

From: JustFOIA Notification donotreply@request.justfoia.com
Subject: Tarrant County Elections Office - Records Request EL-2023-5 Completed
Date: April 12, 2023 at 9:44 AM
To: records@americanoversight.org



EXTERNAL SENDER

Dear Requestor,

The request [Request Number: EL-2023-5](#) has been completed. Please click on the request link to download the response documentation.

Thank you,



Tarrant County Elections Office
2700 Premier St.
Fort Worth, TX 76111
(817) 884-8683
ElectionsPIR@Tarrantcountytx.gov

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.
Powered by



From: [REDACTED]
To: [CDA - Open Records](#)
Cc: [REDACTED]
Subject: 7/11/2022 PIA Request for November 2020 General Election
Date: Monday, July 11, 2022 11:32:09 AM

EXTERNAL EMAIL ALERT! Think Before You Click!

Dear Sir or Madam:

For the November 2020 General Election provide the items listed below. Physical examination of the original ballots, envelopes, documents and other items referenced above is sought. Additionally, digital copies of these same items are also requested where digital copies already exist.

1. All early voting, absentee, provisional, and day-of-election paper ballots (not images).
2. All absentee ballot request forms which were submitted.
3. All absentee ballot return envelopes.
4. All carrier envelopes (signed or unsigned).
5. All provisional ballots/votes (whether included in the final counts or not).
6. All paper ballots that were re-created (by the ballot board or election workers) for any reason including, but not limited to Runbeck ballots from the November 2020 (that were allegedly not able to be scanned).
7. All 'receipt paper' tape that is written out from the Hart Scanners (including but not limited to start of day prints with 'zero' counts and end of day with total votes submitted through that scanner).
8. All 'receipt paper' tapes for any and all ballot tabulation scanners (absentee, early, and day-of-voting).
9. All paper tally counts.
10. All voting location audit report forms filled out by election judges (forms filled out when a voting location submits all ballots to Central Count).
11. All unofficial and official tabulation reports
12. All Cast Vote Record (CVR) electronic data for all voting methods (absentee, early, and day of voting).
13. All Vote Center tapes
14. All Signed Zero Tape Reports.
15. All Signed Original Tally Reports
16. All access code summary reports.

17. All reports showing number of voters checked in on e-Pollbooks.
18. Register of Official Ballots
19. Register of Official Seals and Proper Installation for Opening Polls and Closing Polls
20. For all polling places (voting centers) provide the:
 - a) V-drive and Seal Certificate page
 - b) Early Voting Seal Form and Instructions; and
 - c) JBC Cart (also known as the Election Equipment Carrier) Seal Form and Instructions.

Thank you,

Karen Wiseman

[REDACTED]
817-521-9000

Note: Due to the number of emails I receive, my service provider has indicated I am breaking their system and it can cause emails to my mailbox to inadvertently reject. If this happens, just resend in a few minutes and I will eventually get the email.

From: John Raymond [REDACTED]
Subject: Fwd: Request for Ballots for 3 Nov 2020 Election
To: Troy C. Havard <TCHavard@tarrantcounty.com>
Sent: August 23, 2022 12:56 PM (UTC-04:00)

EXTERNAL EMAIL ALERT! Think Before You Click!

Troy,

I am following up on this request. I know you are slammed with requests and getting ready for the upcoming election.

Thanks in advance.

For Liberty,

John Raymond
817-914-3451

----- Forwarded message -----

From: John Raymond [REDACTED]
Date: Fri, Jul 29, 2022 at 3:10 PM
Subject: Request for Ballots for 3 Nov 2020 Election
To: Troy C. Havard <TCHavard@tarrantcounty.com>

Dear Sir or Madam:

I would like to request an access to the original ballots of Nov 3, 2020 General Election after the 22 months of preserved period expired.

Please provide the above records in accordance with open records request pursuant to State Law.

Please provide a schedule for an in-person access when the information is available.

Thank you and best regards.

