from precinct polling places using regular paper ballots), 129.001 (stating chapter 129 applies to voting system that uses direct recording electronic voting machines and, to extent possible, procedures applicable to electronic voting system under chapter 127 are applicable to voting system under chapter 129). You state the submitted information is within this meaning of “precinct election records.”

The Election Code authorizes access to election records during the preservation period for several purposes, including, for example, recounts, election contests, criminal investigations, and counts conducted pursuant to chapter 127 of the Election Code. *See* Open Records Decision No. 505 at 2 n.2 (1988). We have no indication the Election Code authorizes access to the submitted information in this case. Therefore, pursuant to section 66.058(a) of the Election Code, the information at issue is confidential for at least 22 months after election day. *See* Elec. Code § 66.058(a). Accordingly, the county must withhold the information at issue under section 552.101 of the Government Code on that basis for the duration of the preservation period. After this period, the information at issue is subject to public disclosure. *See* ORD 505 at 4 (request made during preservation period to inspect voted ballots must be treated as request to inspect ballots when retention period expires).

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/mo

Ref: ID# 962319

Enc. Submitted documents

c: Requestor
(w/o enclosures)



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

Exhibit C

August 17, 2022

The Honorable Kelly Hancock
Chair, Senate Committee on Veteran Affairs & Border Security
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

The Honorable Matt Krause
Chair, House Committee on General Investigating
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Opinion No. KP-0411

Re: Whether a legislator or a member of the public may inspect or obtain copies of anonymous voted ballots (RQ-0424-KP)

Dear Senator Hancock and Representative Krause:

You ask whether a member of the public or a legislator may inspect or obtain copies of anonymous voted ballots.¹ To be clear, you explain that the subject of your inquiry is “anonymous voted ballots” or other voted ballots that have had any voter-identifying data redacted. Krause Letter at 1. You explain that members of the public and individual members of the Legislature desire to audit the results of Texas elections, but election administrators cite section 66.058 of the Election Code as precluding the release of voted ballots. Hancock Letter at 1; Krause Letter at 1. Thus, the question presented is whether the information contained within a voted ballot *that has been stripped of any information that could be used to reveal the identity of the voter* is public information subject to disclosure.

¹See Letter from Honorable Kelly Hancock, Chair, Senate Comm. on Veteran Affairs & Border Sec., to Honorable Ken Paxton, Tex. Att’y Gen. at 1 (Sept. 28, 2021) (“Hancock Letter”); Letter from Honorable Matt Krause, Chair, House Comm. on Gen. Investigating, to Honorable Ken Paxton, Tex. Att’y Gen. at 1–2 (Aug. 16, 2021) (“Krause Letter”); <https://texasattorneygeneral.gov/sites/default/files/request-files/request/2021/RQ0424KP.pdf>.

To fulfill the Texas Constitution’s mandate that Texas preserve election integrity, the Legislature has designated anonymous voted ballots as election records under the Election Code and has established procedures aimed at both preserving those records and granting public access to them.

Article VI, section 4 of the Texas Constitution provides:

In all elections by the people, the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature shall provide by law for the registration of all voters.

TEX. CONST. art. VI, § 4. This provision requires the Legislature to “pass laws as necessary to deter fraud and protect ballot purity [and] is addressed to the sound discretion of the Legislature.” *Andrade v. NAACP*, 345 S.W.3d 1, 16 (Tex. 2011) (quoting *Wood v. State ex rel. Lee*, 126 S.W.2d 4, 9 (Tex. 1939) (quotation marks omitted)).

Your question involves access to “election records” which include “anything distributed or received by government under [the Election Code].” TEX. ELEC. CODE § 1.012(d)(1). Voted ballots are expressly designated as “precinct election records.” *Id.* § 66.002 (defining “precinct election records” as “the precinct election returns, *voted ballots*, and other records of an election that are assembled and distributed” under chapter 66 of the Election Code (emphasis added)). The Election Code contains provisions aimed at both preserving election records and granting access to review those records. *See id.* §§ 1.012, 66.058.

To fulfill its constitutional mandate, the Legislature created the position of general custodian of election records and charged that office with, among other things, preserving precinct election records.² *See id.* §§ 66.001, .058. Subsection 66.058(a) requires “the precinct election records [to] be preserved by the authority to whom they are distributed for at least 22 months after election day.” *Id.* § 66.058(a); *see also* 52 U.S.C. § 20701 (establishing 22-month preservation period for election records in certain federal elections). For at least 60 days after an election, voted ballots must be kept in a locked room, in the locked ballot box delivered to the custodian. TEX. ELEC. CODE § 66.058(b).³ On the 61st day, the custodian may require the return of the key that unlocks the ballot box containing voted ballots and may “unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period.” *Id.* § 66.058(b)(1), (2).

“Except as permitted by [the Election Code], a ballot box or other secure container containing voted ballots may not be opened during the preservation period.” *Id.* § 66.058(b-1).

²Depending on the type of election, the general custodian of election records is either the county clerk, the city secretary, or the secretary or presiding officer of a political subdivision’s governing body. TEX. ELEC. CODE § 66.001.

³Due to potential recounts and provisional ballots, the Legislature requires the election record custodian to keep voted ballots secure for the 60-day period. *Id.* § 66.058(b)

The custodian commits a criminal offense if, during the preservation period, the custodian makes an unauthorized entry into the box or container or “fails to prevent another person from handling the box or container in an unauthorized manner or from making an unauthorized entry into the box or container.” *Id.* § 66.058(d), (e). If anonymous voted ballots are disclosable public information, then the custodian’s entry into the box to fulfill the state’s disclosure obligations is authorized.

The Election Code designates all election records, including anonymous voted ballots, as public information.

Alongside the goal of ballot preservation, the Election Code also recognizes the importance of granting access to the public to review election records and ensure transparency and confidence in Texas elections. To that end, section 1.012 of the Election Code provides: “Except as otherwise provided by [the Election Code] or [the Public Information Act], all election records are public information.” *Id.* § 1.012(c). Voted ballots become public information once “the custodian completes the unofficial tabulation of the results for that precinct.” *Id.* § 66.057(a). “[A]n election record that is public information shall be made available to the public during the regular business hours of the record’s custodian.” *Id.* § 1.012(a).

Because the Legislature designated anonymous voted ballots as public information and required public access to those records, a custodian’s entry into the locked box for such purposes is an authorized entry under the Election Code.

Section 66.058 recognizes the existence of exceptions that authorize entry into the locked ballot box during the preservation period provided the box or container is relocked or resecured after the authorized purpose has been fulfilled. *Id.* § 66.058(b-1), (c); *see, e.g., id.* §§ 213.007 (authorizing the custodian to make ballots available for a recount), 273.042 (authorizing the custodian to make the ballots available to a grand jury for purposes of a criminal investigation). Section 1.012 of the Election Code establishes one such exception by generally requiring the custodian to make election records available to the public, unless such records are expressly excepted by the Public Information Act or the Election Code.⁴ *Id.* § 1.012(c); *see also* TEX. GOV’T CODE § 552.006 (providing that the Public Information Act “does not authorize the withholding of public information or limit the availability of public information to the public, except as expressly provided” within the Act).

Subchapter C of the Public Information Act establishes the exceptions to the general rule that public information shall be made available to the public. *See* TEX. GOV’T CODE §§ 552.101–.162 (“Information Excepted from Required Disclosure”). No section within that subchapter addresses anonymous voted ballots or expressly excepts them from disclosure. Furthermore, no

⁴Thirty-four years ago, in Open Records Decision 505, a previous Attorney General considered public access to voted ballots under the Public Information Act. Tex. Att’y Gen. ORD 505 (1988) at 1–2. The decision concluded that section 66.058’s prohibition on unauthorized entry into the locked ballot box during the preservation period fell within the Public Information Act’s disclosure exceptions for privileged or confidential information. Tex. Att’y Gen. ORD 505 (1988) at 2–3. However, in-depth review by this office of the issues raised in that decision results in the opposite conclusion. No language in either the Election Code nor the Public Information Act makes the entirety of a voted ballot privileged or confidential. Open Records Decision 505 is therefore overruled to the extent inconsistent with this opinion.

provision in the Election Code designates anonymous voted ballots as confidential or otherwise prohibits their disclosure to the public. By demanding that the public have access to election records, including anonymous voted ballots, the Legislature thereby authorized the election records custodian's entry to the locked ballot box during the 22-month preservation period for such purposes.

Any personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections must be redacted for purposes of disclosure to protect the constitutional right to a secret ballot in Texas.

While you ask specifically about *anonymous* voted ballots, it is important to note that Texas law has long established that all elections shall be by secret ballot. *Wood*, 126 S.W.2d at 9. This requirement of secrecy is mandatory—"that every voter is thus enabled to secure and preserve the most complete and inviolable secrecy *in regard to the persons for whom he votes*["*Id.* at 8; *Carroll v. State*, 61 S.W.2d 1005, 1007 (Tex. Crim. App. 1933) (emphasis added). In order to protect the secret ballot, "[p]ublic policy requires that the veil of secrecy should be impenetrable, unless the voter himself voluntarily determines to lift it["*Carroll*, 61 S.W.2d at 1008. The right of nondisclosure belongs to the individual voter. *See Oliphint v. Christy*, 299 S.W.2d 933, 939 (Tex. 1957). Your question appears to acknowledge this requirement by only inquiring about voted ballots that (1) have no information that could be used to identify the voter or (2) have been redacted to exclude any information that could be used to identify the voter. Krause Letter at 1.

Information is excepted from public disclosure under the Public Information Act "if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision." TEX. GOV'T CODE § 552.101. No statutory provision generally designates election records or their contents to be confidential. However, the right to a secret ballot has been held to protect personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections. *See generally Wood*, 126 S.W.2d at 9; *Carroll*, 61 S.W.2d at 1008. Therefore, a court would likely find that personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is excepted from public disclosure. As a result, such information must be preserved, and the election records custodian must redact such personally identifiable information to protect the constitutional right to a secret ballot in Texas. TEX. GOV'T CODE § 552.007 (providing that a governmental body has no discretion to release information deemed confidential by law). To be clear, the presence of some confidential information on a ballot does not provide a basis to withhold the ballot in its entirety.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

The Secretary of State is the chief elections officer of the state and is required to "assist and advise all election authorities with regard to the application, operation, and interpretation" of the Election Code and any other election laws. TEX. ELEC. CODE §§ 31.001(a), .004(a). In furtherance of the preservation of precinct election records in particular, the Legislature directed the Secretary of State to "instruct the affected authorities on the actions necessary to comply" with

section 66.058. *Id.* § 66.058(h). Thus, the Secretary of State has the authority to instruct elections administrators as to how to comply with both the ballot preservation requirements in section 66.058 and the public access requirements in section 1.012.

With the Secretary of State's oversight, the Legislature expressly authorized the election records custodian to "adopt reasonable rules limiting public access" under section 1.012 to further the purposes of "safeguarding the election records or economizing the custodian's time." *Id.* § 1.012(b). Pursuant to their respective authority, the Secretary of State and the election records custodians may establish procedures as authorized by law to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots under the Election Code.

S U M M A R Y

Anonymous voted ballots are election records under the Election Code, and the Legislature has established procedures aimed at both preserving those records and granting public access to them.

Section 66.058 of the Election Code requires the anonymous ballots to be held in a locked ballot box during a 22-month preservation period, with entry only as authorized by the Election Code. Section 1.012 establishes these ballots as public information and requires the election records custodian to make the ballots available to the public. By expressly requiring the custodian to provide public access to such records, the Legislature authorized entry into the locked ballot box for such purpose during the 22-month period. Thus, members of the public and legislators may inspect or obtain copies of anonymous voted ballots during the 22-month preservation period.

Personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is confidential and excepted from public disclosure. Any confidential information on an anonymous voted ballot must be redacted for purposes of disclosure in order to protect the constitutional right to a secret ballot.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

Very truly yours,



KEN PAXTON
Attorney General of Texas

BRENT E. WEBSTER
First Assistant Attorney General

LESLEY FRENCH
Chief of Staff

D. FORREST BRUMBAUGH
Deputy Attorney General for Legal Counsel

AARON REITZ
Deputy Attorney General for Legal Strategy

AUSTIN KINGHORN
General Counsel

RALPH MOLINA
Special Counsel to the First Assistant Attorney General

CHARLOTTE M. HARPER
Deputy Chair, Opinion Committee

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Syretta Antwi-Boasiako on behalf of Stephen Lund

Bar No. 24086920

sjboasiako@tarrantcountytx.gov

Envelope ID: 67484043

Status as of 8/19/2022 2:55 PM CST

Associated Case Party: THETARRANT COUNTY TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Leslie Hunt		llhunt@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Mark Kratovil		mckratovil@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Ann Diamond		adiamond@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT

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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel L. Bates		dbates@deckerjones.com	8/19/2022 2:46:56 PM	SENT
Gaitrie (Gigi) Gosai		ggosai@deckerjones.com	8/19/2022 2:46:56 PM	SENT
Stephen A. Lund		salund@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT

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Syretta Antwi-Boasiako on behalf of Stephen Lund

Bar No. 24086920

sjboasiako@tarrantcountytx.gov

Envelope ID: 67484043

Status as of 8/19/2022 2:55 PM CST

Associated Case Party: HEIDERGARCIA

Name	BarNumber	Email	TimestampSubmitted	Status
Leslie Hunt		llhunt@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Mark Kratovil		mckratovil@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT
Ann Diamond		adiamond@tarrantcountytx.gov	8/19/2022 2:46:56 PM	SENT

From: Accelevents <account@accelevents.com>

Sent: Friday, September 23, 2022 1:33 PM EDT

To: Chris Davis <cjdavis@wilco.org>

Subject: KP-0411 and Public Access to Election Records @ Wed, October 5, 2022 from 11:40 AM to 12:15 PM (United States (Chicago) Time)

Attachment(s): "calendar.ics"

EXTERNAL email: Exercise caution when opening.

On the day of the event, sign in with the email address cjdavis@wilco.org.

You are being invited to be a speaker for the session KP-0411 and Public Access to Election Records for the event 2022 County Elections Academy.

You can access a list of your talks here:

<https://www.accelevents.com/e/2022-county-elections-academy/portal/mytalks>

You can join the talk directly by visiting:

<https://www.accelevents.com/e/2022-county-elections-academy/portal/studio/274371>

You can complete the speaker on-boarding directly by visiting:

<https://www.accelevents.com/e/2022-county-elections-academy/portal/speaker-onboarding/265167>

Subject: 2022 County Elections Academy

Location: <https://www.accelevents.com/e/2022-county-elections-academy/portal/mytalks>

Start: Wednesday, October 05, 2022 12:40 PM EDT

End: Wednesday, October 05, 2022 1:15 PM EDT

Recurrence: None

Organizer: deannaa@county.org

On the day of the event, sign in with the email address cjdavis@wilco.org. 2022 County Elections Academy is inviting you to be a speaker at KP-0411 and Public Access to Election Records during 2022 County Elections Academy. You can access a list of your talks here: <https://www.accelevents.com/e/2022-county-elections-academy/portal/mytalks?userKey=CUPfGzWW7wzm1XXrCYCyg>. You can join the talk directly by visiting: <https://www.accelevents.com/e/2022-county-elections-academy/portal/studio/274371?userKey=CUPfGzWW7wzm1XXrCYCyg>

From: Chris Davis <cjdavis@wilco.org>
Sent: Thursday, August 18, 2022 12:05 PM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: kp-0411.pdf
Attachment(s): "kp-0411.pdf"



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 17, 2022

The Honorable Kelly Hancock
Chair, Senate Committee on Veteran Affairs & Border Security
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

The Honorable Matt Krause
Chair, House Committee on General Investigating
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Opinion No. KP-0411

Re: Whether a legislator or a member of the public may inspect or obtain copies of anonymous voted ballots (RQ-0424-KP)

Dear Senator Hancock and Representative Krause:

You ask whether a member of the public or a legislator may inspect or obtain copies of anonymous voted ballots.¹ To be clear, you explain that the subject of your inquiry is “anonymous voted ballots” or other voted ballots that have had any voter-identifying data redacted. Krause Letter at 1. You explain that members of the public and individual members of the Legislature desire to audit the results of Texas elections, but election administrators cite section 66.058 of the Election Code as precluding the release of voted ballots. Hancock Letter at 1; Krause Letter at 1. Thus, the question presented is whether the information contained within a voted ballot *that has been stripped of any information that could be used to reveal the identity of the voter* is public information subject to disclosure.

¹See Letter from Honorable Kelly Hancock, Chair, Senate Comm. on Veteran Affairs & Border Sec., to Honorable Ken Paxton, Tex. Att’y Gen. at 1 (Sept. 28, 2021) (“Hancock Letter”); Letter from Honorable Matt Krause, Chair, House Comm. on Gen. Investigating, to Honorable Ken Paxton, Tex. Att’y Gen. at 1–2 (Aug. 16, 2021) (“Krause Letter”); <https://texasattorneygeneral.gov/sites/default/files/request-files/request/2021/RQ0424KP.pdf>.

provision in the Election Code designates anonymous voted ballots as confidential or otherwise prohibits their disclosure to the public. By demanding that the public have access to election records, including anonymous voted ballots, the Legislature thereby authorized the election records custodian's entry to the locked ballot box during the 22-month preservation period for such purposes.

Any personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections must be redacted for purposes of disclosure to protect the constitutional right to a secret ballot in Texas.

While you ask specifically about *anonymous* voted ballots, it is important to note that Texas law has long established that all elections shall be by secret ballot. *Wood*, 126 S.W.2d at 9. This requirement of secrecy is mandatory—"that every voter is thus enabled to secure and preserve the most complete and inviolable secrecy *in regard to the persons for whom he votes*["*Id.* at 8; *Carroll v. State*, 61 S.W.2d 1005, 1007 (Tex. Crim. App. 1933) (emphasis added). In order to protect the secret ballot, "[p]ublic policy requires that the veil of secrecy should be impenetrable, unless the voter himself voluntarily determines to lift it["*Carroll*, 61 S.W.2d at 1008. The right of nondisclosure belongs to the individual voter. *See Oliphint v. Christy*, 299 S.W.2d 933, 939 (Tex. 1957). Your question appears to acknowledge this requirement by only inquiring about voted ballots that (1) have no information that could be used to identify the voter or (2) have been redacted to exclude any information that could be used to identify the voter. Krause Letter at 1.

Information is excepted from public disclosure under the Public Information Act "if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision." TEX. GOV'T CODE § 552.101. No statutory provision generally designates election records or their contents to be confidential. However, the right to a secret ballot has been held to protect personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections. *See generally Wood*, 126 S.W.2d at 9; *Carroll*, 61 S.W.2d at 1008. Therefore, a court would likely find that personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is excepted from public disclosure. As a result, such information must be preserved, and the election records custodian must redact such personally identifiable information to protect the constitutional right to a secret ballot in Texas. TEX. GOV'T CODE § 552.007 (providing that a governmental body has no discretion to release information deemed confidential by law). To be clear, the presence of some confidential information on a ballot does not provide a basis to withhold the ballot in its entirety.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

The Secretary of State is the chief elections officer of the state and is required to "assist and advise all election authorities with regard to the application, operation, and interpretation" of the Election Code and any other election laws. TEX. ELEC. CODE §§ 31.001(a), .004(a). In furtherance of the preservation of precinct election records in particular, the Legislature directed the Secretary of State to "instruct the affected authorities on the actions necessary to comply" with

section 66.058. *Id.* § 66.058(h). Thus, the Secretary of State has the authority to instruct elections administrators as to how to comply with both the ballot preservation requirements in section 66.058 and the public access requirements in section 1.012.

With the Secretary of State's oversight, the Legislature expressly authorized the election records custodian to "adopt reasonable rules limiting public access" under section 1.012 to further the purposes of "safeguarding the election records or economizing the custodian's time." *Id.* § 1.012(b). Pursuant to their respective authority, the Secretary of State and the election records custodians may establish procedures as authorized by law to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots under the Election Code.

S U M M A R Y

Anonymous voted ballots are election records under the Election Code, and the Legislature has established procedures aimed at both preserving those records and granting public access to them.

Section 66.058 of the Election Code requires the anonymous ballots to be held in a locked ballot box during a 22-month preservation period, with entry only as authorized by the Election Code. Section 1.012 establishes these ballots as public information and requires the election records custodian to make the ballots available to the public. By expressly requiring the custodian to provide public access to such records, the Legislature authorized entry into the locked ballot box for such purpose during the 22-month period. Thus, members of the public and legislators may inspect or obtain copies of anonymous voted ballots during the 22-month preservation period.

Personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is confidential and excepted from public disclosure. Any confidential information on an anonymous voted ballot must be redacted for purposes of disclosure in order to protect the constitutional right to a secret ballot.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

Very truly yours,



K E N P A X T O N
Attorney General of Texas

BRENT E. WEBSTER
First Assistant Attorney General

LESLEY FRENCH
Chief of Staff

D. FORREST BRUMBAUGH
Deputy Attorney General for Legal Counsel

AARON REITZ
Deputy Attorney General for Legal Strategy

AUSTIN KINGHORN
General Counsel

RALPH MOLINA
Special Counsel to the First Assistant Attorney General

CHARLOTTE M. HARPER
Deputy Chair, Opinion Committee

From: [Elections Internet](#)
To: [Elections Internet](#)
Subject: MASS EMAIL--CC/EA(930)--Recommended Procedures for Access to Anonymous Voted Ballots (Attorney General Opinion No. KP-0411)
Date: Tuesday, September 6, 2022 3:25:51 PM
Attachments: [image001.png](#)
Sensitivity: Personal

EXTERNAL email: Exercise caution when opening.