Respectfully,

John Raymond
817-914-3451

From: Mark C. Kratovil <mckratovil@tarrantcountytx.gov>
Subject: FW: Open records request - Absentee Ballot rejected ballots available for review
To: Heider I. Garcia <HIGarcia@tarrantcounty.com>; Troy C. Havard <TCHavard@tarrantcounty.com>
Cc: Ann L. Diamond <ADiamond@tarrantcountytx.gov>
Sent: November 12, 2021 4:26 PM (UTC-05:00)

Heider and Troy,
This PIA request to Elections just came in.
-MK

Mark Kratovil
Assistant Criminal District Attorney
Tarrant County Criminal District Attorney's Office – Civil Division
(817)212-6861 (direct office line)
(817)884-1233 (main)
mckratovil@tarrantcountytx.gov

From: Beverly Foley <[REDACTED]>
Sent: Friday, November 12, 2021 3:23 PM
To: CDA - Open Records <OpenRecords@tarrantcountytx.gov>
Subject: Open records request - Absentee Ballot rejected ballots available for review

EXTERNAL EMAIL ALERT! Think Before You Click!

Good Afternoon,
I am submitting a request through the open records system to be allowed to inspect the "rejected" absentee ballots from the November 3, 2020 election.
Per the Election Code Sec. 1.012 – Public Inspection of Election Records see below
Sec. 1.012,
If you have any questions concerning my request please contact me either by phone 214-415-7154 or email
[REDACTED]

Respectfully submitted,
Beverly Foley
8 Oak Village Ct
Trophy Club TX 76262
214-415-7154
[REDACTED]

Sec. 1.012. PUBLIC INSPECTION OF ELECTION RECORDS. (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.

(c) Except as otherwise provided by this code or Chapter 552, Government Code, all election records are public information.

(d) In this code, "election record" includes:

- (1) anything distributed or received by government under this code;
- (2) anything required by law to be kept by others for information of government under this code; or
- (3) a certificate, application, notice, report, or other document or paper issued or received by government under this code.

(e) An election record shall be available not later than the 15th day after election day in an electronic format for a fee of not more than \$50.

From: [Elections - Info External](#)
Subject: In-person review of November 2020 ballots
Date: Tuesday, September 13, 2022 11:55:00 AM
Attachments: [Elections policy on accessing original voted ballots.pdf](#)

Hello.

You have requested an in-person review of the November 3, 2020 ballots for Tarrant County. As these ballots are no longer under the 22-month preservation period, they are now available for review by you and others. The Texas Government Code provides that inspection of records are to be made available as soon as practicable. Since we are now in preparations for the November 2022 Gubernatorial election, that time is beginning Jan 10, 2023. Attached is our policy for accessing sensitive elections documents, which includes the voted ballots.

Please understand that we have limited space available for scheduling in-person viewing of the ballots. To that end, the 10-business day period beginning on January 10, 2023 is the beginning of the first available time. We have a limit of 20 (twenty) people that can be in the only space we have available, therefore, if you will please reply letting us know if you plan to be present in that time, we can assure that no one is turned away and asked to reschedule due to lack of space, that would be helpful. Again, this is for the voted ballots only. If there are other documents you are wanting to review, a different time will need to be scheduled.

If you are NOT interested in participating in this time, please reply requesting that a different time be scheduled for you. Requests for rescheduling will be processed on a first-come first-served basis for the limited resources and space we have available. Rescheduling will be as soon as practicable after the initial period.

Something that may help you in your decision is that we are in the process of scanning the ballots from the November 3, 2020 General election and a link to the images will be made available as soon as possible after that is completed. If the images of the ballots suffice for your needs, then please let us know you wish to withdraw your request to personally inspect the ballots and/or other documents. At the very least, reviewing the images may help you to determine if there are specific ballots you wish to review in-person, thereby economizing your efforts and making the most of our limited resources.

The link to the ballot images is here. Currently, there is nothing at this location but please continue to check back, as when they are ready for download, they will be placed there. Please be patient, as there were over 860,000 ballots cast in Tarrant County for that election and we prefer accuracy over speed. We're also in the midst of preparing for the 2022 November mid-term election, which takes priority.

Have a blessed day!



Troy Havard
Assistant Elections Administrator, CERA
Tarrant County
CWO4 (ret) USMC



Office: 817-831-6463

Business Cell: 682-305-4568

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

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

From: Troy C. Havard </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=834a9f01b2b74575ae1287afe349ca50-Troy C. Har>
Subject: RE: Official Retraction, and Submission Of Corrected Public Records Request
To: Voter Psychology [REDACTED]
Bcc: Mark C. Kratovil <mckratovil@tarrantcountytx.gov>; Hannah L. Bell <hbell@tarrantcountytx.gov>; Heider I. Garcia <HIGarcia@tarrantcounty.com>; Troy C. Havard <TCHavard@tarrantcounty.com>
Sent: June 16, 2022 1:02 PM (UTC-04:00)
Attached: Elections policy on accessing sensitive documents.pdf

Hello, Mr. Miller.