Dear Election Officials,

On August 17, 2022, the Texas Attorney General's office issued Opinion No. [KP-0411](#). In an effort to clarify prior interpretations and in light of this opinion, our office is issuing the below guidance on recommended procedures for providing public access to anonymous voted ballots. These procedures will help ensure that you can maintain the security and integrity of voted ballots:

Public Inspection of Anonymous Voted Ballots

- The general custodian of election records should establish a written policy that specifies procedures for providing access to anonymous voted ballots through public inspection. This written policy should reflect "procedures as authorized by law to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots under the Election Code." (Opinion No. [KP-0411](#), p. 5).
- The general custodian's policy should, at a minimum, include the following provisions:
 - A defined time period for public inspection consistent with the Public Information Act.
 - A log of all individuals accessing the anonymous voted ballots during the defined time period.
 - General regulations regarding access to the ballots, including the following protocols:
 - **At least one member of the general custodian's staff must be present at all times in the room containing the voted ballots while public inspection is taking place.**
 - Pens, pencils, and other marking devices are prohibited in the room containing the voted ballots.
 - Food and beverages are prohibited in the room containing the voted ballots.
 - Voted ballots must be kept in the same stacks, containers, or boxes, whichever is applicable, while public inspection is taking place.
 - Voted ballots may not be removed from the room in which public inspection is taking place.
 - Imaging devices may be used to take photos or make copies of the voted ballots.
 - If you have video surveillance available, the SOS recommends that you utilize the surveillance system to monitor all activities in the inspection room during the time that the ballots are made available for public inspection.
 - In the space where you plan to provide public access to the anonymous voted ballots, you should ensure that all other materials unrelated to the ballot request are removed from that location.

Records Retention and Management

- Voted ballots containing personally identifiable information that could tie a voter's identity to their voting selections must be redacted before allowing public access to the ballots. As Opinion No. KP-0411 recognizes, "such information must be preserved, and the election records custodian must redact such personally identifiable information to protect the constitutional right to a secret ballot in Texas." (Opinion No. [KP-0411](#), p. 4).
- Voted paper ballots are the official ballot of record for recounts and election contests.
- If a county has maintained an electronic copy (e.g., ballot image, cast vote record) in addition to the voted paper ballot, copies of the electronic records should be made available upon request just as paper ballots are made available.
- If you do not already have anonymous voted ballots scanned or imaged, you may want to consider imaging them prior to public inspection to ensure that there is a record of the image prior to public inspection.
- If you are providing files in any electronic format, the SOS strongly recommends that you calculate a hash value to validate the integrity of the files and to ensure they are not altered in any way. The SOS will provide additional guidance on how to accomplish this security measure.
- At the conclusion of the retention period, contents of locked ballot boxes or secure containers may only be destroyed if there is no election contest, criminal investigation, or pending public information request that has yet to be fulfilled. (Secs. [1.012](#), [66.058](#)). You should also consult with your county attorney or district attorney and any county records management officers before disposing of such materials after the 22-month retention period.

As always, please let us know if you have any questions or concerns.

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.

From: Paul Miles <PaulM@county.org>
Sent: Monday, September 26, 2022 4:54 PM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: Next week's Academy session

EXTERNAL email: Exercise caution when opening.

Hi--

I hope everything's going as well as it can in the fall of an even numbered year. I thought I'd check in about next week's (!) session on KP-0411. Thanks again for doing it. I see we have 35 minutes. I thought I could start with a description of the opinion and it's background but try not to Hoover up too much of the time.

Thanks,

Paul

From: Office of TX Attorney General <TXAttorneyGeneral@public.govdelivery.com>
Sent: Monday, August 22, 2022 9:59 AM EDT
To: Chris Davis <cdavis@wilco.org>
Subject: Paxton Releases AG Opinion to Promote Election Integrity, Transparency

EXTERNAL email: Exercise caution when opening.

Seal

FOR IMMEDIATE RELEASE
August 22, 2022
www.texasattorneygeneral.gov

PRESS OFFICE: (512) 463-2050
Communications@oag.texas.gov

Paxton Releases AG Opinion to Promote Election Integrity, Transparency

AUSTIN –Attorney General Paxton released an opinion that outlines the formal process for a legislator or a member of the public to inspect or obtain copies of Texans' anonymous voted ballots. By doing so, the opinion establishes a crucial new tool in the fight for free and fair elections and should boost confidence in Texas's elections and promote transparency in government, while upholding voters' constitutional right to a secret ballot.

As Attorney General Paxton's recent **successful prosecution of vote fraudsters** proves, the work to fully secure our elections remains among the most important work of the Attorney General's Office.

"The people of Texas deserve to have leaders who work tirelessly to promote transparency in government and integrity in our elections, and that's exactly what I continue to do," said Attorney General Paxton. "This opinion will help create new processes that can be used to verify our elections have been conducted fairly and without any fraud. My office continues to lead from the front in the battle for election integrity, and we won't back down until our elections are completely and totally secure."

Following both the Texas Constitution and the requirements of the Texas Election Code, the opinion outlines the legal framework needed for the Secretary of State and the election records custodian to work together in achieving both ballot preservation and public access to anonymous voted ballots.

"Anonymous voted ballots are election records under the Election Code, and the Legislature has established procedures aimed at both preserving those records and granting public access to them," the opinion states.

Read the full opinion [here](#).

###

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This email was sent to cdavis@wilco.org using GovDelivery Communications Cloud on behalf of: Office of Texas Attorney General, 300 W. 15th Street, Austin, TX 78701



From: Jessica Huseman, Votebeat <mailchimp@votebeat.org>
Sent: Saturday, August 27, 2022 6:59 AM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: Paxton was against releasing ballots before he was for it

EXTERNAL email: Exercise caution when opening.

[View this email in your browser](#)

Boxes of ballots from the 2020 GOP primary elections sit in the room where an election integrity group last month recounted votes from a March 2020 election at the Tarrant County Elections Administration building in Fort Worth, Texas. | *Shelby Tauber / The Texas Tribune*

It's Jessica Huseman and Natalia Contreras here.

It turns out that a recent legal opinion by Texas Attorney General Ken Paxton — which theoretically allows the release of ballots to anyone who requests them, nearly immediately after they are cast — contradicts opinions issued by his own office *as recently as five days before the opinion was issued*

As we [reported earlier this week](#), Paxton angered and alarmed election officials across the state with his opinion. But a public records request filed by Votebeat shows that Paxton's office gave exactly the opposite advice to Tarrant County on at least four separate occasions this summer. The most recent is [dated Aug. 12](#).

"The information at issue is confidential for at least 22 months after election day," the opinion read. "Accordingly, the district attorney's office must withhold the information at issue."

The diametrically opposing opinions from the very same office didn't escape Tarrant County, whose attorneys [filed a brief](#) in an ongoing public records lawsuit asking a court to declare Paxton's new opinion to be flat-out wrong two days after it was issued.

□

“The Attorney General’s most recent opinion is erroneous, and the Court should not follow it,” Garcia’s lawyers wrote.

As evidence, they attached an opinion letter from Paxton’s office about public access to election records [dated July 26, 2022](#), three weeks before Paxton issued his new opinion, telling the county not to release election records such as ballots until after the legally mandated 22-month custodial period. In it, Assistant Attorney General Gerald Arismendez cites nearly 35 years of established precedent along with criminal penalties elections directors would face for allowing unauthorized access.

But Paxton’s office also issued public records opinions to Tarrant County interpreting the law in the very same way on two other recent occasions as well — [Aug. 1](#) and [June 16](#).

“We have two documents coming from the same office saying opposite things,” Garcia told Votebeat. “We’ve got to figure out what’s the path we’re going to walk to do our job.”

Election officials around the state — who, frankly, already had plenty to deal with — told Votebeat that they began receiving new requests to review ballots as soon as Paxton’s opinion came out; Garcia has received nearly 20.

Harris County, which has received almost 40, pointed out the same contradiction in a blistering statement in response to Paxton’s new opinion. Paxton’s own office insisted the ballots were confidential during the custodial period “just a month ago,” wrote Harris County Attorney Christian Menefee. “Our election workers should not have to fear being criminally prosecuted because the Attorney General wants to play politics and try to rewrite laws.”

Experts couldn’t even offer a guess as to why Paxton reasonably believed this to be a good idea. But the recent public records rulings from his office make clear that he hasn’t always. He didn’t even believe it three weeks ago.

Ballots, after all, are required under both Texas and federal law to be kept secure for 22 months for logical reasons.

“You want it as safeguarded as possible in case you actually do have a criminal investigation or some sort of proceeding where [ballots] become evidence,” Garcia said. “Ballots are really easy to alter. You just grab a Sharpie and draw a line on them and now how do you know if it’s been altered or not? Having absolute protection on the physical document, to me, is extremely important.”

Now, it’s up to the 96th District Court in Fort Worth to untangle the knots that Paxton has woven around election security and public records law. There are 254 counties eagerly awaiting their decision.

Back Then

Elections in the United States used to be cast by voice. We’ve told you that before in this section. But did you know that among the earliest forms of physical signifiers of voting was not a ballot but rather [beans and corn](#)? In early colonial Massachusetts town meetings, “corn and bean” ballots were used to elect candidates to the Great and General Court, the governing body. Voters each received a kernel of corn and a single black bean, and when a candidate was nominated a box was passed through the crowd. If it contained more corn than beans, the candidate had been elected to office.

◆55357;◆56553; Do you live in Texas? Stay on top of voting news in the state with the Votebeat Texas newsletter. [Sign up here.](#)

In Other Voting News

- Federal officials said election officials could use grant money to combat security threats, but states are having difficulty accessing the funds even as their costs soar, according to [reporting](#) from States Newsroom.
- New records show a computer forensic firm hired by lawyers seeking to overturn 2020 presidential election results on behalf of former President Donald Trump shared sensitive election system files with conspiracy theorists and others. The revelation is fueling concerns about the ongoing security of election systems, the Washington Post [reported](#).
- As misinformation and conspiracies swirl around the voting systems Americans use to cast their ballots, a move to hand-marked paper ballots for most voters could restore faith in the system, Reuters [reports](#) (with really great graphics).
- Three top election officials in Richland County, S.C., abruptly resigned last week, the latest challenge for a jurisdiction that has struggled with smooth elections and an example of how concerns over the loss of experienced election officials are playing out across the country, [according to](#) the Post and Courier.
- A former Michigan state lawmaker who has promoted conspiracy theories requested election records that a clerk said could provide a road map for hackers, the latest in a series of known attempts to gain access to election systems there, the Detroit News [reported](#).
- A federal appeals court is upholding a Jim Crow-era Mississippi law designed to keep Black people from voting by subjecting people convicted of certain felonies to a lifetime ban. The court's opinion said that because the state Legislature later amended the law to add additional crimes, such as murder and rape, it was no longer a racist provision, Mississippi Today [reported](#).
- In Pennsylvania, a seemingly small change to a voter registration form that would allow voters to simultaneously sign up for mail ballots prompted a backlash from county election officials, who said the state hadn't sought their input and the change could confuse voters, reports the [Philadelphia Inquirer](#).
- Some voters experienced hiccups when casting ballots during otherwise smooth elections in [Florida](#) and in [New York](#), where [turnout was low](#).

Good News of the Week

Vera Craig, 101, is officially Florida's oldest poll worker. Craig worked the polls in Lee County during last week's primary election, the latest in her 20 years of service — something she continued during the pandemic, The Naples Daily News [reported](#).

"Well, what else would you do?" Craig, a proponent of keeping busy, told the newspaper.



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From: [Heidi](#)
To: [Chris Davis](#)
Cc: [Loftwo21](#)
Subject: Public Document Request for ES&S Electionware Systems Williamson
Date: Saturday, August 20, 2022 3:56:25 AM
Attachments: [ES&S Additional Instructions for OCD.pdf](#)

EXTERNAL email: Exercise caution when opening.

Good afternoon Mr. Davis,

I am writing to request several documents from the November 2020 General Election. Although our reading of the law indicates that these documents should be available to the public at any time, there is no doubt that they should be made available upon the expiration of the 22-month preservation period. This request is for the following documents to be provided as quickly after the expiration of that period as possible (September 3, 2022).

I am requesting the Cast Vote Records from your Election Management Server. Some jurisdictions are not familiar with how to export the report so I have included some instructions below that you may find helpful. We are requesting this report to contain all available fields and be provided in a .CSV or Excel usable format. Some versions may be able to export in a JASON format and that would be ideal if available. Please include the over/under vote information.

I am also requesting the Ballot Images that were captured by both your precinct and central scanners.

Instructions for exporting the CVR's are below as well as included as an attachment. These have been provided by clerks around the country. There does seem to be some variation in the procedure that may be due to different software versions. If you are familiar with the process, my apologies for being elemental, but we have found that some counties are not aware of the process.

Instructions:

Some reports indicate that you need to do the Produce module commands first. Export the ballots as a whole block. Next open that file to see the tools menu. Then you can export just the CVR.

On the Election Systems and Software EMS computer, open Electionware.

Under the Modules menu, select Results, then Produce.

(This assumes that the ballots are already stored in the CLCTData folder from the previous election)

Filter, select all types, click Apply Filter at the bottom left.

Switch tabs to the Table View or Ballot Table View tab

Click on Export, then save file as an .xlsx or CSV file.

Open the newly created .xlsx file

From the Tools menu select Export Cast Vote Records

from the export window, select the names of the contests

Select location to save file

Name file `_[county][state]CVR PIR_Request`

From another clerk, these are slightly different.

- Tools —> Export Cast Vote Record
- Produce Module > Ballots - Table View > set filter to “all” > Export

Please note that the file may only allow 20K records to be exported at one time so it may require multiple exports depending on the number of records.

This report includes the following fields: Unique ID for each CVR, Tabulator ID/name/number, Batch ID/name/number, Ballot position within a batch imprinted ID (if applicable), Record of which vote or mark for every contest on each ballot which should contain the name of the contest, candidate, and vote/mark (or override if applicable). Over- and under-vote selections should be used as appropriate."

Please reach out if we can provide further information,
Thank you so much for your prompt response to this request.

Sincerely,

Heidi Gunvaldson

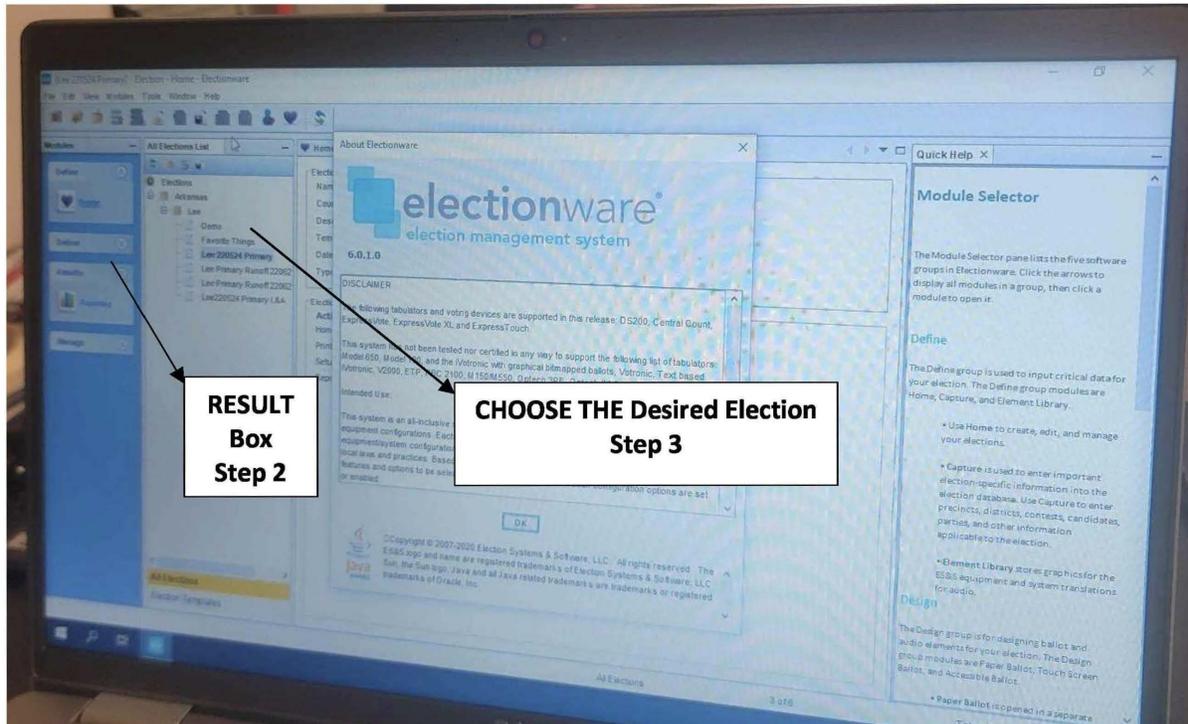
Exporting the Cast Vote Records (CVRs)-Report: 2 Files Required

Manufacturer: Election Systems & Software (ES&S)
Product: Election Voting System (EVS)
EVS Version: 6.1.1.0
Electionware software by ES&S

Instructions for Exporting the Cast Vote Record (CVR) Report (File 1)

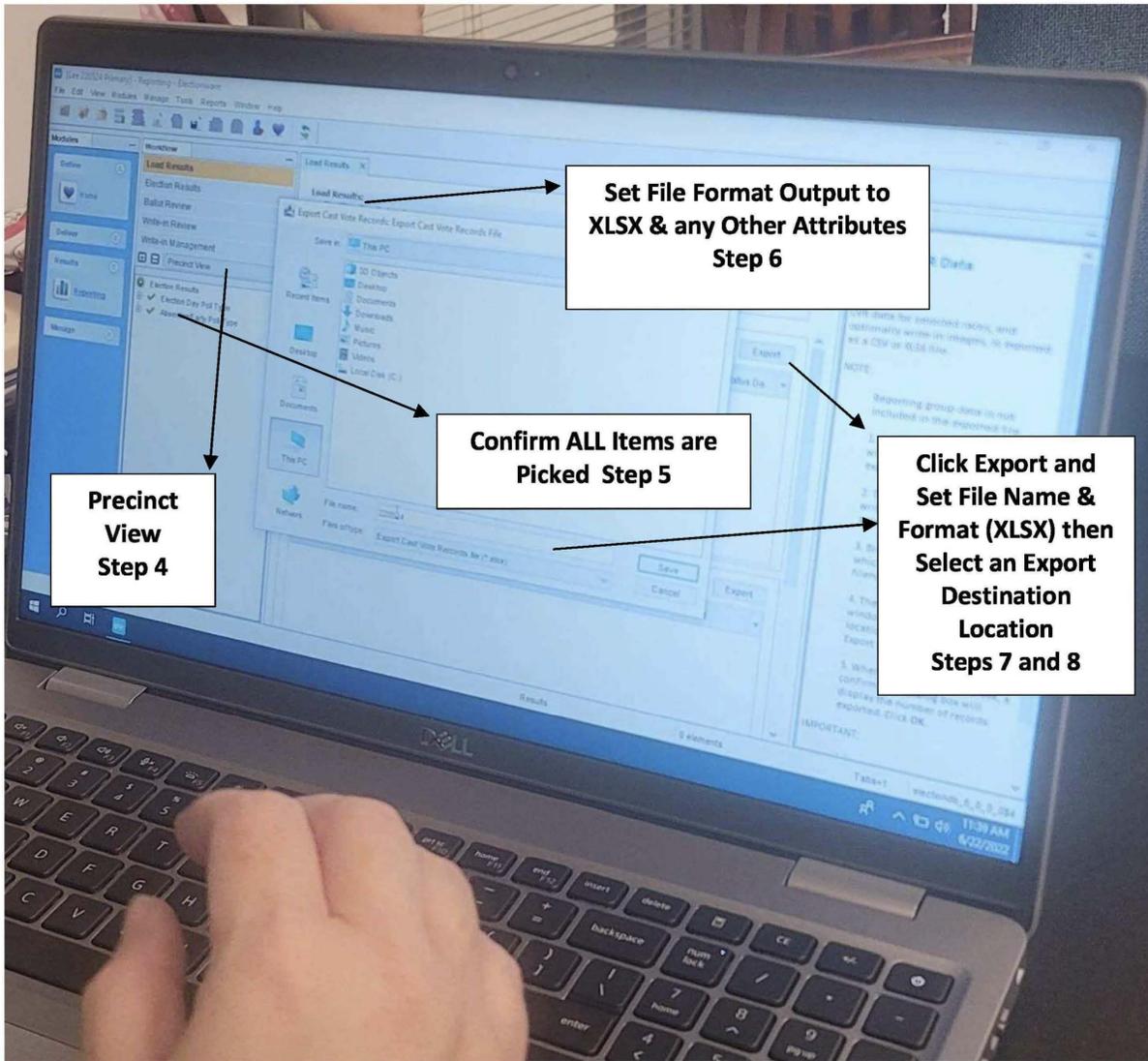
1. Open Your ELECTIONWARE APPLICATION (6.0.1.0 Version Shown)

ElectionWare



2. Click on **“RESULTS”** Box on left hand pane
3. Choose The **Desired Election**
4. **Load Results** of the Election Chosen. Confirm **PRECINCT VIEW** is Chosen
5. **Go to WORKFLOW>LOAD RESULTS** and make sure **ALL** Items are Checked under the **Precinct View** window
6. **Go to Load Results Window** and set **Desired Output (XLSX)** and any other parameters
7. **Click Export**
8. **In the In the Cast Vote Records Export Dialogue Box** Select a **Destination** for the **Cast Vote Record File**, Create a **File Name**, accept the **XLSX** Format, then click **SAVE**.

Cast Vote Record Report



Sample Cast Vote Record Report

Cast Vote Record	Precinct	Ballot Style	REP U.S. Senate (54)	DEM U.S. Senate (57)	REP U.S. Congress District 1 (60)	REP Attorney General (66)	REP Governor (84)	DEM Governor (87)	REP Lieutenant Governor (90)
113	Marlanna 3	DEM Marlanna 3		Dan Whitfield (CN0005)				James "Rus" Russell, III (CN0022)	
114	Marlanna 2	Marlanna 2							
115	Haynes	DEM Haynes		Natalie James (CN0007)				Chris Jones (CN0024)	
116	Marlanna 3	DEM Marlanna 3		Dan Whitfield (CN0005)				Chris Jones (CN0024)	

Note: Columns Continue to the Right of the File (Candidate Names) but are truncated for clarity

Instructions for Exporting the Ballot View Report (File 2)

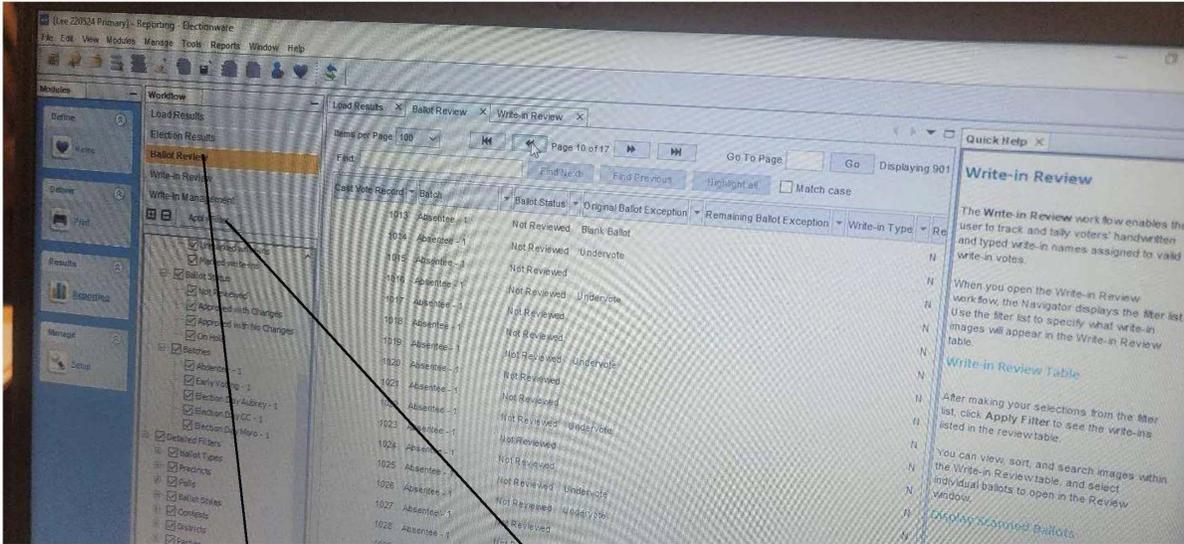
1. Open Your ELECTIONWARE APPLICATION as in File 1 Above (6.0.1.0 Version Shown)

Ballot View Report

1. Follow Steps 1 through 5 Above (File 1 Image) to Select an Election etc.

2. Click **BALLOT REVIEW** under the **WORKFLOW** Tab
3. Under the **APPLY FILTER** Tab; Make Sure **ALL Boxes are Checked**
4. **Export the BALLOT VIEW Report** as described in File 1 Above

Ballot Review Report



Step 2

Step 3

From: Chris Davis
Sent: Friday, August 26, 2022 4:11 PM EDT
To: Chris Davis <cjdavis@me.com>
Subject: quote

AG's office 8/12/22: "Election records must be withheld... for the duration of the retention period."

AG's office on 8/17/22: "Members of the public... may inspect... voted ballots during the 22-month preservation period."

What a difference five days makes.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Michael Scarpello (Basecamp) <notifications@basecamp.com>
Sent: Friday, September 02, 2022 3:27 PM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: Re: (TAEA) 88th Session Ideas

EXTERNAL email: Exercise caution when opening.

Write ABOVE THIS LINE to post a reply or [view this on Basecamp](#)

Michael Scarpello posted a comment about this message on Basecamp.

Re: 88th Session Ideas

With electronic voting systems, there is no need for preprinted, serialized ballots. Nonetheless, certain advocates have been pushing for the use of serialized ballots and many election officials have felt the pressure to comply. Texas law states that once distributed during an election, any unused ballots need to be retained as "election records" for the 22 month retention period.

Given the added expense of retaining this large quantity of blank ballots, it would be nice if the legislature excluded these "ballots" from the record retention schedule and allowed unopened packages of ballots to be reused in future elections.

[View this on Basecamp](#)

This email was sent to: Cary Roberts, Nanette Forbes, Joyce Hudman, Paul Miles, Jacque Callanen, John Oldham, Yvonne Ramon, Chris Davis, chris, Trudy Hancock, Deana Patterson, Heather Hawthorne, Remi Garza, Jennifer Anderson, Freda Ragan, Heider Garcia, Jenise Miller, Lisa Hayes, Shannon Lackey, Staci Decker, Jenise Miller, Kristin Miles, Lisa Mujica, Jana Onyon, Michael Scarpello, Lisa Wise, Bridgette Escobedo, Kevin Stroud, Cole Cunov, and Jay Williamson.

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From: John Oldham (Basecamp) <notifications@basecamp.com>
Sent: Thursday, August 18, 2022 11:37 AM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: Re: (TAEA) Attorney General Opinion

EXTERNAL email: Exercise caution when opening.

Write ABOVE THIS LINE to post a reply or [view this on Basecamp](#)

John Oldham posted a comment about this message on Basecamp.

Re: Attorney General Opinion

Allowing public access to voted ballots violates the notion of chain of custody. The AG opinion acknowledges there are long-held valid reasons, i.e., recounts and audits, to open a ballot box. However, I don't see that his opinion distinguishes between the initial sixty day period and the 22 month retention period, as I read the opinion, an election record is an election record. Allowing any access by the public in that initial period could seriously compromise the ability of canvassing boards to certify accurate election results. Even if this opinion does not apply to the initial 60 day preservation period, the burden it will impose on those who are responsible for preserving those records may be unmanageable. Witness the ongoing review of ballots in Tarrant County. We run the risk of ballots being damaged, stolen, or altered by persons, or groups examining those ballots. We also run the risk of misplacing them during the examinations and return to storage. This does not address the likely cost to a jurisdiction of supervising any examination of those ballots.

John Oldham
Elections Administrator
Fort Bend County, Texas
4520 Reading Road
Rosenberg, TX 77471
281-341-8670

[View this on Basecamp](#)

This email was sent to: Cary Roberts, Nanette Forbes, Joyce Hudman, Paul Miles, Jacque Callanen, John Oldham, Yvonne Ramon, Chris Davis, chris, Trudy Hancock, Deana Patterson, Heather Hawthorne, Remi Garza, Jennifer Anderson, Freda Ragan, Heider Garcia, Jenise Miller, Lisa Hayes, Shannon Lackey, Staci Decker, Jenise Miller, Kristin Miles, Lisa Mujica, Jana Onyon, Michael Scarpello, Lisa Wise, Bridgette Escobedo, Kevin Stroud, Cole Cunov, and Jay Williamson.

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From: chris (Basecamp) <notifications@basecamp.com>
Sent: Thursday, August 18, 2022 12:18 PM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: Re: (TAEA) Attorney General Opinion

EXTERNAL email: Exercise caution when opening.

Write ABOVE THIS LINE to post a reply or [view this on Basecamp](#)

chris

chris posted a comment about this message on Basecamp.

Re: Attorney General Opinion

It's all bad...but the section that talked about voted ballots become PI once unofficial tab is complete. So technically someone could be at CC on election night and look at ballots after I'm done with tab.

Did I read that right?

[View this on Basecamp](#)

This email was sent to: Cary Roberts, Nanette Forbes, Joyce Hudman, Paul Miles, Jacque Callanen, John Oldham, Yvonne Ramon, Chris Davis, chris, Trudy Hancock, Deana Patterson, Heather Hawthorne, Remi Garza, Jennifer Anderson, Freda Ragan, Heider Garcia, Jenise Miller, Lisa Hayes, Shannon Lackey, Staci Decker, Jenise Miller, Kristin Miles, Lisa Mujica, Jana Onyon, Michael Scarpello, Lisa Wise, Bridgette Escobedo, Kevin Stroud, Cole Cunov, and Jay Williamson.

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From: Heider Garcia (Basecamp) <notifications@basecamp.com>
Sent: Thursday, August 18, 2022 12:28 PM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: Re: (TAEA) Attorney General Opinion

EXTERNAL email: Exercise caution when opening.

Write ABOVE THIS LINE to post a reply or [view this on Basecamp](#)

Heider Garcia posted a comment about this message on Basecamp.

Re: Attorney General Opinion

I'll be honest with you, I'm split on this one.

I still think that the opinion is a far stretch, the code itself says in 66.058 (b-1): "Except as permitted by this code...", which means the public records argument is not applicable. Accessing the paper ballots themselves can be an issue if they allow this too soon after the election. For starters, this would be a bypass mechanism for requesting an official recount, think of "do it for free to see if it is worth paying for." Add everything John said to this.

That said... I'm 100% ok with images captured by the scanners being released immediately IF available, that causes no problem with the physical security of the paper ballots. Although, this opinion does open up a question around any kind of markings on the ballots that could identify the voter. If this opinion is implying that we have to look for any markings the voter may have made on the ballot so they can go back and find their on (e.g. their own initials), then the redaction process of thousands of these documents could take a loooooooooong time.

Keep in mind that this does not mean we have to make the images immediately available, that you can still charge for scanning them if they were not automatically captured, that for physical inspection you can still establish reasonable procedures and that the physical inspection of documents is subject to your availability. I don't see how anyone inspects anything in-person here before we canvass and finalize ALL the work related to the election, so even if this were to stand my initial position is that the records are not available until, AT LEAST, day 61. But we'll see what SOS and counsel say. I'm attaching the policy we wrote for in-person review of documents.

BTW, the opinion says that the SOS has to prescribe procedures for this.

[EA-753991681-180822-1626.pdf](#)

[View this on Basecamp](#)

This email was sent to: Cary Roberts, Nanette Forbes, Joyce Hudman, Paul Miles, Jacque Callanen, John Oldham, Yvonne Ramon, Chris Davis, chris, Trudy Hancock, Deana Patterson, Heather Hawthorne, Remi Garza, Jennifer Anderson, Freda Ragan, Heider Garcia, Jenise Miller, Lisa Hayes, Shannon Lackey, Staci Decker, Jenise Miller, Kristin Miles, Lisa Mujica, Jana Onyon, Michael Scarpello, Lisa Wise, Bridgette Escobedo, Kevin Stroud, Cole Cunov, and Jay Williamson.

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From: Heather Hawthorne (Basecamp) <notifications@basecamp.com>
Sent: Thursday, August 18, 2022 12:43 PM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: Re: (TAEA) Attorney General Opinion

EXTERNAL email: Exercise caution when opening.

Write ABOVE THIS LINE to post a reply or [view this on Basecamp](#)

Heather Hawthorne posted a comment about this message on Basecamp.

Re: Attorney General Opinion

61 DAYS IS SPOT ON! Copy/scan every ballot front and back and have that available for inspection. Have poll watchers watch the scan of those and move on. Sealed for 22 months in my opinion. Plus everything John said. 254 ways will not be good for election officials.

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This email was sent to: Cary Roberts, Nanette Forbes, Joyce Hudman, Paul Miles, Jacque Callanen, John Oldham, Yvonne Ramon, Chris Davis, chris, Trudy Hancock, Deana Patterson, Heather Hawthorne, Remi Garza, Jennifer Anderson, Freda Ragan, Heider Garcia, Jenise Miller, Lisa Hayes, Shannon Lackey, Staci Decker, Jenise Miller, Kristin Miles, Lisa Mujica, Jana Onyon, Michael Scarpello, Lisa Wise, Bridgette Escobedo, Kevin Stroud, Cole Cunov, and Jay Williamson.

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From: Jenise Miller (Basecamp) <notifications@basecamp.com>
Sent: Thursday, August 18, 2022 4:19 PM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: Re: (TAEA) Attorney General Opinion

EXTERNAL email: Exercise caution when opening.

Write ABOVE THIS LINE to post a reply or [view this on Basecamp](#)

Jenise Miller posted a comment about this message on Basecamp.

Re: Attorney General Opinion

I have already received a PI Request for the scanned image of each individual ballot cast for the Nov. 2020 election per the AG Opinion released 8/17/2022. I also upgraded after Nov. 2020 with the Hart equipment, so I cannot pull the CVRs of that election due to the fact that I do not have the hard drives - I did archive the election, but I did not save the CVRs on a portable hard drive prior to the upgrade. I have told them repeatedly that they can look at the original ballots after the retention period but they want the CVRs.

I cannot believe that the AG is going to make all records from an election open to public inspection as soon as we finish. I am with John, what if they steal some of the ballots or who knows with these folks.

[View this on Basecamp](#)

This email was sent to: Cary Roberts, Nanette Forbes, Joyce Hudman, Paul Miles, Jacque Callanen, John Oldham, Yvonne Ramon, Chris Davis, chris, Trudy Hancock, Deana Patterson, Heather Hawthorne, Remi Garza, Jennifer Anderson, Freda Ragan, Heider Garcia, Jenise Miller, Lisa Hayes, Shannon Lackey, Staci Decker, Jenise Miller, Kristin Miles, Lisa Mujica, Jana Onyon, Michael Scarpello, Lisa Wise, Bridgette Escobedo, Kevin Stroud, Cole Cunov, and Jay Williamson.

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From: Jay Williamson (Basecamp) <notifications@basecamp.com>
Sent: Monday, August 22, 2022 10:50 AM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: Re: (TAEA) Attorney General Opinion

EXTERNAL email: Exercise caution when opening.

Write ABOVE THIS LINE to post a reply or [view this on Basecamp](#)

Jay Williamson posted a comment about this message on Basecamp.

Re: Attorney General Opinion

Below is Attorney General Paxton's news release regarding KP-0411.

Paxton Releases AG Opinion to Promote Election Integrity, Transparency

AUSTIN –Attorney General Paxton released an opinion that outlines the formal process for a legislator or a member of the public to inspect or obtain copies of Texans’ anonymous voted ballots. By doing so, the opinion establishes a crucial new tool in the fight for free and fair elections and should boost confidence in Texas’s elections and promote transparency in government, while upholding voters’ constitutional right to a secret ballot.

As Attorney General Paxton’s recent [successful prosecution of vote](#) fraudsters proves, the work to fully secure our elections remains among the most important work of the Attorney General’s Office.

“The people of Texas deserve to have leaders who work tirelessly to promote transparency in government and integrity in our elections, and that’s exactly what I continue to do,” said Attorney General Paxton. “This opinion will help create new processes that can be used to verify our elections have been conducted fairly and without any fraud. My office continues to lead from the front in the battle for election integrity, and we won’t back down until our elections are completely and totally secure.”

Following both the Texas Constitution and the requirements of the Texas Election Code, the opinion outlines the legal framework needed for the Secretary of State and the election records custodian to work together in achieving both ballot preservation and public access to anonymous voted ballots.

“Anonymous voted ballots are election records under the Election Code, and the Legislature has established procedures aimed at both preserving those records and granting public access to them,” the opinion states.

Read the full opinion [here](#).

[View this on Basecamp](#)

This email was sent to: Cary Roberts, Nanette Forbes, Joyce Hudman, Paul Miles, Jacque Callanen, John Oldham, Yvonne Ramon, Chris Davis, chris, Trudy Hancock, Deana Patterson, Heather Hawthorne, Remi Garza, Jennifer Anderson, Freda Ragan, Heider Garcia, Jenise Miller, Lisa Hayes, Shannon Lackey, Staci Decker, Jenise Miller, Kristin Miles, Lisa Mujica, Jana Onyon, Michael Scarpello, Lisa Wise, Bridgette Escobedo, Kevin Stroud, Cole Cunov, and Jay Williamson.

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From: [Chris Davis](#)
To: [Lucy Ybarra - Grimes County \(Texas Association of Counties\)](#)
Subject: Re: [TAC-Elections] Re: Could'a. Would'a. Should'a. Yehuda.
Date: Monday, September 12, 2022 5:20:54 PM

"He", I think: <https://www.linkedin.com/in/yehuda-miller-8446639>

Christopher Davis
Elections Administrator, Williamson County, TX
cjDavis@wilco.org
Off: 512.943.1630
@WilCoElections

From: Lucy Ybarra - Grimes County (Texas Association of Counties)
<lucy.ybarra@members.county.org>
Sent: Monday, September 12, 2022 5:05:26 PM
To: Chris Davis <cjdavis@wilco.org>
Cc: TAC-Elections-Community <tac-elections@groups.county.org>
Subject: [TAC-Elections] Re: Could'a. Would'a. Should'a. Yehuda.

I can't even with the fact that she honestly thinks she can guide you, or instruct you on this... smh.

[View full conversation](#)

 Christy Eason - Waller County
Waller County • Elections Administrator

BOO YAH!! One for the Good Guys!!

Could'a. Would'a. Should'a. Yehuda.

From: Chris Davis
Sent: Monday, September 12, 2022 4:18 PM
To: Yehuda Miller [REDACTED]
Subject: RE: Public Records Request

I assert that the cast vote record exists, and it has just not yet been exported, just because you did not click generate report, does not mean it does not exist, I believe it exists within the software.

I appreciate your assertion, even though it's incorrect. It doesn't exist. Until I generate it. Which I haven't. Good day.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Yehuda Miller [REDACTED]
Sent: Monday, September 12, 2022 4:16 PM
To: Chris Davis <cjdavis@wilco.org>
Subject: RE: Public Records Request

Thank you!!

Please note I believe a denial must be accompanied by an attorney general opinion according to public records law.

I assert that the cast vote record exists, and it has just not yet been exported, just because you did not click generate report, does not mean it does not exist, I believe it exists within the software.

kindly reach out to the attorney general for an opinion on the matter.

Thank you

Yehuda Miller

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

On Monday, September 12th, 2022 at 2:27 PM, Chris Davis <cjdavis@wilco.org> wrote:

Thank you, the cast vote records for your county has been uploaded to the national database, over here

<https://ordros.com/cvr/Texas/Williamson/>

I'm aware of that.

for 2022 primary, there should be one available on machine, as machine should not of been deleted, please ask vendor to generate the report

No, I won't be doing that; nor do I need to. Welcome to the Public Information Act in Texas: if it doesn't yet exist, I need not create it as a response to a public information request.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
@WilCoElections

From: Yehuda Miller [REDACTED]
Sent: Monday, September 12, 2022 1:24 PM
To: Chris Davis <cjdavis@wilco.org>
Subject: RE: Public Records Request

Thank you, the cast vote records for your county has been uploaded to the national database, over here

<https://ordros.com/cvr/Texas/Williamson/>

for 2022 primary, there should be one available on machine, as machine should not of been deleted, please ask vendor to generate the report

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

On Monday, September 12th, 2022 at 2:02 PM, Chris Davis <cjdavis@wilco.org> wrote:

what equipment do you use?
ES&S ExpressVotes & DS200's.

can you ask the vendor, if they have a cast vote record
The ability to generate cast vote records with this system exists. But they haven't been generated for any elections, other than the November 2020 election. Thus, there is nothing else to

produce.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Yehuda Miller [REDACTED]
Sent: Monday, September 12, 2022 12:57 PM
To: Chris Davis <cjdavis@wilco.org>
Subject: RE: Public Records Request

what equipment do you use? can you ask the vendor, if they have a cast vote record

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

On Monday, September 12th, 2022 at 1:26 PM, Chris Davis <cjdavis@wilco.org> wrote:

We have no responsive information as it relates to your request of "Cast Vote Records" for the following elections:

- 2015 General and Primary election
- 2016 General and Primary election
- 2017 General and Primary election
- 2018 General and Primary election
- 2019 General and Primary election
- 2020 Primary election
- 2021 General and Primary election
- 2022 Primary election),

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Yehuda Miller [REDACTED]
Sent: Thursday, August 18, 2022 4:48 PM
Subject: Public Records Request

EXTERNAL email: Exercise caution when opening.

Under Common Law this public records request does not require a special form.

Pursuant to Texas Attorney General Opinion KP-0411 (attached), I am requesting a text, comma, or tab delimited file, or a text-based report, listing, in the sequence processed by the county, every ballot, its sequential ID, its timestamp, its method of voting (for example: in-person, mail-in, provisional, absentee, "other", etc. – any and all ballots that were tabulated as part of the following elections

- 2015 General and Primary election
- 2016 General and Primary election
- 2017 General and Primary election
- 2018 General and Primary election
- 2019 General and Primary election
- 2020 General and Primary election
- 2021 General and Primary election
- 2022 Primary election),

the specific votes contained for all races, and the batch ID and tabulator ID. Should any fields not be available, please include the fields which are. I am requesting a per-ballot report. This set of information is sometimes known as a "Cast Vote Record" (CVR), "ballot log", or a "summary of ballots". If the data exists as multiple files or reports, for instance by batch or by precinct, you do not need to aggregate them, please send the individual files.