The Tarrant County Elections Office (“Elections”) is in receipt of your request for public information records of June 14, 2022. However, the records you’re seeking are still under the 22-month retention period required by law, and therefore are not publicly accessible at this time. As you note in your request, you are seeking to access these documents “upon completion of the preservation period.” For the November 3, 2020 general election, the 22 month preservation period ends on September 4, 2022. You may therefore access the voted ballots following that date, at which time the attached policy for access to sensitive documents is in effect should you wish to conduct an in-person inspection. Please note that it is the policy of Elections to retain records from an election for a period of 3 years. Therefore, the records you have requested will be retained both until you have had an opportunity to inspect the records and 3 years have passed from the date of the election.

Because you have stated in your request you are seeking to access ballots only after the expiration of the preservation period, it is the understanding of Elections there is no need to seek a ruling from the Office of the Attorney General regarding the confidentiality of these documents during the preservation period.

Regarding the portion of your request seeking “to inspect all records requisite to voting that have been persevered from the 2020 general election,” Elections can accommodate this request to the extent you are seeking materials not subject to the 22 month preservation period. However, the manner in which your request is currently worded is very broad. If you could narrow and clarify your request so we can better understand what specific records you are seeking, that would allow us to further process your request.

Finally, I am required by Texas Government Code section 552.222 to inform you that if we do not receive a written responsive to this request for clarification or narrowing within 61 days, your request is considered withdrawn.

Have a blessed day!



Troy Havard
Assistant Elections Administrator, CERA
Tarrant County
CWO4 (ret) USMC



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

“Direction, not intention, determines destination” – Andy Stanley

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

From: Voter Psychology [REDACTED]
Sent: Wednesday, June 15, 2022 23:29
Subject: Official Retraction, and Submission Of Corrected Public Records Request

EXTERNAL EMAIL ALERT! Think Before You Click!

Please accept this email as an official retraction of my previous request, which may of erroneously included some unintended language.

Here is the correct version of request,
Please confirm that you will accept this retraction, and ignore or delete my previous request.
If you have responded to the retracted request, kindly respond to this corrected version.
Sorry for all the confusion.
Here it is!!!

Please see enclosed a Public Records Request, along with Opinion from Texas Attorney General regarding the matter.

Please pay particular attention to the section of the opinion that reads as follows

"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."

Thank You
Yehuda Miller

HEIDER GARCIA
Elections Administrator



TROY HAVARD
Assistant Elections Administrator

TARRANT COUNTY **ELECTIONS ADMINISTRATION**

Inspecting sensitive documents in-person.

First and foremost, the integrity and condition of the ballots must be maintained throughout the process. To that end, the Tarrant County Elections Administration adopts the following rules of procedure pursuant to Texas Government Code section 552.230 relating to the inspection of sensitive documents:

- 1) The term “documents” refers to any physical records being interacted with, to include paper ballots and printouts.
- 2) Requests to conduct an in-person inspection must be made a minimum of three (3) business days in advance of the desired date of inspection.
- 3) Dates will be scheduled based on availability of space and resources. Because the Elections Administration is consistently in the process of preparing for or conducting an election, it may be up to 90 days or more before an in-person inspection of documents at the Elections Administration can be scheduled. The Elections Administration will make every effort to allow an in-person inspection of documents as soon as practicable but cannot guarantee any specific turnaround time for every request.
- 4) Per Texas Government Code section 552.225(a), requestors have up to 10 business days to complete their inspection of documents and may only do so during normal business hours of the Elections Administration.
 - a. Normal business hours are Monday through Friday, 8 AM to 5 PM, excluding County holidays.
- 5) No writing or marking instruments will be allowed around the documents.
- 6) No food or drinks are allowed around the documents.
- 7) All interaction with the ballots by non-elections personnel may be subject to both video and in-person monitoring.
- 8) No more than two boxes or containers (insomuch as the documents are in boxes or containers) may be simultaneously accessed. This constraint may be reduced to one box or container based on space and resource availability.
 - a. In the event that the documents are not boxed, the Elections Administration may limit the number of documents that may be accessed at the same time as allowed by physical restrictions and/or availability of said documents to avoid any potential confusion.
- 9) The number of persons allowed simultaneous access to the documents is limited to the amount of space available in order to reasonably monitor such access but will not exceed four (4) at any given time.