A report of this type would have very likely already been created when County) County audited their

election results. If not, and you are not readily familiar with how to generate this report, you can refer to the instructions outlined in the ES&S Electionware Volume V Results User's Guide. You will find the relevant information begins on page 37. Simply select choices for ALL records. I have also included some screenshots and detailed instructions for EVS version 6.1.1.0.

I am also requesting the Ballot Manifest Report (also known as the Tabulator Batch Report) for all ballots included the tabulation of the results of the Nov. 3, 2020 general election. This report should include the information that specifies the method by which each ballot was cast. (ie: in-person, by-mail, provisional, absentee, etc.) I am hopeful that there is someone within the (County) County Elections Commission or Board of Elections who will be able to generate the reports I am looking for.

Please also confirm the required retention period for all 2020 election records.

Please confirm receipt

Yehuda Miller
140 Merrison Street
Teaneck NJ 07666



Chris Davis - Williamson County

Williamson County
Elections Administrator

Join conversation

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Reply to chat privately with Chris or **Reply all** to discuss with everyone
If you want to update what emails you receive, [visit your email preferences](#).



mob-#p9927888

From: [John Arvey](#)
To: [Chris Davis](#)
Subject: Re: Cast Vote Records Williamson County - Texas (Please Produce Records)
Date: Wednesday, August 31, 2022 7:33:25 PM

Hi Chris - hope all is well.

Just a follow up note on the CVR
Appreciate you assisting here.

My team suggested to send the below note:
See the tiny words below ;)

Anyways looking forward to the records.
Thanks again

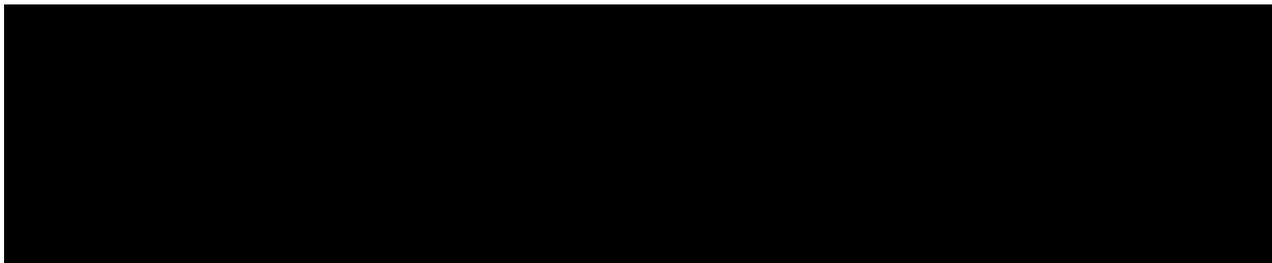
PRESERVATION NOTICE. This constitutes formal notice that the Cast Vote Record report information previously requested must not be deleted until all pending public information requests, including this one, have been fulfilled, for the following reasons:

1. Section 301 of the Civil Rights Act of 1960 required the preservation of all records relating to any "act requisite to voting." This is now codified at 52 U.S.C. §§ 20701-20706. Note that per U.S. Department of Justice Publication "Federal Law Constraints on Post-Election 'Audits'," July 28, 2021, the "materials covered by Section 301 extend beyond 'papers' to include other 'records.' Jurisdictions must therefore also retain and preserve records created in digital or electronic form."
2. 52 USC § 21081(a)(2)(B)(i) says "The voting system shall produce a permanent paper record with a manual audit capacity for such system." Following the principles enunciated in the July 28, 2021, publication cited above, a searchable electronic form (e.g., JSON) of the "permanent paper record with a manual audit capacity" is also covered.
3. To possess the required "audit capacity," all data specified by the National Institute of Standards and Technology (NIST) requirements listed at <https://doi.org/10.6028/NIST.SP.1500-103> must be included, since the 2002 Help America Vote Act (HAVA) directed NIST to promulgate standards for what must be included in a Cast Vote Record (CVR) report. Thus all the CVR data specified there is part of the required "audit capacity," or else the voting system would not be completely auditable as required.
4. Since this audit record must be permanent, that supersedes the 22-month retention period. Thus electronic CVR reports may never be deleted unless the required permanent paper record with a manual audit capacity has been created and maintained.
5. Further, since a lawsuit has been filed in Tarrant County, Texas, regarding preservation of voting machines containing CVRs there, and those machines have now been sequestered by court order, it is reasonably foreseeable that, if our County does not promptly comply with all CVR requests, there may also be a civil or criminal proceeding in our County. Therefore no evidence may be altered, concealed, falsified, or destroyed, since any such tampering with evidence would constitute spoliation of evidence, which is the intentional, reckless, or negligent withholding, hiding, altering, fabricating, or destroying of relevant evidence.

Thank you for your commitment to transparency, accuracy, and accountability. I look forward to your promptly supplying the requested information.

Thanks!

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From: Paul Miles <PaulM@county.org>
Sent: Tuesday, September 20, 2022 2:37 PM EDT
To: Chris Davis <cjdavis@wilco.org>; Deanna Auert <DeannaA@county.org>; higaracia@tarrantcounty.com <higaracia@tarrantcounty.com>
CC: Jamie Chandler <JamieC@county.org>
Subject: RE: County Elections Academy - KP-411 and Public Access to Election Records Session

Thanks, Chris—appreciate it.

From: Chris Davis <cjdavis@wilco.org>
Sent: Tuesday, September 20, 2022 9:59 AM
To: Deanna Auert <DeannaA@county.org>; Paul Miles <PaulM@county.org>; higaracia@tarrantcounty.com
Cc: Jamie Chandler <JamieC@county.org>
Subject: RE: County Elections Academy - KP-411 and Public Access to Election Records Session

Yes, I'm available.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Deanna Auert <DeannaA@county.org>
Sent: Tuesday, September 20, 2022 9:57 AM
To: Paul Miles <PaulM@county.org>; higaracia@tarrantcounty.com; Chris Davis <cjdavis@wilco.org>
Cc: Jamie Chandler <JamieC@county.org>
Subject: FW: County Elections Academy - KP-411 and Public Access to Election Records Session

EXTERNAL email: Exercise caution when opening.

Good morning Heider and Chris – are either of you or both of you able to assist with this session?



Thanks,

Deanna Auert, Supervisor of TAC Programs & Education Services
deanna@county.org | www.county.org
Office: (512) 478-8753

1210 San Antonio Street Austin, Texas 78701
Toll-free: (800) 456-5974 Fax: (512) 477-1324

The mission of the Texas Association of Counties is to unite counties to achieve better solutions.

TAC Way Fundamental #22. THINK SAFE. WORK SAFE. Know and practice the safety procedures for your job. Watch out for the safety of your teammates as well, for you are your brother's keeper. Never take shortcuts that compromise your safety or that of your teammates. This extends to making it safe for people to speak up, honestly, without fear of damage or reprisal.

From: Deanna Auert
Sent: Thursday, September 8, 2022 10:01 AM
To: Paul Miles <PaulM@county.org>; Jamie Chandler <JamieC@county.org>; higaracia@tarrantcounty.com; Christopher J. Davis <cjdavis@wilco.org>
Subject: County Elections Academy - KP-411 and Public Access to Election Records Session

Good morning,

Thank you all again for the time yesterday and being able to present at the upcoming event.

The session is Wed., Oct. 5 from 11:40 a.m.-12:15 p.m. Do you think that is adequate time? We do have flexibility to add additional time.

Can you all send over a brief 1-2 session overview for the session?

Heider – I know you mentioned you might have a schedule conflict, let us know when you get a chance if you will be able to join us.

Thank you all again and let me know if you need anything or have any questions.



Thanks,

Deanna Auert, Supervisor of TAC Programs & Education Services
deanna@county.org | www.county.org
Office: (512) 478-8753

1210 San Antonio Street Austin, Texas 78701
Toll-free: (800) 456-5974 Fax: (512) 477-1324

The mission of the Texas Association of Counties is to unite counties to achieve better solutions.

TAC Way Fundamental #20. TREAT PEOPLE WITH DIGNITY. Interact with people in a way that honors their self-worth and respects their value as unique individuals. Demonstrate kindness and compassion. Learn to walk in others' shoes and to think from their perspective. Understand their needs and respond in a way that provides reassurance and support. Focus on what's right for them, rather than on what you would want or what you think of their communication.

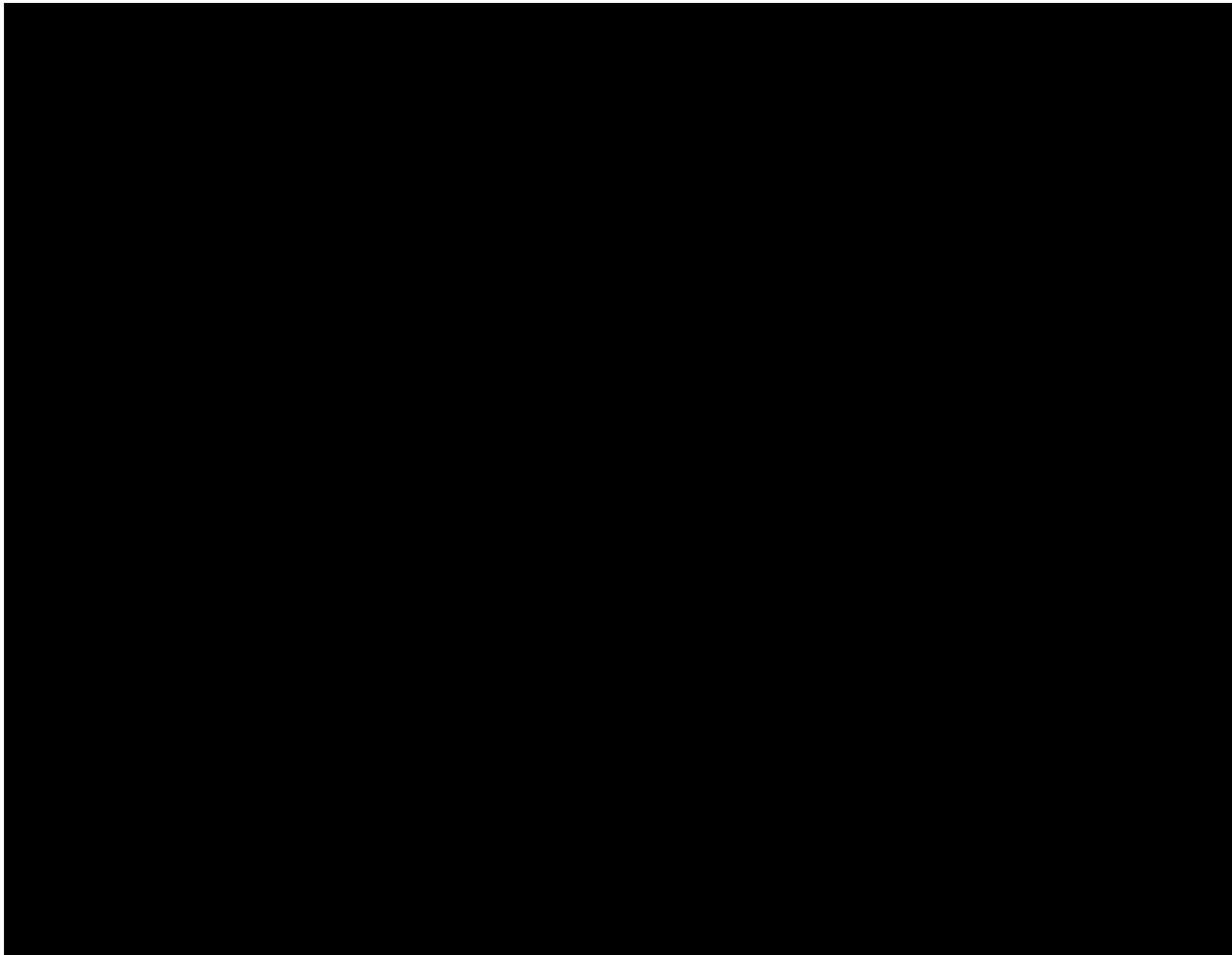
From: [Chris Davis](#)
To: [Kari Whitlock](#)
Subject: RE: Election Security Question- DHS
Date: Monday, August 22, 2022 1:20:00 PM

as I have been informed AG Paxton has declassified this information so it is legal to speak about it.

Um, no. That's not my understanding of [KP-0411](#), at all. So, in short: my previous answer has changed not a whit.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

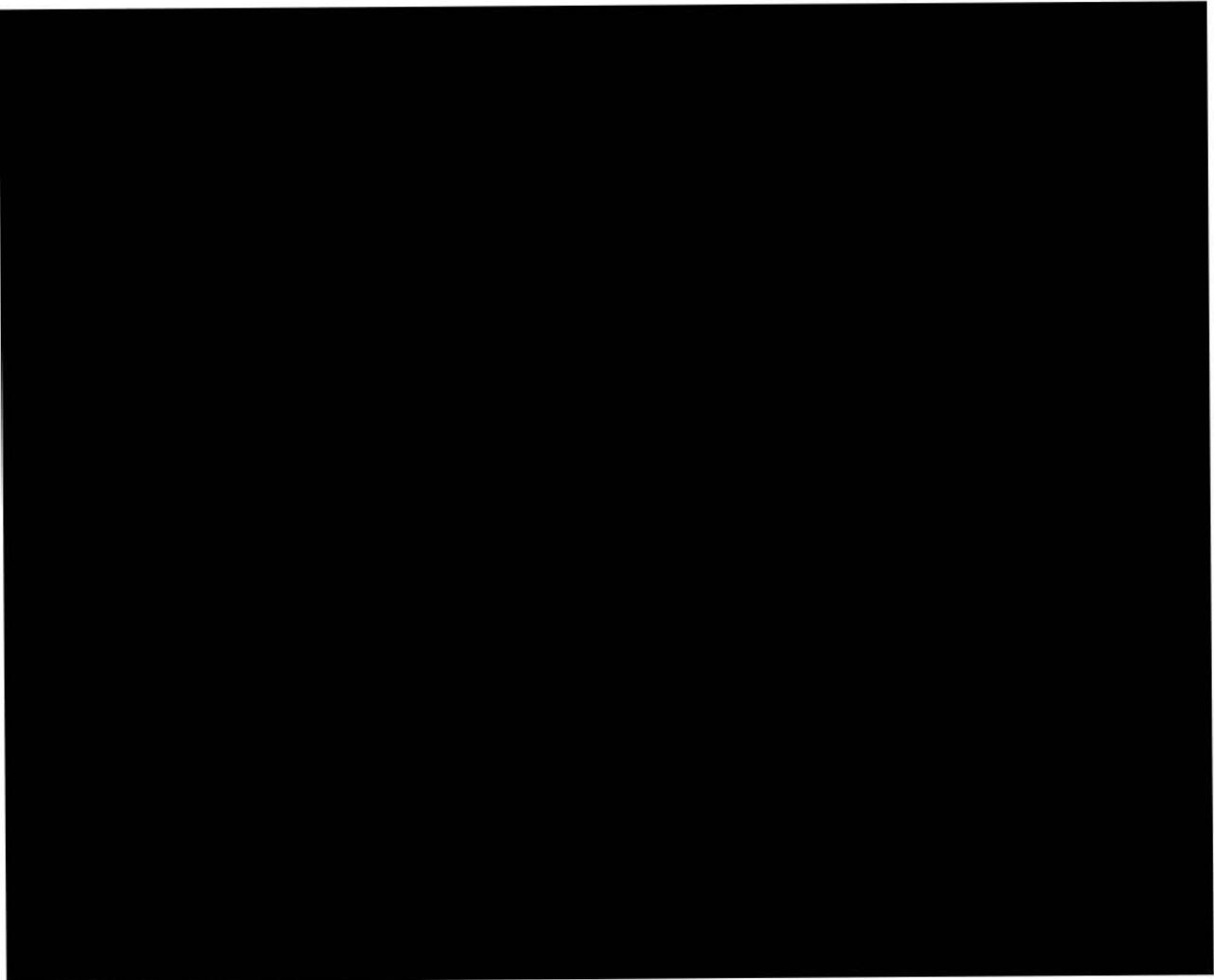


From: [Chris Davis](#)
To: [Dan Montgomery](#)
Subject: RE: Freedom of Information Act (FOIA) request
Date: Monday, September 12, 2022 2:38:00 PM
Attachments: [MASS EMAIL--CCEA\(930\)--Recommended Procedures for Access to Anonymous Voted Ballots \(Attorney General Opinion No. KP-0411\).msg](#)

1. Attached is the only email we have as responsive information to this.
2. Attached is the only email we have as responsive information to this.
3. We have no responsive information for this request item.
4. Thank you for your definition.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)



From: [Elections Internet](#)
To: [Elections Internet](#)
Subject: MASS EMAIL--CC/EA(930)--Recommended Procedures for Access to Anonymous Voted Ballots (Attorney General Opinion No. KP-0411)
Date: Tuesday, September 6, 2022 3:25:51 PM
Attachments: [image001.png](#)
Sensitivity: Personal

EXTERNAL email: Exercise caution when opening.

Dear Election Officials,

On August 17, 2022, the Texas Attorney General's office issued Opinion No. [KP-0411](#). In an effort to clarify prior interpretations and in light of this opinion, our office is issuing the below guidance on recommended procedures for providing public access to anonymous voted ballots. These procedures will help ensure that you can maintain the security and integrity of voted ballots:

Public Inspection of Anonymous Voted Ballots

- The general custodian of election records should establish a written policy that specifies procedures for providing access to anonymous voted ballots through public inspection. This written policy should reflect "procedures as authorized by law to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots under the Election Code." (Opinion No. [KP-0411](#), p. 5).
- The general custodian's policy should, at a minimum, include the following provisions:
 - A defined time period for public inspection consistent with the Public Information Act.
 - A log of all individuals accessing the anonymous voted ballots during the defined time period.
 - General regulations regarding access to the ballots, including the following protocols:
 - **At least one member of the general custodian's staff must be present at all times in the room containing the voted ballots while public inspection is taking place.**
 - Pens, pencils, and other marking devices are prohibited in the room containing the voted ballots.
 - Food and beverages are prohibited in the room containing the voted ballots.
 - Voted ballots must be kept in the same stacks, containers, or boxes, whichever is applicable, while public inspection is taking place.
 - Voted ballots may not be removed from the room in which public inspection is taking place.
 - Imaging devices may be used to take photos or make copies of the voted ballots.
 - If you have video surveillance available, the SOS recommends that you utilize the surveillance system to monitor all activities in the inspection room during the time that the ballots are made available for public inspection.
 - In the space where you plan to provide public access to the anonymous voted ballots, you should ensure that all other materials unrelated to the ballot request are removed from that location.

Records Retention and Management

- Voted ballots containing personally identifiable information that could tie a voter's identity to their voting selections must be redacted before allowing public access to the ballots. As Opinion No. KP-0411 recognizes, "such information must be preserved, and the election records custodian must redact such personally identifiable information to protect the constitutional right to a secret ballot in Texas." (Opinion No. [KP-0411](#), p. 4).
- Voted paper ballots are the official ballot of record for recounts and election contests.
- If a county has maintained an electronic copy (e.g., ballot image, cast vote record) in addition to the voted paper ballot, copies of the electronic records should be made available upon request just as paper ballots are made available.
- If you do not already have anonymous voted ballots scanned or imaged, you may want to consider imaging them prior to public inspection to ensure that there is a record of the image prior to public inspection.
- If you are providing files in any electronic format, the SOS strongly recommends that you calculate a hash value to validate the integrity of the files and to ensure they are not altered in any way. The SOS will provide additional guidance on how to accomplish this security measure.
- At the conclusion of the retention period, contents of locked ballot boxes or secure containers may only be destroyed if there is no election contest, criminal investigation, or pending public information request that has yet to be fulfilled. (Secs. [1.012](#), [66.058](#)). You should also consult with your county attorney or district attorney and any county records management officers before disposing of such materials after the 22-month retention period.

As always, please let us know if you have any questions or concerns.

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.

From: Jennifer Anderson <janderson@co.hays.tx.us>
Sent: Friday, August 26, 2022 12:30 PM EDT
To: Chris Davis <cjdavis@wilco.org>; Heider I. Garcia <HIGarcia@tarrantcounty.com>; Trudy R. Hancock <thancock@brazoscountytexas.gov>; shannon.lackey@randallcounty.com <shannon.lackey@randallcounty.com>; Remi Garza <Remi.Garza@co.cameron.tx.us>
Subject: Re: FYI

Wow!!!

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From: Chris Davis <cjdavis@wilco.org>
Sent: Friday, August 26, 2022 11:26:39 AM
To: Heider I. Garcia <HIGarcia@tarrantcounty.com>; 'Trudy R. Hancock' <thancock@brazoscountytexas.gov>; Jennifer Anderson <janderson@co.hays.tx.us>; shannon.lackey@randallcounty.com <shannon.lackey@randallcounty.com>; Remi Garza <Remi.Garza@co.cameron.tx.us>
Subject: RE: FYI

Cool.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Heider I. Garcia <HIGarcia@tarrantcounty.com>
Sent: Friday, August 26, 2022 11:26 AM
To: Chris Davis <cjdavis@wilco.org>; 'Trudy R. Hancock' <thancock@brazoscountytexas.gov>; 'Jennifer Anderson' <janderson@co.hays.tx.us>; shannon.lackey@randallcounty.com; Remi Garza <Remi.Garza@co.cameron.tx.us>
Subject: RE: FYI

As in yes, it's a public document. Media are already calling to ask about it.

From: Chris Davis <cjdavis@wilco.org>
Sent: Friday, August 26, 2022 10:32 AM
To: Heider I. Garcia <HIGarcia@tarrantcounty.com>; 'Trudy R. Hancock' <thancock@brazoscountytexas.gov>; 'Jennifer Anderson' <janderson@co.hays.tx.us>; shannon.lackey@randallcounty.com; Remi Garza <Remi.Garza@co.cameron.tx.us>
Subject: RE: FYI

EXTERNAL EMAIL ALERT! Think Before You Click!

As in listserv sharing? Because the minute that's done, I predict **legions** of other county legal offices calling your guys.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Heider I. Garcia <HIGarcia@tarrantcounty.com>
Sent: Friday, August 26, 2022 10:27 AM
To: Chris Davis <cjdavis@wilco.org>; 'Trudy R. Hancock' <thancock@brazoscountytexas.gov>; 'Jennifer Anderson' <janderson@co.hays.tx.us>; shannon.lackey@randallcounty.com; Remi Garza <Remi.Garza@co.cameron.tx.us>
Subject: Re: FYI

This is a public document filed with the court already, yes', you can share it.

Sent from my Verizon, Samsung Galaxy smartphone
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From: Chris Davis <cjdavis@wilco.org>
Sent: Friday, August 26, 2022 10:24:35 AM
To: Heider I. Garcia <HIGarcia@tarrantcounty.com>; 'Trudy R. Hancock' <thancock@brazoscountytexas.gov>; 'Jennifer Anderson' <janderson@co.hays.tx.us>; shannon.lackey@randallcounty.com <shannon.lackey@randallcounty.com>; Remi Garza <Remi.Garza@co.cameron.tx.us>
Subject: RE: FYI

EXTERNAL EMAIL ALERT! Think Before You Click!

HUGE. Thanks, amigo.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Heider I. Garcia <HIgarcia@tarrantcounty.com>
Sent: Friday, August 26, 2022 9:47 AM
To: 'Trudy R. Hancock' <thancock@brazoscountytexas.gov>; 'Jennifer Anderson' <janderson@co.hays.tx.us>;
shannon.lackey@randallcounty.com; Chris Davis <cjdavis@wilco.org>; Remi Garza <Remi.Garza@co.cameron.tx.us>
Subject: FYI

EXTERNAL email: Exercise caution when opening.

From: Shannon Lackey <shannon.lackey@randallcounty.gov>
Sent: Friday, August 26, 2022 11:28 AM EDT
To: Heider I. Garcia <HIGarcia@tarrantcounty.com>; Chris Davis <cjdavis@wilco.org>; Trudy R. Hancock <thancock@brazoscountytx.gov>; Jennifer Anderson <janderson@co.hays.tx.us>; Remi Garza <Remi.Garza@co.cameron.tx.us>
Subject: RE: FYI

Ok, thank you.

From: Heider I. Garcia <HIGarcia@tarrantcounty.com>
Sent: Friday, August 26, 2022 10:27 AM
To: Chris Davis <cjdavis@wilco.org>; 'Trudy R. Hancock' <thancock@brazoscountytx.gov>; 'Jennifer Anderson' <janderson@co.hays.tx.us>; Shannon Lackey <shannon.lackey@randallcounty.gov>; Remi Garza <Remi.Garza@co.cameron.tx.us>
Subject: Re: FYI

This is a public document filed with the court already, yes', you can share it.

Sent from my Verizon, Samsung Galaxy smartphone
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From: Chris Davis <cjdavis@wilco.org>
Sent: Friday, August 26, 2022 10:24:35 AM
To: Heider I. Garcia <HIGarcia@tarrantcounty.com>; 'Trudy R. Hancock' <thancock@brazoscountytx.gov>; 'Jennifer Anderson' <janderson@co.hays.tx.us>; shannon.lackey@randallcounty.com <shannon.lackey@randallcounty.com>; Remi Garza <Remi.Garza@co.cameron.tx.us>
Subject: RE: FYI

EXTERNAL EMAIL ALERT! Think Before You Click!

HUGE. Thanks, amigo.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Heider I. Garcia <HIGarcia@tarrantcounty.com>
Sent: Friday, August 26, 2022 9:47 AM
To: 'Trudy R. Hancock' <thancock@brazoscountytx.gov>; 'Jennifer Anderson' <janderson@co.hays.tx.us>; shannon.lackey@randallcounty.com; Chris Davis <cjdavis@wilco.org>; Remi Garza <Remi.Garza@co.cameron.tx.us>
Subject: FYI

EXTERNAL email: Exercise caution when opening.

From: Jody Seaborn <JodyS@county.org>
Sent: Monday, October 3, 2022 10:54 AM
To: Chris Davis <cjdavis@wilco.org>
Cc: Connie Odom <connie.odom@wilco.org>
Subject: Interview request for Texas Association of Counties' podcast

EXTERNAL email: Exercise caution when opening.

Good morning, Mr. Davis.

My name is Jody Seaborn. I'm with the Texas Association of Counties and am the regular host of TAC's podcast, [Texas County Voice](#).

I understand you will be in TAC's building on Wednesday for our County Elections Academy. I'm reaching out to ask if you would like to join Paul Miles on the podcast to talk about KP-0411 and access to public records – the topic that you and Paul will discuss at the Elections Academy. If so, we could set up a recording time after your session ends early Wednesday afternoon. I'm anticipating a segment that takes about 20 minutes to record.

Thank you for your consideration. I look forward to hearing from you soon.

If you wish to discuss beforehand or if there are any questions I can answer for you, please don't hesitate to call me at 512-294-6266.

Thank you,

Jody



Jody Seaborn
Senior media relations strategist
Texas Association of Counties
jodys@county.org | www.county.org
Cell: (512) 294-6266

1210 San Antonio St. | Austin, TX 78701
Toll free: (800) 456-5674 | Fax: (512) 479-1807



The mission of the Texas Association of Counties is to unite counties to achieve better solutions.

Listen to our podcast: [Texas County Voice](#).

Read [County](#) magazine.

TAC WAY FUNDAMENTAL #23. FIND A WAY. Take personal responsibility for making things happen. Be a creative problem-solver and respond to every situation by looking for how we can do it, rather than explaining why it can't be done. Be resourceful and show initiative. Don't make excuses or wait for others to solve the problem. Make it happen.

From: Chris Davis
Sent: Tuesday, September 27, 2022 10:38 AM EDT
To: Paul Miles <PaulM@county.org>
Subject: RE: Next week's Academy session

Hi, Paul,

That sounds like a plan. I'm happy to relate our county's experience with fielding recent PIR requests in the face of KP-0411 and seek best practices advice from the viewing audience. Looking forward to it!

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: Paul Miles <PaulM@county.org>
Sent: Monday, September 26, 2022 3:55 PM
To: Chris Davis <cjdavis@wilco.org>
Subject: Next week's Academy session

EXTERNAL email: Exercise caution when opening.

Hi--

I hope everything's going as well as it can in the fall of an even numbered year. I thought I'd check in about next week's (!) session on KP-0411. Thanks again for doing it. I see we have 35 minutes. I thought I could start with a description of the opinion and it's background but try not to Hoover up too much of the time.

Thanks,

Paul

From: [REDACTED]
Sent: Tuesday, August 23, 2022 2:58 PM
To: Chris Davis <cjdavis@wilco.org>
Subject: RE: Open Records Request

RE: *But we do have the ballot to authenticate to total vote count right?*

There should be an image or copy of every ballot cast on file, if not we have no clue if the total count is accurate. Cannot authenticate.

If there was a forensic audit of the vote, it would mean doing a hand count of each individual vote cast.

To do a physical hand count, each and every ballot cast by the voters should be available to be counted to match the electronic tabulated total the county certifies.

If there is no physical or ballot image to audit or verify, then "Houston we have a major problem". There is no chain of custody. We cannot authenticate the vote.

1 person 1 vote. Ballots or Ballot images by Federal law are required to be kept on file for at least 22 months. If there is no ballot copy kept on file, that would bring into question the accuracy of the tabulated total.

After seeing what was going on in Arizona and Georgia this past primary, it got me curious about Wilco. (not to mention Wisconsin, Michigan and Pennsylvania in 2020)

Visited [Election Results \(wilco.org\)](http://wilco.org) to look up my voter precinct 284 for the 2020 election and it was not listed in the drop down. Kind of makes me think we did not get counted? There are other precincts missing too.

My voter precinct 284 is there for the 2022 primary.

I worked the polls in southwest Travis County back in the early 80s and back then it was paper ballots. With the advent of the machines, I am skeptical after seeing all the shenanigans across the country.

Back then, I even caught them pre filling out paper ballots.

Any who, Chris Davis thank you for all you do for Wilco.

I appreciate your service to Williamson County Voters. I recently retired from the Texas Comptroller's Office and appreciate my fellow government employees.

Blessings and Peace

**Orlando R. Guerrero
2015 E Gann Hill Drive**

Cedar Park, Texas 78613

"Know The Truth And The Truth Will Set You Free"

From: Yehuda Miller [REDACTED]
Sent: Thursday, August 18, 2022 4:48 PM
Subject: Public Records Request

EXTERNAL email: Exercise caution when opening.

Under Common Law this public records request does not require a special form.

Pursuant to Texas Attorney General Opinion KP-0411 (attached), I am requesting a text, comma, or tab delimited file, or a text-based report, listing, in the sequence processed by the county, every ballot, its sequential ID, its timestamp, its method of voting (for example: in-person, mail-in, provisional, absentee, "other", etc. – any and all ballots that were tabulated as part of the following elections

- 2015 General and Primary election
- 2016 General and Primary election
- 2017 General and Primary election
- 2018 General and Primary election
- 2019 General and Primary election
- 2020 General and Primary election
- 2021 General and Primary election
- 2022 Primary election),

the specific votes contained for all races, and the batch ID and tabulator ID. Should any fields not be available, please include the fields which are. I am requesting a per-ballot report. This set of information is sometimes known as a "Cast Vote Record" (CVR), "ballot log", or a "summary of ballots". If the data exists as multiple files or reports, for instance by batch or by precinct, you do not need to aggregate them, please send the individual files.

A report of this type would have very likely already been created when County) County audited their election results. If not, and you are not readily familiar with how to generate this report, you can refer to the instructions outlined in the ES&S Electionware Volume V Results User's Guide. You will find the relevant information begins on page 37. Simply select choices for ALL records. I have also included some screenshots and detailed instructions for EVS version 6.1.1.0.

I am also requesting the Ballot Manifest Report (also known as the Tabulator Batch Report) for all ballots included the tabulation of the results of the Nov. 3, 2020 general election. This report should include the information that specifies the method by which each ballot was cast. (ie: in-person, by-mail, provisional, absentee, etc.)

I am hopeful that there is someone within the (County) County Elections Commission or Board of Elections who will be able to generate the reports I am looking for.

Please also confirm the required retention period for all 2020 election records.

Please confirm receipt

Yehuda Miller
140 Merrison Street
Teaneck NJ 07666

From: Michael M [REDACTED]
Sent: Thursday, August 18, 2022 1:43:57 PM
To: Chris Davis <cjdavis@wilco.org>
Subject: Re: Response to 7/18/22 Public Information Request from Michael Myles

EXTERNAL email: Exercise caution when opening.

Hi Chris,

Now that the Attorney General of Texas has issued his opinion that

“ The Election Code designates all election records, including anonymous voted ballots, as public information.”

(See attached)

When am I able to come by and get these records per my request? Thank you for your continued support with this.

Regards,
Michael



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 17, 2022

The Honorable Kelly Hancock
Chair, Senate Committee on Veteran Affairs & Border Security
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

The Honorable Matt Krause
Chair, House Committee on General Investigating
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Opinion No. KP-0411

Re: Whether a legislator or a member of the public may inspect or obtain copies of anonymous voted ballots (RQ-0424-KP)

Dear Senator Hancock and Representative Krause:

You ask whether a member of the public or a legislator may inspect or obtain copies of anonymous voted ballots.¹ To be clear, you explain that the subject of your inquiry is “anonymous voted ballots” or other voted ballots that have had any voter-identifying data redacted. Krause Letter at 1. You explain that members of the public and individual members of the Legislature desire to audit the results of Texas elections, but election administrators cite section 66.058 of the Election Code as precluding the release of voted ballots. Hancock Letter at 1; Krause Letter at 1. Thus, the question presented is whether the information contained within a voted ballot *that has been stripped of any information that could be used to reveal the identity of the voter* is public information subject to disclosure.

¹See Letter from Honorable Kelly Hancock, Chair, Senate Comm. on Veteran Affairs & Border Sec., to Honorable Ken Paxton, Tex. Att’y Gen. at 1 (Sept. 28, 2021) (“Hancock Letter”); Letter from Honorable Matt Krause, Chair, House Comm. on Gen. Investigating, to Honorable Ken Paxton, Tex. Att’y Gen. at 1–2 (Aug. 16, 2021) (“Krause Letter”); <https://texasattorneygeneral.gov/sites/default/files/request-files/request/2021/RQ0424KP.pdf>.

To fulfill the Texas Constitution’s mandate that Texas preserve election integrity, the Legislature has designated anonymous voted ballots as election records under the Election Code and has established procedures aimed at both preserving those records and granting public access to them.

Article VI, section 4 of the Texas Constitution provides:

In all elections by the people, the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature shall provide by law for the registration of all voters.

TEX. CONST. art. VI, § 4. This provision requires the Legislature to “pass laws as necessary to deter fraud and protect ballot purity [and] is addressed to the sound discretion of the Legislature.” *Andrade v. NAACP*, 345 S.W.3d 1, 16 (Tex. 2011) (quoting *Wood v. State ex rel. Lee*, 126 S.W.2d 4, 9 (Tex. 1939) (quotation marks omitted)).

Your question involves access to “election records” which include “anything distributed or received by government under [the Election Code].” TEX. ELEC. CODE § 1.012(d)(1). Voted ballots are expressly designated as “precinct election records.” *Id.* § 66.002 (defining “precinct election records” as “the precinct election returns, *voted ballots*, and other records of an election that are assembled and distributed” under chapter 66 of the Election Code (emphasis added)). The Election Code contains provisions aimed at both preserving election records and granting access to review those records. *See id.* §§ 1.012, 66.058.

To fulfill its constitutional mandate, the Legislature created the position of general custodian of election records and charged that office with, among other things, preserving precinct election records.² *See id.* §§ 66.001, .058. Subsection 66.058(a) requires “the precinct election records [to] be preserved by the authority to whom they are distributed for at least 22 months after election day.” *Id.* § 66.058(a); *see also* 52 U.S.C. § 20701 (establishing 22-month preservation period for election records in certain federal elections). For at least 60 days after an election, voted ballots must be kept in a locked room, in the locked ballot box delivered to the custodian. TEX. ELEC. CODE § 66.058(b).³ On the 61st day, the custodian may require the return of the key that unlocks the ballot box containing voted ballots and may “unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period.” *Id.* § 66.058(b)(1), (2).

“Except as permitted by [the Election Code], a ballot box or other secure container containing voted ballots may not be opened during the preservation period.” *Id.* § 66.058(b-1).

²Depending on the type of election, the general custodian of election records is either the county clerk, the city secretary, or the secretary or presiding officer of a political subdivision’s governing body. TEX. ELEC. CODE § 66.001.

³Due to potential recounts and provisional ballots, the Legislature requires the election record custodian to keep voted ballots secure for the 60-day period. *Id.* § 66.058(b)

The custodian commits a criminal offense if, during the preservation period, the custodian makes an unauthorized entry into the box or container or “fails to prevent another person from handling the box or container in an unauthorized manner or from making an unauthorized entry into the box or container.” *Id.* § 66.058(d), (e). If anonymous voted ballots are disclosable public information, then the custodian’s entry into the box to fulfill the state’s disclosure obligations is authorized.

The Election Code designates all election records, including anonymous voted ballots, as public information.

Alongside the goal of ballot preservation, the Election Code also recognizes the importance of granting access to the public to review election records and ensure transparency and confidence in Texas elections. To that end, section 1.012 of the Election Code provides: “Except as otherwise provided by [the Election Code] or [the Public Information Act], all election records are public information.” *Id.* § 1.012(c). Voted ballots become public information once “the custodian completes the unofficial tabulation of the results for that precinct.” *Id.* § 66.057(a). “[A]n election record that is public information shall be made available to the public during the regular business hours of the record’s custodian.” *Id.* § 1.012(a).

Because the Legislature designated anonymous voted ballots as public information and required public access to those records, a custodian’s entry into the locked box for such purposes is an authorized entry under the Election Code.

Section 66.058 recognizes the existence of exceptions that authorize entry into the locked ballot box during the preservation period provided the box or container is relocked or resecured after the authorized purpose has been fulfilled. *Id.* § 66.058(b-1), (c); *see, e.g., id.* §§ 213.007 (authorizing the custodian to make ballots available for a recount), 273.042 (authorizing the custodian to make the ballots available to a grand jury for purposes of a criminal investigation). Section 1.012 of the Election Code establishes one such exception by generally requiring the custodian to make election records available to the public, unless such records are expressly excepted by the Public Information Act or the Election Code.⁴ *Id.* § 1.012(c); *see also* TEX. GOV’T CODE § 552.006 (providing that the Public Information Act “does not authorize the withholding of public information or limit the availability of public information to the public, except as expressly provided” within the Act).

Subchapter C of the Public Information Act establishes the exceptions to the general rule that public information shall be made available to the public. *See* TEX. GOV’T CODE §§ 552.101–.162 (“Information Excepted from Required Disclosure”). No section within that subchapter addresses anonymous voted ballots or expressly excepts them from disclosure. Furthermore, no

⁴Thirty-four years ago, in Open Records Decision 505, a previous Attorney General considered public access to voted ballots under the Public Information Act. Tex. Att’y Gen. ORD 505 (1988) at 1–2. The decision concluded that section 66.058’s prohibition on unauthorized entry into the locked ballot box during the preservation period fell within the Public Information Act’s disclosure exceptions for privileged or confidential information. Tex. Att’y Gen. ORD 505 (1988) at 2–3. However, in-depth review by this office of the issues raised in that decision results in the opposite conclusion. No language in either the Election Code nor the Public Information Act makes the entirety of a voted ballot privileged or confidential. Open Records Decision 505 is therefore overruled to the extent inconsistent with this opinion.

provision in the Election Code designates anonymous voted ballots as confidential or otherwise prohibits their disclosure to the public. By demanding that the public have access to election records, including anonymous voted ballots, the Legislature thereby authorized the election records custodian's entry to the locked ballot box during the 22-month preservation period for such purposes.

Any personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections must be redacted for purposes of disclosure to protect the constitutional right to a secret ballot in Texas.

While you ask specifically about *anonymous* voted ballots, it is important to note that Texas law has long established that all elections shall be by secret ballot. *Wood*, 126 S.W.2d at 9. This requirement of secrecy is mandatory—"that every voter is thus enabled to secure and preserve the most complete and inviolable secrecy *in regard to the persons for whom he votes[.]*" *Id.* at 8; *Carroll v. State*, 61 S.W.2d 1005, 1007 (Tex. Crim. App. 1933) (emphasis added). In order to protect the secret ballot, "[p]ublic policy requires that the veil of secrecy should be impenetrable, unless the voter himself voluntarily determines to lift it[.]" *Carroll*, 61 S.W.2d at 1008. The right of nondisclosure belongs to the individual voter. *See Oliphint v. Christy*, 299 S.W.2d 933, 939 (Tex. 1957). Your question appears to acknowledge this requirement by only inquiring about voted ballots that (1) have no information that could be used to identify the voter or (2) have been redacted to exclude any information that could be used to identify the voter. Krause Letter at 1.

Information is excepted from public disclosure under the Public Information Act "if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision." TEX. GOV'T CODE § 552.101. No statutory provision generally designates election records or their contents to be confidential. However, the right to a secret ballot has been held to protect personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections. *See generally Wood*, 126 S.W.2d at 9; *Carroll*, 61 S.W.2d at 1008. Therefore, a court would likely find that personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is excepted from public disclosure. As a result, such information must be preserved, and the election records custodian must redact such personally identifiable information to protect the constitutional right to a secret ballot in Texas. TEX. GOV'T CODE § 552.007 (providing that a governmental body has no discretion to release information deemed confidential by law). To be clear, the presence of some confidential information on a ballot does not provide a basis to withhold the ballot in its entirety.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

The Secretary of State is the chief elections officer of the state and is required to "assist and advise all election authorities with regard to the application, operation, and interpretation" of the Election Code and any other election laws. TEX. ELEC. CODE §§ 31.001(a), .004(a). In furtherance of the preservation of precinct election records in particular, the Legislature directed the Secretary of State to "instruct the affected authorities on the actions necessary to comply" with

section 66.058. *Id.* § 66.058(h). Thus, the Secretary of State has the authority to instruct elections administrators as to how to comply with both the ballot preservation requirements in section 66.058 and the public access requirements in section 1.012.

With the Secretary of State’s oversight, the Legislature expressly authorized the election records custodian to “adopt reasonable rules limiting public access” under section 1.012 to further the purposes of “safeguarding the election records or economizing the custodian’s time.” *Id.* § 1.012(b). Pursuant to their respective authority, the Secretary of State and the election records custodians may establish procedures as authorized by law to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots under the Election Code.

S U M M A R Y

Anonymous voted ballots are election records under the Election Code, and the Legislature has established procedures aimed at both preserving those records and granting public access to them.

Section 66.058 of the Election Code requires the anonymous ballots to be held in a locked ballot box during a 22-month preservation period, with entry only as authorized by the Election Code. Section 1.012 establishes these ballots as public information and requires the election records custodian to make the ballots available to the public. By expressly requiring the custodian to provide public access to such records, the Legislature authorized entry into the locked ballot box for such purpose during the 22-month period. Thus, members of the public and legislators may inspect or obtain copies of anonymous voted ballots during the 22-month preservation period.

Personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is confidential and excepted from public disclosure. Any confidential information on an anonymous voted ballot must be redacted for purposes of disclosure in order to protect the constitutional right to a secret ballot.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

Very truly yours,



KEN PAXTON
Attorney General of Texas

BRENT E. WEBSTER
First Assistant Attorney General

LESLEY FRENCH
Chief of Staff

D. FORREST BRUMBAUGH
Deputy Attorney General for Legal Counsel

AARON REITZ
Deputy Attorney General for Legal Strategy

AUSTIN KINGHORN
General Counsel

RALPH MOLINA
Special Counsel to the First Assistant Attorney General

CHARLOTTE M. HARPER
Deputy Chair, Opinion Committee

From: [cjaster](#)
To: [Chris Davis](#)
Subject: Re: Response to public information requests.
Date: Thursday, August 18, 2022 7:12:41 AM
Attachments: [4_6049814439778059109.pdf](#)

AG Paxton has issued his opinion on releasing the data in question and has stated the custodian has authority to release the information I have requested, redacted of any personally identifiable information. I've included Paxton's summary below and have attached the exchange in the file.

Thank you,
Cathy Jaster

**The Honorable Kelly Hancock & The Honorable Matt Krause -Page 6
SUMMARY**

Anonymous voted ballots are election records under the Election Code, and the Legislature has established procedures aimed at both preserving those records and granting public access to them.

Section 66.058 of the Election Code requires the anonymous ballots to be held in a locked ballot box during a 22-month preservation period, with entry only as authorized by the Election Code. Section 1.012 establishes these ballots as public information and requires the election records custodian to make the ballots available to the public. By expressly requiring the custodian to provide public access to such records, the Legislature authorized entry into the locked ballot box for such purpose during the 22-month period. Thus, members of the public and legislators may inspect or obtain copies of anonymous voted ballots during the 22-month preservation period.

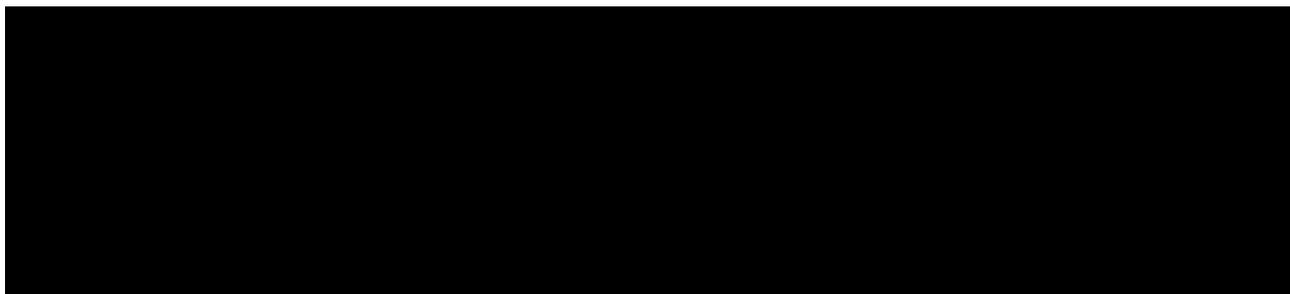
Personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is confidential and excepted from public disclosure. Any confidential information on an anonymous voted ballot must be redacted for purposes of disclosure in order to protect the constitutional right to a secret ballot.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

Very truly yours,

KEN PAXTON Attorney General of Texas

**BRENT E. WEBSTER First Assistant Attorney General
LESLEY FRENCH Chief of Staff
The Honorable Kelly Hancock & The Honorable Matt Krause - Page 7
D.FORREST BRUMBAUGH Deputy Attorney General for Legal Counsel
AARON REITZ Deputy Attorney General for Legal Strategy
AUSTIN KINGHORN General Counsel
RALPH MOLINA Special Counsel to the First Assistant Attorney General
CHARLOTTE M. HARPER Deputy Chair, Opinion Committee**





KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 17, 2022

The Honorable Kelly Hancock
Chair, Senate Committee on Veteran Affairs & Border Security
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

The Honorable Matt Krause
Chair, House Committee on General Investigating
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Opinion No. KP-0411

Re: Whether a legislator or a member of the public may inspect or obtain copies of anonymous voted ballots (RQ-0424-KP)

Dear Senator Hancock and Representative Krause:

You ask whether a member of the public or a legislator may inspect or obtain copies of anonymous voted ballots.¹ To be clear, you explain that the subject of your inquiry is “anonymous voted ballots” or other voted ballots that have had any voter-identifying data redacted. Krause Letter at 1. You explain that members of the public and individual members of the Legislature desire to audit the results of Texas elections, but election administrators cite section 66.058 of the Election Code as precluding the release of voted ballots. Hancock Letter at 1; Krause Letter at 1. Thus, the question presented is whether the information contained within a voted ballot *that has been stripped of any information that could be used to reveal the identity of the voter* is public information subject to disclosure.

¹See Letter from Honorable Kelly Hancock, Chair, Senate Comm. on Veteran Affairs & Border Sec., to Honorable Ken Paxton, Tex. Att’y Gen. at 1 (Sept. 28, 2021) (“Hancock Letter”); Letter from Honorable Matt Krause, Chair, House Comm. on Gen. Investigating, to Honorable Ken Paxton, Tex. Att’y Gen. at 1–2 (Aug. 16, 2021) (“Krause Letter”); <https://texasattorneygeneral.gov/sites/default/files/request-files/request/2021/RQ0424KP.pdf>.

To fulfill the Texas Constitution’s mandate that Texas preserve election integrity, the Legislature has designated anonymous voted ballots as election records under the Election Code and has established procedures aimed at both preserving those records and granting public access to them.

Article VI, section 4 of the Texas Constitution provides:

In all elections by the people, the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature shall provide by law for the registration of all voters.

TEX. CONST. art. VI, § 4. This provision requires the Legislature to “pass laws as necessary to deter fraud and protect ballot purity [and] is addressed to the sound discretion of the Legislature.” *Andrade v. NAACP*, 345 S.W.3d 1, 16 (Tex. 2011) (quoting *Wood v. State ex rel. Lee*, 126 S.W.2d 4, 9 (Tex. 1939) (quotation marks omitted)).

Your question involves access to “election records” which include “anything distributed or received by government under [the Election Code].” TEX. ELEC. CODE § 1.012(d)(1). Voted ballots are expressly designated as “precinct election records.” *Id.* § 66.002 (defining “precinct election records” as “the precinct election returns, *voted ballots*, and other records of an election that are assembled and distributed” under chapter 66 of the Election Code (emphasis added)). The Election Code contains provisions aimed at both preserving election records and granting access to review those records. *See id.* §§ 1.012, 66.058.

To fulfill its constitutional mandate, the Legislature created the position of general custodian of election records and charged that office with, among other things, preserving precinct election records.² *See id.* §§ 66.001, .058. Subsection 66.058(a) requires “the precinct election records [to] be preserved by the authority to whom they are distributed for at least 22 months after election day.” *Id.* § 66.058(a); *see also* 52 U.S.C. § 20701 (establishing 22-month preservation period for election records in certain federal elections). For at least 60 days after an election, voted ballots must be kept in a locked room, in the locked ballot box delivered to the custodian. TEX. ELEC. CODE § 66.058(b).³ On the 61st day, the custodian may require the return of the key that unlocks the ballot box containing voted ballots and may “unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period.” *Id.* § 66.058(b)(1), (2).

“Except as permitted by [the Election Code], a ballot box or other secure container containing voted ballots may not be opened during the preservation period.” *Id.* § 66.058(b-1).

²Depending on the type of election, the general custodian of election records is either the county clerk, the city secretary, or the secretary or presiding officer of a political subdivision’s governing body. TEX. ELEC. CODE § 66.001.

³Due to potential recounts and provisional ballots, the Legislature requires the election record custodian to keep voted ballots secure for the 60-day period. *Id.* § 66.058(b)

The custodian commits a criminal offense if, during the preservation period, the custodian makes an unauthorized entry into the box or container or “fails to prevent another person from handling the box or container in an unauthorized manner or from making an unauthorized entry into the box or container.” *Id.* § 66.058(d), (e). If anonymous voted ballots are disclosable public information, then the custodian’s entry into the box to fulfill the state’s disclosure obligations is authorized.

The Election Code designates all election records, including anonymous voted ballots, as public information.

Alongside the goal of ballot preservation, the Election Code also recognizes the importance of granting access to the public to review election records and ensure transparency and confidence in Texas elections. To that end, section 1.012 of the Election Code provides: “Except as otherwise provided by [the Election Code] or [the Public Information Act], all election records are public information.” *Id.* § 1.012(c). Voted ballots become public information once “the custodian completes the unofficial tabulation of the results for that precinct.” *Id.* § 66.057(a). “[A]n election record that is public information shall be made available to the public during the regular business hours of the record’s custodian.” *Id.* § 1.012(a).

Because the Legislature designated anonymous voted ballots as public information and required public access to those records, a custodian’s entry into the locked box for such purposes is an authorized entry under the Election Code.

Section 66.058 recognizes the existence of exceptions that authorize entry into the locked ballot box during the preservation period provided the box or container is relocked or resecured after the authorized purpose has been fulfilled. *Id.* § 66.058(b-1), (c); *see, e.g., id.* §§ 213.007 (authorizing the custodian to make ballots available for a recount), 273.042 (authorizing the custodian to make the ballots available to a grand jury for purposes of a criminal investigation). Section 1.012 of the Election Code establishes one such exception by generally requiring the custodian to make election records available to the public, unless such records are expressly excepted by the Public Information Act or the Election Code.⁴ *Id.* § 1.012(c); *see also* TEX. GOV’T CODE § 552.006 (providing that the Public Information Act “does not authorize the withholding of public information or limit the availability of public information to the public, except as expressly provided” within the Act).

Subchapter C of the Public Information Act establishes the exceptions to the general rule that public information shall be made available to the public. *See* TEX. GOV’T CODE §§ 552.101–.162 (“Information Excepted from Required Disclosure”). No section within that subchapter addresses anonymous voted ballots or expressly excepts them from disclosure. Furthermore, no

⁴Thirty-four years ago, in Open Records Decision 505, a previous Attorney General considered public access to voted ballots under the Public Information Act. Tex. Att’y Gen. ORD 505 (1988) at 1–2. The decision concluded that section 66.058’s prohibition on unauthorized entry into the locked ballot box during the preservation period fell within the Public Information Act’s disclosure exceptions for privileged or confidential information. Tex. Att’y Gen. ORD 505 (1988) at 2–3. However, in-depth review by this office of the issues raised in that decision results in the opposite conclusion. No language in either the Election Code nor the Public Information Act makes the entirety of a voted ballot privileged or confidential. Open Records Decision 505 is therefore overruled to the extent inconsistent with this opinion.

provision in the Election Code designates anonymous voted ballots as confidential or otherwise prohibits their disclosure to the public. By demanding that the public have access to election records, including anonymous voted ballots, the Legislature thereby authorized the election records custodian's entry to the locked ballot box during the 22-month preservation period for such purposes.

Any personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections must be redacted for purposes of disclosure to protect the constitutional right to a secret ballot in Texas.

While you ask specifically about *anonymous* voted ballots, it is important to note that Texas law has long established that all elections shall be by secret ballot. *Wood*, 126 S.W.2d at 9. This requirement of secrecy is mandatory—"that every voter is thus enabled to secure and preserve the most complete and inviolable secrecy *in regard to the persons for whom he votes[.]*" *Id.* at 8; *Carroll v. State*, 61 S.W.2d 1005, 1007 (Tex. Crim. App. 1933) (emphasis added). In order to protect the secret ballot, "[p]ublic policy requires that the veil of secrecy should be impenetrable, unless the voter himself voluntarily determines to lift it[.]" *Carroll*, 61 S.W.2d at 1008. The right of nondisclosure belongs to the individual voter. *See Oliphint v. Christy*, 299 S.W.2d 933, 939 (Tex. 1957). Your question appears to acknowledge this requirement by only inquiring about voted ballots that (1) have no information that could be used to identify the voter or (2) have been redacted to exclude any information that could be used to identify the voter. Krause Letter at 1.

Information is excepted from public disclosure under the Public Information Act "if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision." TEX. GOV'T CODE § 552.101. No statutory provision generally designates election records or their contents to be confidential. However, the right to a secret ballot has been held to protect personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections. *See generally Wood*, 126 S.W.2d at 9; *Carroll*, 61 S.W.2d at 1008. Therefore, a court would likely find that personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is excepted from public disclosure. As a result, such information must be preserved, and the election records custodian must redact such personally identifiable information to protect the constitutional right to a secret ballot in Texas. TEX. GOV'T CODE § 552.007 (providing that a governmental body has no discretion to release information deemed confidential by law). To be clear, the presence of some confidential information on a ballot does not provide a basis to withhold the ballot in its entirety.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

The Secretary of State is the chief elections officer of the state and is required to "assist and advise all election authorities with regard to the application, operation, and interpretation" of the Election Code and any other election laws. TEX. ELEC. CODE §§ 31.001(a), .004(a). In furtherance of the preservation of precinct election records in particular, the Legislature directed the Secretary of State to "instruct the affected authorities on the actions necessary to comply" with

section 66.058. *Id.* § 66.058(h). Thus, the Secretary of State has the authority to instruct elections administrators as to how to comply with both the ballot preservation requirements in section 66.058 and the public access requirements in section 1.012.

With the Secretary of State's oversight, the Legislature expressly authorized the election records custodian to "adopt reasonable rules limiting public access" under section 1.012 to further the purposes of "safeguarding the election records or economizing the custodian's time." *Id.* § 1.012(b). Pursuant to their respective authority, the Secretary of State and the election records custodians may establish procedures as authorized by law to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots under the Election Code.

S U M M A R Y

Anonymous voted ballots are election records under the Election Code, and the Legislature has established procedures aimed at both preserving those records and granting public access to them.

Section 66.058 of the Election Code requires the anonymous ballots to be held in a locked ballot box during a 22-month preservation period, with entry only as authorized by the Election Code. Section 1.012 establishes these ballots as public information and requires the election records custodian to make the ballots available to the public. By expressly requiring the custodian to provide public access to such records, the Legislature authorized entry into the locked ballot box for such purpose during the 22-month period. Thus, members of the public and legislators may inspect or obtain copies of anonymous voted ballots during the 22-month preservation period.

Personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is confidential and excepted from public disclosure. Any confidential information on an anonymous voted ballot must be redacted for purposes of disclosure in order to protect the constitutional right to a secret ballot.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

Very truly yours,



KEN PAXTON
Attorney General of Texas

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AUSTIN KINGHORN
General Counsel

RALPH MOLINA
Special Counsel to the First Assistant Attorney General

CHARLOTTE M. HARPER
Deputy Chair, Opinion Committee

From: Grumet, Bridget [REDACTED]
Sent: Thursday, August 25, 2022 8:41 AM
To: Chris Davis <cjdavis@wilco.org>
Subject: Re: Statesman follow-up & public information request

Ah, thank you very much for clarifying. May I please update my records request as follows:

Pursuant to Texas Public Information Act, Tex. Gov't Code §552.001 et seq., I am requesting copies of all public information requests that Williamson County has received from Aug. 17, 2022 to Aug. 24, 2022, in which requestors are asking to inspect or obtain copies of the Cast Vote Record from the November 2020 general election.

I would respectfully request a waiver of any fees for providing this information, as this information will advance the public's understanding of the impact of the Attorney General's recent opinion and efforts by private citizens and other parties to scrutinize voted ballots.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thanks again for your prompt help with this request,

Bridget

On Aug 25, 2022, at 8:25 AM, Chris Davis <cjdavis@wilco.org> wrote:

Bridget,

No one has requested "to inspect or obtain copies of voted ballots" in the period you've provided. What they HAVE requested, almost uniformly, is the Cast Vote Record from the November 2020 General Election.

Best,

Christopher Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
@WilCoElections

From: Grumet, Bridget [REDACTED]
Sent: Thursday, August 25, 2022 6:20:08 AM
To: Chris Davis <cjdavis@wilco.org>
Subject: Statesman follow-up & public information request

EXTERNAL email: Exercise caution when opening.

Dear Mr. Davis,

Thanks again for speaking with me yesterday about the recent Attorney General's opinion and other issues facing elections workers. I subsequently saw the VoteBeat article on the AG opinion and am looking to provide further information and context for my readers.

I'd like to file the following public information request. I appreciate anything you can do to provide the information as promptly as possible, to help me better inform the public.

Pursuant to Texas Public Information Act, Tex. Gov't Code §552.001 et seq., I am requesting copies of all public information requests that Williamson County has received from Aug. 17, 2022 to Aug. 24, 2022, in which requestors are asking to inspect or obtain copies of voted ballots from the November 2020 election.

I would respectfully request a waiver of any fees for providing this information, as this information will advance the public's understanding of the impact of the Attorney General's recent opinion and efforts by private citizens and other parties to scrutinize voted ballots. (Please note: I am **not** requesting access to the ballots myself.)

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request,

Bridget Grumet

[Austin American-Statesman](#)

Metro columnist

512-912-2964 / Twitter [@bgrumet](#)

Proud member of the Austin NewsGuild



Austin American-Statesman

From: [Chris Davis](#)
To: [Pooja Salhotra](#)
Subject: RE: Texas Tribune Inquiry
Date: Thursday, September 29, 2022 9:22:00 AM
Attachments: [MASS EMAIL--CCEA--Attorney General Opinion No. KP-0411.msg](#)
[MASS EMAIL--CCEA\(930\)--Recommended Procedures for Access to Anonymous Voted Ballots \(Attorney General Opinion No. KP-0411\).msg](#)

1. *Can you share what information the secretary of state has given to your county on how to deal with this opinion?*

I've attached the email advisories from Texas SoS above.

Has your office determined how you'll navigate this after November?

Not as of yet, no.

2. *Can you confirm what your county's rejection rate was for mail-in-ballots in the most recent primary?*

11.5% rejection rate for the March 2022 primary elections.

What was the rate prior to the new voter ID laws being put in place?

Well below 1%.

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)

From: [Elections Internet](#)
To: [Elections Internet](#)
Subject: MASS EMAIL--CC/EA--Attorney General Opinion No. KP-0411
Date: Friday, August 19, 2022 4:01:24 PM
Attachments: [image001.png](#)
Sensitivity: Personal

EXTERNAL email: Exercise caution when opening.

Dear Election Officials,

On August 17, 2022, the Attorney General issued Opinion No. [KP-0411](#) regarding whether a legislator or a member of the public may inspect or obtain copies of anonymous voted ballots.

If you have questions about fulfilling public information requests for voted ballots under Opinion No. KP-0411, please continue to consult with your county attorney and/or public information coordinator. In addition, you may wish to contact the Attorney General's Open Government Hotline at (877) 673-6839 for assistance regarding procedures for complying with the Public Information Act.

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.

From: [Elections Internet](#)
To: [Elections Internet](#)
Subject: MASS EMAIL--CC/EA(930)--Recommended Procedures for Access to Anonymous Voted Ballots (Attorney General Opinion No. KP-0411)
Date: Tuesday, September 6, 2022 3:25:51 PM
Attachments: [image001.png](#)
Sensitivity: Personal

EXTERNAL email: Exercise caution when opening.

Dear Election Officials,

On August 17, 2022, the Texas Attorney General's office issued Opinion No. [KP-0411](#). In an effort to clarify prior interpretations and in light of this opinion, our office is issuing the below guidance on recommended procedures for providing public access to anonymous voted ballots. These procedures will help ensure that you can maintain the security and integrity of voted ballots:

Public Inspection of Anonymous Voted Ballots

- The general custodian of election records should establish a written policy that specifies procedures for providing access to anonymous voted ballots through public inspection. This written policy should reflect "procedures as authorized by law to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots under the Election Code." (Opinion No. [KP-0411](#), p. 5).
- The general custodian's policy should, at a minimum, include the following provisions:
 - A defined time period for public inspection consistent with the Public Information Act.
 - A log of all individuals accessing the anonymous voted ballots during the defined time period.
 - General regulations regarding access to the ballots, including the following protocols:
 - **At least one member of the general custodian's staff must be present at all times in the room containing the voted ballots while public inspection is taking place.**
 - Pens, pencils, and other marking devices are prohibited in the room containing the voted ballots.
 - Food and beverages are prohibited in the room containing the voted ballots.
 - Voted ballots must be kept in the same stacks, containers, or boxes, whichever is applicable, while public inspection is taking place.
 - Voted ballots may not be removed from the room in which public inspection is taking place.
 - Imaging devices may be used to take photos or make copies of the voted ballots.
 - If you have video surveillance available, the SOS recommends that you utilize the surveillance system to monitor all activities in the inspection room during the time that the ballots are made available for public inspection.
 - In the space where you plan to provide public access to the anonymous voted ballots, you should ensure that all other materials unrelated to the ballot request are removed from that location.

Records Retention and Management

- Voted ballots containing personally identifiable information that could tie a voter's identity to their voting selections must be redacted before allowing public access to the ballots. As Opinion No. KP-0411 recognizes, "such information must be preserved, and the election records custodian must redact such personally identifiable information to protect the constitutional right to a secret ballot in Texas." (Opinion No. [KP-0411](#), p. 4).
- Voted paper ballots are the official ballot of record for recounts and election contests.
- If a county has maintained an electronic copy (e.g., ballot image, cast vote record) in addition to the voted paper ballot, copies of the electronic records should be made available upon request just as paper ballots are made available.
- If you do not already have anonymous voted ballots scanned or imaged, you may want to consider imaging them prior to public inspection to ensure that there is a record of the image prior to public inspection.
- If you are providing files in any electronic format, the SOS strongly recommends that you calculate a hash value to validate the integrity of the files and to ensure they are not altered in any way. The SOS will provide additional guidance on how to accomplish this security measure.
- At the conclusion of the retention period, contents of locked ballot boxes or secure containers may only be destroyed if there is no election contest, criminal investigation, or pending public information request that has yet to be fulfilled. (Secs. [1.012](#), [66.058](#)). You should also consult with your county attorney or district attorney and any county records management officers before disposing of such materials after the 22-month retention period.

As always, please let us know if you have any questions or concerns.

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.

From: Doyle Broom [REDACTED]
Sent: Wednesday, August 24, 2022 8:30 PM
To: Voter Registration <VoterRegistration@wilco.org>
Cc: Chris Davis <cjdavis@wilco.org>
Subject: TIME SENSITIVE: Election Records Request for November 3, 2020 General Election

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Attached is a letter of request and completed request form for election records from the November 3, 2020 General Election in Williamson County. This request may be time sensitive since the 22-month retention period for election records from the 2020 election expires on September 3, 2022.

Even though I am not requesting a List of Registered Voters, I was instructed by your office to use that form for my request, describing it in the "Additional Comments" field.

Please let me know if you require any more information.

Best regards,
Doyle Broom

From: TAC Legal <tacannounce@county.org>
Sent: Thursday, October 13, 2022 10:02 AM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: Recent AG opinion alters elections procedures

EXTERNAL email: Exercise caution when opening.

Trouble viewing this email? [Click here](#) to view in web browser

TAC Legal

The mission of the Texas Association of Counties is to unite counties to achieve better solutions.

October 13, 2022

Guidance from TAC on KP-0411

Elections administrators are scrambling to adjust operations for November elections considering [Attorney General opinion KP-0411](#), issued in August. [TAC has guidance](#).

Catch up quick: KP-0411 suggests voted ballots are subject to Public Information Act requests *immediately* following an election. The opinion:

- Overrules ORD-505 (1988), which exempted voted ballots from public inspection during the statutorily mandated preservation period (22 months).
- Allows that locked boxes containing anonymous voted ballots could be opened multiple times during the preservation period as necessary to comply with a request.

What they're saying: County officials are facing a deluge of public information requests for election ballots, and they cannot respond to those requests and maintain adequate ballot security while conducting the 2022 elections.

TAC Legal Services has compiled a [resource guide](#) for KP-0411 that addresses some of the questions pouring in.

[Go deeper.](#)



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Higher Logic

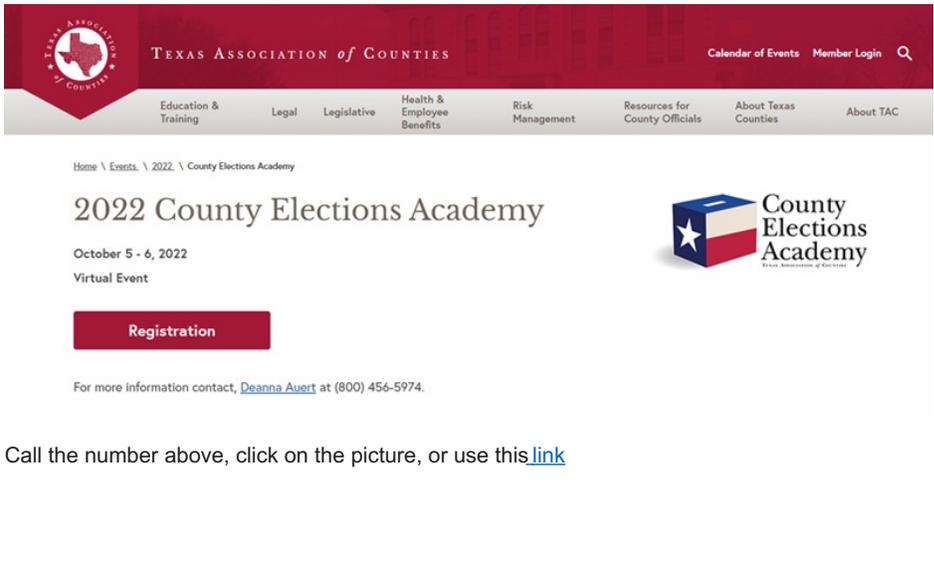
From: Crickett Miller <crickett.miller@parkercountytexas.com>
Sent: Wednesday, September 28, 2022 12:59 PM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: September 2022 TAEA Newsletter
Attachment(s): "image001.gif", "image002.png", "image003.png", "image004.png", "image005.png"

EXTERNAL email: Exercise caution when opening.

<h1 style="margin: 0;">TAEA Newsletter</h1> <p style="margin: 0;">Texas Association of Elections Administrators</p>	
SEPTEMBER 28, 2022	VOLUME 22, NUMBER 4
<p><i>President</i> - Trudy Hancock</p> <p><i>Vice-President</i> - Heider Garcia</p> <p><i>Treasurer</i> - Jennifer Anderson Doinoff</p> <p><i>Secretary</i> - Shannon Lackey</p> <p><i>Education Chair</i> - John Oldham</p> <p><i>Legislative Liaison</i> - Remi Garza</p> <p><i>Newsletter Editor</i> - Jenise Miller</p> <hr style="width: 20px; margin-left: 0;"/>	<p>Praying this newsletter finds everyone well. I know things are very busy right now as we are preparing for November. But I did want to make sure the information for the 2023 Mid-Winter Conference is made available. If you are taking the REO classes, classes I, II, III and V will be offered on Monday, January 2, 2023 through Tuesday, January 3. The renewal class will be offered on Wednesday, January 4th. All registration goes through The Election Center for those classes. Registration can be found at https://www.electioncenter.org/reo.php?id=32</p> <p>Conference will begin at 1:00 pm on Wednesday, January 4, 2023 through Noon on Friday, January 6, 2023.</p> <p>Membership dues and conference registration can be found at https://www.taea-elections.org/upload/page/0128/2023%20TAEA%20Membership%20Form.pdf</p> <p>Hotel information and reservation can be made at https://book.passkey.com/gt/218553532?gtid=f665f2ac847b5ce75761c2377b2f7b86</p> <p>Just a reminder that valet parking is the only option at the hotel and is \$52.00 per night. All this information, plus a tentative agenda, is posted on the TAEA webpage (https://www.taea-elections.org/). I am excited to be going to San Antonio for the upcoming conference and expect great things. If you have any topics you would like covered, please contact me at thancock@brazoscountytexas.gov.</p> <p style="text-align: right; margin-top: 20px;">- Trudy Hancock</p>

<p>Vice President</p>	<p>As the election approaches, we're starting to see what we expected: a lot of activity around our offices and demands for changes to our processes. It has sort of become the fruit of the season, but I did want to talk about a few of them:</p> <ol style="list-style-type: none"> 1. I've seen a lot of you dealing with the influx of Public Records Requests, most notably the campaign for requesting CVRs from all the counties. Kudos to all of you for your professionalism in dealing with this - all the responses I have seen have been timely and polite, even when the requests are outrageous and lack basic manners (looks like we are not even worth a "Good morning" line). In our case, the data from the 2020 Presidential election is in a server that is locked in vault because of a TRO resulting from a lawsuit. So, it is ironic that it was one of these "election integrity" groups that ended up making the records unavailable to the public by filing a baseless lawsuit and then filing for a TRO that resulted in the servers being sequestered and inaccessible. 2. The AG's opinion on the availability of election records during the 22-month period is another one of the hot topics. We have received requests for data from the 2022 primary, and we have already filed requests for rulings with the AG's office, we'll see what they say about that, and we'll share the response when we get it. 3. We have received requests to inspect the ballots from November 2020 in person and some people have already signed up for doing so in January. It looks like this will be the new normal. For now, we are imaging those ballots (over 850,000 of them) to place them on the website. <p>Last week, during public test, we did what we called an "Unscripted test", where we allowed anyone to come in and mark ballots any way they wanted, and we then hand-counted them to show that the system always counts accurately. The point of this test was to show that there is no such thing as an expected result. As you can imagine, our "election integrity" groups did not even bother to show up, but then again, they usually don't when they know their theories are going to be disproved. We did get plenty of coverage from the media, and we made some very good points during the event, most notably:</p> <ul style="list-style-type: none"> · Machines count perfectly, and when there are errors, they are human errors: this was evident when one of the counts was different from the machine tapes and we showed it was one of the people making tally marks that was wrong. · Hand-marked ballots are subject to interpretation, BMD ballots are always counted correctly: in one case the ballot board adjudicated a hand-marked ballots as 2 undervotes (it was an X that ran through 2 ovals), but during the hand recount it was counted as an overvote. The point made was very simple: 2 people interpreted the same ballot in different ways, but in BMD ballots that never happens. · Hand-counting would not produce full results for hours, if not days: it took us one hour to count 480 options (9 races with little over 50 votes each). That is at best one race in a small turnout precinct in Tarrant. For 20 races on the ballot, we are talking... 20 hours of continuous counting, as required by the Code? <p>I'll wrap this up with my usual message: always look at the glass as half-full. These nonsensical requests we are getting can be turned into great PR opportunities, where these self-proclaimed "election experts" and "elections investigators" put the spotlight on their theories but then watch them collapse in real-time in front of the public. Put another way: call their bluff every chance you get.</p> <p style="text-align: right;">- Heider Garcia</p>
<p>JOB POSTINGS</p>	<p>Angelina County - We are looking to fill a Deputy Voter Registrar position to start mid to late October. We may also have a part time position to fill. Election knowledge would be super helpful, given the late hour for this election. Email</p>

<p>Treasurer</p>	<p>FALL IS HERE FINALLY...</p> <p>Will December ever arrive?? I don't think I've ever anticipated the passing of an election so greatly. Times are tough and I know you are all feeling it. Politics are contentious and passion is flaring everywhere. Just keep in mind that the loudest voices are coming from very small groups of people.</p> <p>When this election is over, we will all be looking forward to the Mid-Winter Conference on the Riverwalk in San Antonio. If you haven't sent in your membership dues, or conference registration and fees please send them to:</p> <p>TAEA Treasurer Jennifer Doinoff 26059 Dull Knife Trail San Antonio, Texas 78255</p> <p>Jody Rose from Hockley County has generously agreed to lead the Region 2 Group. All 8 regions have functioning regional groups with the exception of Region 1 and Region 3. If you live in those regions and are interested in coordinating the regional meetings and educational opportunities, please let me know. Once this election is over, I will be reaching out to each of those counties in an effort to recruit a leader. It's important that we have coordinated groups in every area of the State. So much information will be communicated through these groups between now and the Presidential election.</p> <p>Thank you all so much for the important work that you do in your county. Best wishes and prayers for successful elections for all!!</p> <p style="text-align: right;">– Jennifer Doinoff</p>
<p>Secretary</p>	<p>How can it be the last couple of days of September??? Early Voting is right around the corner.</p> <p>We had our voting equipment converted to the "auditable paper system" this summer and we have had a few pieces of equipment set up for the entire month of September in both of our offices. I made it mandatory for the Judges and Alternates to stop by, at their convenience to see the new equipment. Most of them have been by multiple times with questions. This is exactly what I had hoped for. My advice to anyone that made the conversion is to get the equipment in front of your Judges and clerks ASAP. They need to feel comfortable with the change.</p> <p>We are also holding two active shooter training sessions next month. I absolutely hate that we have a need to do this. I will spend more time on doing what I can to keep our polling places safe for everyone. I have asked a few of my long time Judges, "could you tell a 9-1-1 operator the address of your polling location and the location inside the building, in case of an emergency?" The answer from each of them was "No!" One more thing to add to our training.</p> <p>One of my regrets in the month of September was deciding to use a Sharpie to black out the modified assistant oath on the carrier envelope, in English and Spanish. I shouldn't have been such a tight wad! Doesn't everyone want to spend their evenings at home with a Sharpie and a highlighter??? Oh well, it's done, and all the ballots are in the mail.</p> <p>Hang in there and do not hesitate to reach out to any of us if you have a question or random thought!</p> <p style="text-align: right;">- Shannon Lackey</p>
<p>Proposed TAEA Regional Groups: This is attached to the email along with the different counties contained in each region.</p>	

	 <p>Call the number above, click on the picture, or use this link</p>
<p>Education Chair</p>	<p>The TAEA Mid-Winter Conference with the Election Center to offer four REO (Registered Election Official) courses prior to the start of the conference. This year courses 1, 3, & 5 will be offered. Each is a half day class and will be taught on January 2 and 3, 2023. Descriptions of the courses may be found at the election Center’s website. https://www.electioncenter.org/registered-election-official.php</p> <p>Those of you who have previously graduated from the REO program may also want to register for the renewal class which will be taught on the morning of January 4. This class will be entitled Election Administration Environments: Challenges, Opportunities, Responses, & Best Practices. Those who graduated from the REO program 3 years ago, or more, should sign up for this class. Registration materials for the REO classes and the conference will be available soon.</p> <p style="text-align: right;">- John Oldham</p>
<p>Legislative Chair</p>	<p>The Legislative Committee has been meeting over the phone these past weeks discussing the upcoming legislative session that begins January 2023. We are identifying our priorities for next year based on what we have seen so far. We have also been working to anticipate what bills may be filed that deal with Elections and determine their impacts. We are getting ready to respond to any request for information on proposed changes to the Election Code. If you have any issues you would like the committee to consider please let me or the officers know. We want to make sure that we are addressing the issues that matter to you as our members.</p> <p style="text-align: right;">- Remi Garza</p>



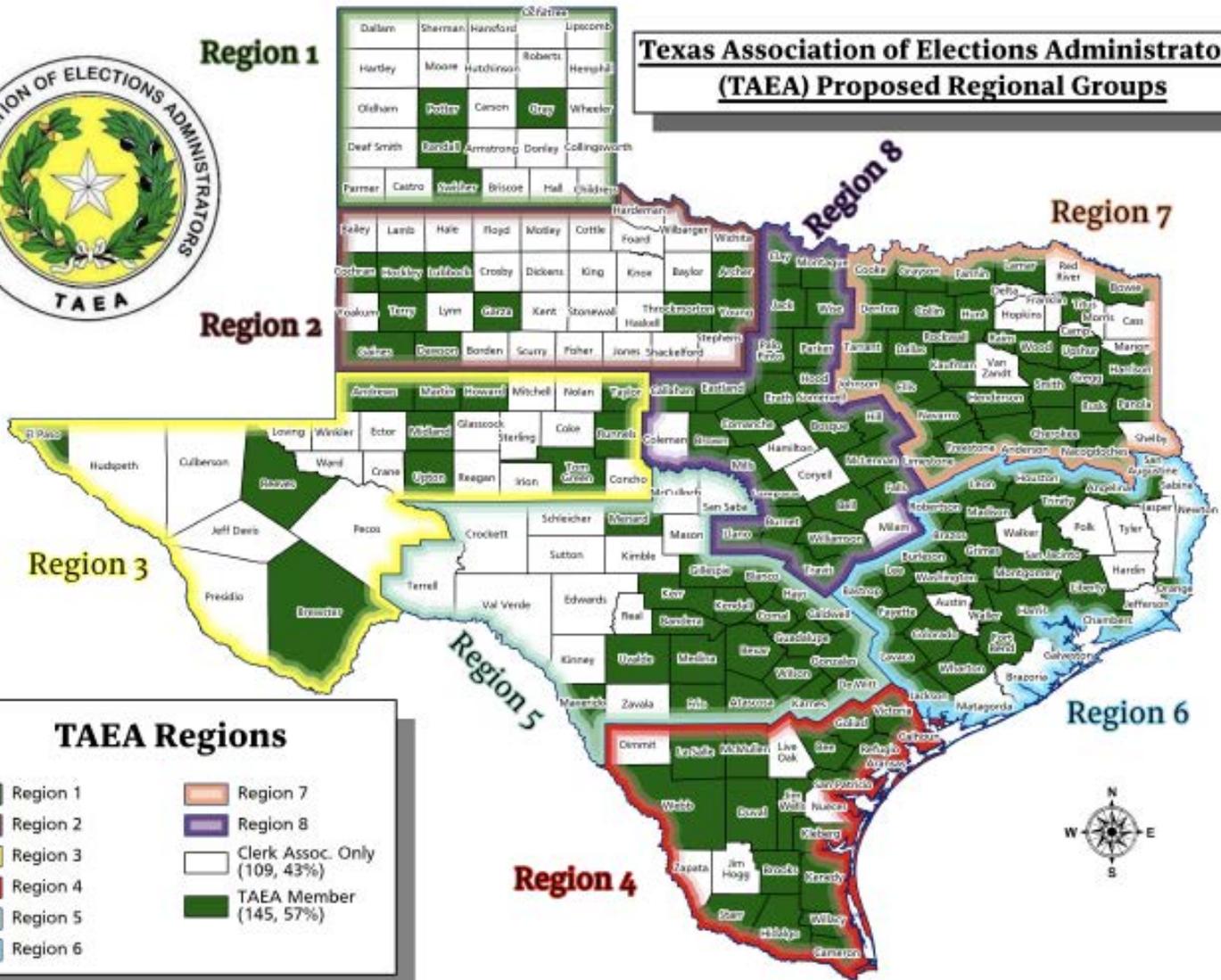
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Texas Association of Elections Administrators (TAEA) Proposed Regional Groups



From: Texas Secretary of State Press Office <TXSoSPress@public.govdelivery.com>
Sent: Friday, September 23, 2022 1:02 PM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: SOS 101: Voting Systems in Texas

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seal

Texas Secretary of State

John B. Scott

For Immediate Distribution

September 23, 2022

Contact: Sam Taylor
smtaylor@sos.texas.gov
(512) 463-6116

SOS 101: Voting Systems in Texas

AUSTIN — Texas Secretary of State John Scott today [released the second installment of 'SOS 101,'](#) a series of videos educating voters about election administration in Texas ahead of the November 8, 2022 General Election. In the video, Secretary Scott provides an overview of voting systems in Texas, and the processes for certifying and deploying voting machines for use in Texas elections. Secretary Scott also visits with Hays County Elections Administrator Jennifer Doinoff during her office's public logic and accuracy testing of voting machines held earlier this week.

"Today, you'll be learning about voting systems in Texas, including why we use them, how they are certified, and how laws and regulations in the State of Texas help ensure that your vote is secure," Secretary Scott says in the video.

"Here are a couple of key facts that you, as a Texas voter, should know when it comes to the Security of our voting systems: (1) voting machines in Texas are never connected to the internet; (2) only the software that our office certifies can be loaded on voting equipment; and (3) All voting machines in Texas are tested for logic and accuracy three times - twice before the election, and once immediately after the election."

"Today, we are conducting our logic and accuracy test for our voting machines, which is required by law to be conducted publicly before every election," Elections Administrator Jennifer Doinoff explains in the video.

"This just the first part of the public testing, we will do this again before we tally votes on Election Night, and then again after we tabulate the votes on Election Night. So we'll make sure that the system hasn't changed and that everything is still working and functioning as it should."

[To watch the full SOS 101 video on voting systems in Texas, click here or on the image below.](#)

[SOS 101_2](#)

[SOS 101: Voting Systems in Texas](#) covers the following key topics:

1. Certification of Voting Systems

- All voting systems must be certified by the [U.S. Election Assistance Commission \(EAC\)](#), created by the [Help America Vote Act \(HAVA\)](#) in 2002.
- The Texas Election Code requires [all voting systems to be approved by the Secretary of State](#) before they may be used in any Texas election.
- Currently, only two voting system vendors are [certified by the Texas SOS](#):
 - [Hart Intercivic](#) - Austin, TX
 - [Election Systems & Software \(ES&S\)](#) - Omaha, NE

[View a list of voting systems that may be used in Texas elections.](#)

2. Key Facts on Security of Voting Machines

1. [Voting machines in Texas are not connected to the internet](#). In order to be certified in Texas, the machines [cannot even have the capability of connecting to the internet](#). [Electronic pollbooks certified by the Texas SOS](#) are connected to the internet, but they are never connected to any device that casts or tabulates votes.
2. [Only software certified by the Texas SOS can be loaded on voting equipment](#). As an added security measure, Texas law requires [software to go through a hash validation process](#) to verify that the source code of any voting software was not altered in any way.
3. [All voting machines are required to be tested for logic and accuracy three times](#) - twice before each election, and once immediately after.

3. Public Logic & Accuracy Testing

[Texas Election Code Sec. 129.023](#)

- The first test must be held publicly more than 48 hours before voting begins, and public notice of the test must be posted at least 48 hours in advance.
- The county testing board - which includes representatives of political parties and members of the public - must agree on a test deck of ballots for which the results are already verified through a hand count.
- The ballots included in the test deck must include votes for each candidate and proposition on the ballot, overvotes and undervotes, write-in votes and provisional votes.
- The testing board votes the ballots on the electronic voting machines, recreating the choices from the original test deck.
- The voted ballots are then tabulated, and the testing board meets to verify the results from the hand count and machine count are identical.
- Voting machines can only be deployed in a Texas election after the test shows 100% accuracy.

4. Chain of Custody and Reconciliation Procedures

- Poll workers must maintain a [detailed chain of custody log of each voting system](#).
- Before polls open for Early Voting (October 24th this year) poll workers [must confirm there are zero votes cast on each machine and print a tape verifying zero votes cast](#).
- Once all votes are counted on Election Night, each county must complete and publicly post a [Preliminary Election Reconciliation for Unofficial Totals \(PDF\)](#) that shows: how many ballots were cast, how many people signed in at the polling place, how many mail-in ballots are accepted or pending.
 - Mail ballots arriving from military members overseas may be received up to the 6th day after Election Day this year (November 14th), which is the same deadline for voters casting mail-in ballots to [correct a defect such as a missing ID number](#) or signature.
- Within 72 hours of the polls closing on Election Day (November 8th this year), each election office [must conduct a partial manual count](#) to ensure the votes were tabulated accurately, using votes from 1% of precincts or 3 precincts, whichever is greater.
- Once the county has completed its official canvass of votes, county election officials must complete and publicly post their final [Election Reconciliation for Official Totals \(PDF\)](#), which includes the number of:
 - Early Voting check-ins and counted ballots
 - Election Day check-ins and counted ballots
 - Voters who cast a ballot by mail, and how many were accepted and rejected
 - Provisional ballots submitted, counted and rejected
 - Mail ballots not returned or surrendered

To read more about security procedures regarding Texas election systems, [read our Election Security Best Practices Guide for county officials \(PDF\)](#).

To learn more about voting systems in Texas, visit www.votetexas.gov/voting/voting-systems

###

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This email was sent to cjdavis@wilco.org using GovDelivery Communications Cloud on behalf of: Texas Secretary of State · 707 17th St, Suite 4000 · Denver, CO 80202

From: Joyce LeBombard <president@lwvtexas.org>
Sent: Monday, November 07, 2022 3:12 PM EST
To: Chris Davis <cjdavis@wilco.org>
Subject: Thank You and Support for Ballot Integrity

EXTERNAL email: Exercise caution when opening.

[View in your browser](#)

Dear Elections Administrators, staff, and poll workers,

The League of Women Voters of Texas (LWVTX) and all local Leagues across the great state of Texas thank you for giving of yourself so selflessly to making the 2022 elections happen. We envision a democracy where every person has the desire, the right, the knowledge, and the confidence to participate. We thank you for making the fundamental right of voting possible.

The League appreciates your dedication and commitment to following the law and the will of the voters, no matter the pressures brought upon you by others. With this in mind, the LWVTX, along with our national League (LWVUS) and the Southern Coalition for Social Justice (SCSJ), sent a letter to the Department of Justice (DOJ) to publicly assert Texas election official's duty to maintain proper voting ballot chain of custody as required by federal law. Our goal is to support your efforts to preserve ballot integrity by following the ballot chain of custody provisions of the Civil Rights Act of 1960 and the long-standing interpretation of the Texas Election Code rather than an unprecedented legal opinion by the Texas Attorney General.

You can view a copy of the [letter sent to the DOJ here](#) and the [press release here](#).

Thank you for your dedication and commitment to empowering voters and defending democracy!

Joyce LeBombard
President, League of Women Voters of Texas
president@lwvtexas.org

League of Women Voters of Texas

1212 Guadalupe St. #107
Austin Texas, 78701
(512) 472-1100

lwvtexas@lwvtexas.org
lwvtexas.org

You have received this message from the mailing list of The League of Women Voters of Texas. If you would prefer not to receive these emails in the future, go to the [opt-out page](#) and modify your privacy settings. You can also request to be removed from our database completely.

From: Chris Davis <cjdavis@wilco.org>
Sent: Wednesday, August 17, 2022 4:05 PM EDT
To: Jessica Morrison <jessica.morrison@wilco.org>
Subject: This is huge
Attachment(s): "kp-0411.pdf"

<https://www.texasattorneygeneral.gov/sites/default/files/opinion-files/opinion/2022/kp-0411.pdf>

Best,

Chris Davis
Elections Administrator, Williamson County, TX
cjdavis@wilco.org
Off: 512.943.1630
[@WilCoElections](#)



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 17, 2022

The Honorable Kelly Hancock
Chair, Senate Committee on Veteran Affairs & Border Security
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

The Honorable Matt Krause
Chair, House Committee on General Investigating
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Opinion No. KP-0411

Re: Whether a legislator or a member of the public may inspect or obtain copies of anonymous voted ballots (RQ-0424-KP)

Dear Senator Hancock and Representative Krause:

You ask whether a member of the public or a legislator may inspect or obtain copies of anonymous voted ballots.¹ To be clear, you explain that the subject of your inquiry is “anonymous voted ballots” or other voted ballots that have had any voter-identifying data redacted. Krause Letter at 1. You explain that members of the public and individual members of the Legislature desire to audit the results of Texas elections, but election administrators cite section 66.058 of the Election Code as precluding the release of voted ballots. Hancock Letter at 1; Krause Letter at 1. Thus, the question presented is whether the information contained within a voted ballot *that has been stripped of any information that could be used to reveal the identity of the voter* is public information subject to disclosure.

¹See Letter from Honorable Kelly Hancock, Chair, Senate Comm. on Veteran Affairs & Border Sec., to Honorable Ken Paxton, Tex. Att’y Gen. at 1 (Sept. 28, 2021) (“Hancock Letter”); Letter from Honorable Matt Krause, Chair, House Comm. on Gen. Investigating, to Honorable Ken Paxton, Tex. Att’y Gen. at 1–2 (Aug. 16, 2021) (“Krause Letter”); <https://texasattorneygeneral.gov/sites/default/files/request-files/request/2021/RQ0424KP.pdf>.

To fulfill the Texas Constitution’s mandate that Texas preserve election integrity, the Legislature has designated anonymous voted ballots as election records under the Election Code and has established procedures aimed at both preserving those records and granting public access to them.

Article VI, section 4 of the Texas Constitution provides:

In all elections by the people, the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature shall provide by law for the registration of all voters.

TEX. CONST. art. VI, § 4. This provision requires the Legislature to “pass laws as necessary to deter fraud and protect ballot purity [and] is addressed to the sound discretion of the Legislature.” *Andrade v. NAACP*, 345 S.W.3d 1, 16 (Tex. 2011) (quoting *Wood v. State ex rel. Lee*, 126 S.W.2d 4, 9 (Tex. 1939) (quotation marks omitted)).

Your question involves access to “election records” which include “anything distributed or received by government under [the Election Code].” TEX. ELEC. CODE § 1.012(d)(1). Voted ballots are expressly designated as “precinct election records.” *Id.* § 66.002 (defining “precinct election records” as “the precinct election returns, *voted ballots*, and other records of an election that are assembled and distributed” under chapter 66 of the Election Code (emphasis added)). The Election Code contains provisions aimed at both preserving election records and granting access to review those records. *See id.* §§ 1.012, 66.058.

To fulfill its constitutional mandate, the Legislature created the position of general custodian of election records and charged that office with, among other things, preserving precinct election records.² *See id.* §§ 66.001, .058. Subsection 66.058(a) requires “the precinct election records [to] be preserved by the authority to whom they are distributed for at least 22 months after election day.” *Id.* § 66.058(a); *see also* 52 U.S.C. § 20701 (establishing 22-month preservation period for election records in certain federal elections). For at least 60 days after an election, voted ballots must be kept in a locked room, in the locked ballot box delivered to the custodian. TEX. ELEC. CODE § 66.058(b).³ On the 61st day, the custodian may require the return of the key that unlocks the ballot box containing voted ballots and may “unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period.” *Id.* § 66.058(b)(1), (2).

“Except as permitted by [the Election Code], a ballot box or other secure container containing voted ballots may not be opened during the preservation period.” *Id.* § 66.058(b-1).

²Depending on the type of election, the general custodian of election records is either the county clerk, the city secretary, or the secretary or presiding officer of a political subdivision’s governing body. TEX. ELEC. CODE § 66.001.

³Due to potential recounts and provisional ballots, the Legislature requires the election record custodian to keep voted ballots secure for the 60-day period. *Id.* § 66.058(b)

Id. § 66.058(d), (e). If anonymous voted ballots are disclosable public information, then the custodian’s entry into the box to fulfill the state’s disclosure obligations is authorized.

The Election Code designates all election records, including anonymous voted ballots, as public information.

Alongside the goal of ballot preservation, the Election Code also recognizes the importance of granting access to the public to review election records and ensure transparency and confidence in Texas elections. To that end, section 1.012 of the Election Code provides: “Except as otherwise provided by [the Election Code] or [the Public Information Act], all election records are public information.” *Id.* § 1.012(c). Voted ballots become public information once “the custodian completes the unofficial tabulation of the results for that precinct.” *Id.* § 66.057(a). “[A]n election record that is public information shall be made available to the public during the regular business hours of the record’s custodian.” *Id.* § 1.012(a).

Because the Legislature designated anonymous voted ballots as public information and required public access to those records, a custodian’s entry into the locked box for such purposes is an authorized entry under the Election Code.

Section 66.058 recognizes the existence of exceptions that authorize entry into the locked ballot box during the preservation period provided the box or container is relocked or resecured after the authorized purpose has been fulfilled. *Id.* § 66.058(b-1), (c); *see, e.g., id.* §§ 213.007 (authorizing the custodian to make ballots available for a recount), 273.042 (authorizing the custodian to make the ballots available to a grand jury for purposes of a criminal investigation). Section 1.012 of the Election Code establishes one such exception by generally requiring the custodian to make election records available to the public, unless such records are expressly excepted by the Public Information Act or the Election Code.⁴ *Id.* § 1.012(c); *see also* TEX. GOV’T CODE § 552.006 (providing that the Public Information Act “does not authorize the withholding of public information or limit the availability of public information to the public, except as expressly provided” within the Act).

Subchapter C of the Public Information Act establishes the exceptions to the general rule that public information shall be made available to the public. *See* TEX. GOV’T CODE §§ 552.101–.162 (“Information Excepted from Required Disclosure”). No section within that subchapter addresses anonymous voted ballots or expressly excepts them from disclosure. Furthermore, no

⁴Thirty-four years ago, in Open Records Decision 505, a previous Attorney General considered public access to voted ballots under the Public Information Act. Tex. Att’y Gen. ORD 505 (1988) at 1–2. The decision concluded that section 66.058’s prohibition on unauthorized entry into the locked ballot box during the preservation period fell within the Public Information Act’s disclosure exceptions for privileged or confidential information. Tex. Att’y Gen. ORD 505 (1988) at 2–3. However, in-depth review by this office of the issues raised in that decision results in the opposite conclusion. No language in either the Election Code nor the Public Information Act makes the entirety of a voted ballot privileged or confidential. Open Records Decision 505 is therefore overruled to the extent inconsistent with this opinion.

provision in the Election Code designates anonymous voted ballots as confidential or otherwise prohibits their disclosure to the public. By demanding that the public have access to election records, including anonymous voted ballots, the Legislature thereby authorized the election records custodian's entry to the locked ballot box during the 22-month preservation period for such purposes.

Any personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections must be redacted for purposes of disclosure to protect the constitutional right to a secret ballot in Texas.

While you ask specifically about *anonymous* voted ballots, it is important to note that Texas law has long established that all elections shall be by secret ballot. *Wood*, 126 S.W.2d at 9. This requirement of secrecy is mandatory—"that every voter is thus enabled to secure and preserve the most complete and inviolable secrecy *in regard to the persons for whom he votes*["*Id.* at 8; *Carroll v. State*, 61 S.W.2d 1005, 1007 (Tex. Crim. App. 1933) (emphasis added). In order to protect the secret ballot, "[p]ublic policy requires that the veil of secrecy should be impenetrable, unless the voter himself voluntarily determines to lift it["*Carroll*, 61 S.W.2d at 1008. The right of nondisclosure belongs to the individual voter. *See Oliphint v. Christy*, 299 S.W.2d 933, 939 (Tex. 1957). Your question appears to acknowledge this requirement by only inquiring about voted ballots that (1) have no information that could be used to identify the voter or (2) have been redacted to exclude any information that could be used to identify the voter. Krause Letter at 1.

Information is excepted from public disclosure under the Public Information Act "if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision." TEX. GOV'T CODE § 552.101. No statutory provision generally designates election records or their contents to be confidential. However, the right to a secret ballot has been held to protect personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections. *See generally Wood*, 126 S.W.2d at 9; *Carroll*, 61 S.W.2d at 1008. Therefore, a court would likely find that personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is excepted from public disclosure. As a result, such information must be preserved, and the election records custodian must redact such personally identifiable information to protect the constitutional right to a secret ballot in Texas. TEX. GOV'T CODE § 552.007 (providing that a governmental body has no discretion to release information deemed confidential by law). To be clear, the presence of some confidential information on a ballot does not provide a basis to withhold the ballot in its entirety.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

The Secretary of State is the chief elections officer of the state and is required to "assist and advise all election authorities with regard to the application, operation, and interpretation" of the Election Code and any other election laws. TEX. ELEC. CODE §§ 31.001(a), .004(a). In furtherance of the preservation of precinct election records in particular, the Legislature directed the Secretary of State to "instruct the affected authorities on the actions necessary to comply" with

section 66.058. *Id.* § 66.058(h). Thus, the Secretary of State has the authority to instruct elections administrators as to how to comply with both the ballot preservation requirements in section 66.058 and the public access requirements in section 1.012.

With the Secretary of State's oversight, the Legislature expressly authorized the election records custodian to "adopt reasonable rules limiting public access" under section 1.012 to further the purposes of "safeguarding the election records or economizing the custodian's time." *Id.* § 1.012(b). Pursuant to their respective authority, the Secretary of State and the election records custodians may establish procedures as authorized by law to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots under the Election Code.

S U M M A R Y

Anonymous voted ballots are election records under the Election Code, and the Legislature has established procedures aimed at both preserving those records and granting public access to them.

Section 66.058 of the Election Code requires the anonymous ballots to be held in a locked ballot box during a 22-month preservation period, with entry only as authorized by the Election Code. Section 1.012 establishes these ballots as public information and requires the election records custodian to make the ballots available to the public. By expressly requiring the custodian to provide public access to such records, the Legislature authorized entry into the locked ballot box for such purpose during the 22-month period. Thus, members of the public and legislators may inspect or obtain copies of anonymous voted ballots during the 22-month preservation period.

Personally identifiable information contained in election records that could tie a voter's identity to their specific voting selections is confidential and excepted from public disclosure. Any confidential information on an anonymous voted ballot must be redacted for purposes of disclosure in order to protect the constitutional right to a secret ballot.

The Election Code authorizes the Secretary of State and election records custodians to establish procedures to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots.

Very truly yours,



K E N P A X T O N
Attorney General of Texas

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First Assistant Attorney General

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Deputy Attorney General for Legal Counsel

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AUSTIN KINGHORN
General Counsel

RALPH MOLINA
Special Counsel to the First Assistant Attorney General

CHARLOTTE M. HARPER
Deputy Chair, Opinion Committee

From: Ashley Lopez [REDACTED]
Sent: Thursday, September 1, 2022 11:40 AM
To: Chris Davis
Subject: Update on AG opinion?

EXTERNAL email: Exercise caution when opening.

Hey Chris,

Circling back after we last talked about this. Just wondering what you are hearing from other counties in terms of what they are doing in response to the AG opinion on letting the public inspect ballots?

Thanks!

Ashley Lopez
Political Correspondent, NPR
[REDACTED]
C: 786-556-6200
@ashlopezradio

From: TAC Education <taannounce@county.org>
Sent: Wednesday, September 21, 2022 10:04 AM EDT
To: Chris Davis <cjdavis@wilco.org>
Subject: Where will you be on Oct. 5-6?

EXTERNAL email: Exercise caution when opening.

Trouble viewing this email? [Click here](#) to view in web browser

TAC Education

The mission of the Texas Association of Counties is to unite counties to achieve better solutions.

September 21, 2022

#254Strong



Quicklinks

Event Overview

Agenda

Continuing Education

Upcoming Education Events

Our Website

Contact Us

Join Us for the County Elections Academy, Oct. 5-6

To help the county officials and personnel responsible for holding efficient and secure elections, the Texas Association of Counties will be offering a new educational virtual conference over Oct. 5-6. The two half-day, online classes will be the first program of the new TAC County Elections Academy.

Engage with your peers and election experts from across the state as you participate in the following informative sessions:

- Last-Minute Details Before Early Voting
- Record Retention and Management
- Public Information Requests and Dealing with the Media
- KP-0411 and Public Access to Election Records
- Polling Places & Poll Watchers (SB 1)
- Reconciliation - Why It's Important?
- Web Posting Requirements

[Click here](#) for the full conference agenda and session overviews.

Virtual Registration

Once you have registered for the virtual event, a personalized participation link will be emailed to you a few days before the start of the program.

[Register Now](#)

If you have questions or trouble viewing the registration page, please contact [Deanna Auert](#) at (800) 456-5974.



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Higher Logic

From: [Tobi Paxton](#)
To: [Chris Davis](#)
Subject: Williamson County - Texas FOIA/Open Records Request
Date: Wednesday, September 7, 2022 3:32:01 PM

EXTERNAL email: Exercise caution when opening.

Good afternoon!

Under the Texas Public Information Act, Tex. Gov't Code §552.001 *et seq.*, I am requesting an opportunity to inspect or obtain copies of the following public records:

- **Voter Records for the below-listed candidates, including:**
 - **any election the candidate voted in while living in the county and/or at their current address**
 - **whether they voted in the Republican or Democratic Primary (or, if that is not available, what their political affiliation is)**
- Leander ISD
 - Petrina "Trish" Elaine Bode - ADDRESS: 220 El Socorro Lane, Austin, TX 78732
 - David Scott Doman - ADDRESS: 12815 Noyes Lane, Austin, TX 78732
 - Joseph Michael "Mike" Sanders - ADDRESS: 1016 W. South Street, Leander, TX 78641
 - Brandi Wynne Burkman - ADDRESS: 1814 Emerald Isle Drive, Leander, TX 78641
 - Gloria Gonzales-Dholakia - ADDRESS: 10304 James Ryan Way, Austin, TX 78730
 - Folashade "Sade" Adeyoola Fashokun - ADDRESS: 2404 Allison Way, Cedar Park, TX 78613
 - Shawn Ray Leege - ADDRESS: 13011 Wire Road, Leander, TX 78641
 - Kevin Theodore "Ty" Leverenz - ADDRESS: 132 Lockhart Loop, Georgetown, TX 78628
 - Sharon Louise Bell - ADDRESS: 601 Timber Trail, Cedar Park, TX 78613
 - Scott Thomas Reese - ADDRESS: 2202 Sandra Drive, Cedar Park, TX 78613
 - Francesca DeCaro Romans - ADDRESS: 1524 Bovina Drive, Leander, TX 78641
- Round Rock ISD
 - Dr. Kevin Ray Johnson, Sr. - ADDRESS: 4845 Terraza Trail, Round Rock, TX 78665
 - John Aldridge Keagy - ADDRESS: 2022 Golden Bear Drive, Round Rock, TX 78664
 - Yuriy Semchshyn - ADDRESS: 3001 Covington Place, Round Rock, TX 78681
 - Estevan Jesus "Chuy" Zarate - ADDRESS: 13304 Marrero Drive, Austin, TX 78729
 - Stefan Marc Bryant - ADDRESS: 1864 Paradise Ridge Drive, Round Rock, TX 78665
 - Amber Christine Feller - ADDRESS: 1001 Collingwood Cove, Round Rock, TX 78665
 - Orlando Christopher Salinas - ADDRESS: 1290 Rainbow Parke Drive, Round Rock, TX 78665
 - Maryam Ahmad Zafar - ADDRESS: 13400 Briarwick Drive, Austin, TX 78729
 - Linda Gonzalez Avila - ADDRESS: 1301 Ledbetter Street, Round Rock, TX 78681
 - Jill Michelle Farris - ADDRESS: 1005 Oaklands Drive, Round Rock, TX 78681
 - Alicia Marie Markum - ADDRESS: 808 Blue Spring Circle, Round Rock, TX 78681
 - Cory Renee Vessa - ADDRESS: 11204 Brista Way, Austin, TX 78726
 - Joshua Bryan Billingsley - ADDRESS: 1428 Short Horn Cove, Round Rock, TX 78665
 - Christie Lynn Slape - ADDRESS: 1512 Weiskopf Loop, Round Rock, TX 78664
 - Amy Elizabeth Weir - ADDRESS: 13220 Humphrey Drive, Austin, TX 78729

- Tiffanie Nichole Harrison - ADDRESS: 1206 Hummingbird Court, Round Rock, TX 78681
- Donald S. Zimmerman - ADDRESS: 10901 Enchanted Rock, Austin, TX 78726

Please provide the records electronically (download link, .pdf, Excel, or CSV files). You may attach the requested file or download link in your reply email.

If there are any fees for searching or copying these records, I respectfully request a waiver of those fees, as the disclosure of the requested information is in the public interest.

The Texas Public Information Act requires that you "promptly produce" the requested records unless, within 10 days, you have sought an Attorney General's opinion. If you expect a significant delay in responding to or in fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If the records are not currently in your possession, please notify me in writing and provide any and all information about where and with whom the records may be found, requested, viewed or copied, and/or when they will become available to your office. If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for your attention to this matter.

Mrs. Tobi Paxton

Lead School Board Researcher

www.iVoterGuide.com