From: Voter Psychology [REDACTED]
Subject: Official Retraction, and Submission Of Corrected Public Records Request
To:
Sent: June 16, 2022 12:29 AM (UTC-04:00)
Attached: voter psych ballot request (1).pdf, Texas ATTY GENERAL OPINION (1).pdf

EXTERNAL EMAIL ALERT! Think Before You Click!

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Here is the correct version of request,

Please confirm that you will accept this retraction, and ignore or delete my previous request.

If you have responded to the retracted request, kindly respond to this corrected version.

Sorry for all the confusion.

Here it is!!!

Please see enclosed a Public Records Request, along with Opinion from texas Attorney General regarding the matter.

Please pay particular attention to the section of the opinion that reads as follows

"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."

Thank You

Yehuda Miller



VOTER PSYCHOLOGY

Public Records Request

June 13, 2022

This is a Public records request under state law as well as Common Law. I, myself or my agent, am seeking to inspect all voted ballots from the 2020 General election upon completion of the preservation period pursuant to Texas attorney general opinion number 505 (enclosed herein). Additionally I would like to inspect all records requisite to voting that have been preserved from the 2020 general election. I anticipate this will take multiple days. I am requesting the right to copy or photograph the records. I anticipate generating a report called the "Precinct Prediction Algorithmic Score", if you would like a copy of the report upon completion, please let me know. My stated interest under common law is "analysis of voting trends and psychology, and a review for citizens of public processes"

Sincerely,

Yehuda Miller
140 Merrison Street
Teaneck NJ 07666

www.voterpsych.com

Voter Equity | Minority Voters | Predicting Outcomes



**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

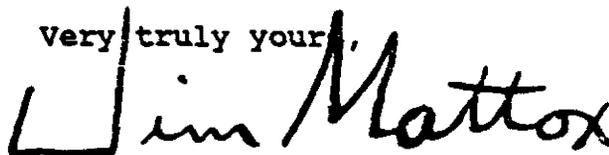
MW-307 (1981). Release of copies of computer programs protected by copy-right would violate federal law.

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

From: Heider I. Garcia <HIGarcia@tarrantcounty.com>
Subject: RE: Open records request - Absentee Ballot rejected ballots available for review
To: [REDACTED]
Cc: Ann L. Diamond <ADiamond@tarrantcountytx.gov>; Mark C. Kratovil <mckratovil@tarrantcountytx.gov>; Troy C. Havard <TCHavard@tarrantcounty.com>
Sent: November 15, 2021 5:15 PM (UTC-05:00)
Attached: OAG.ruling.Ballot.Images.051321.pdf, OAG ruling - Rep Matt Krause.pdf

Good afternoon Ms. Foley,

Thank you for talking my call earlier today. During our conversation you clarified that this request is for the absentee ballots that were rejected by the scanners due to the printing defect, and that had to eventually be remade by the Ballot Board.

In response to your request, the Attorney General has issued a ruling that ballot images from the November 3, 2020 election are confidential pursuant to Texas Election Code section 66.058 until 22 months after election day. A copy of this ruling is attached. Because your request seeks the same material at issue in the Attorney General's ruling, was submitted to the same governmental entity, and the underlying facts and law have not changed, the Elections Administration is relying upon this Attorney General ruling as a previous determination.

In addition, during our conversation you inquired about the ruling the Office of the Attorney General issued related to a request similar to your made by Representative Matt Krause. Although this document is not a response to your original ORR, I have attached the OAG ruling to this email as well.

Regards,

Heider Garcia, PMP, CERA

Tarrant County Elections Administrator

2700 Premier Street

Fort Worth, Texas 76111

(817) 831-8683



From: Mark C. Kratovil <mckratovil@tarrantcountytx.gov>
Sent: Friday, November 12, 2021 3:26 PM
To: Heider I. Garcia <HIGarcia@tarrantcounty.com>; Troy C. Havard <TCHavard@tarrantcounty.com>
Cc: Ann L. Diamond <ADiamond@tarrantcountytx.gov>
Subject: FW: Open records request - Absentee Ballot rejected ballots available for review
Heider and Troy,
This PIA request to Elections just came in.
-MK

Mark Kratovil

Assistant Criminal District Attorney

Tarrant County Criminal District Attorney's Office – Civil Division

(817)212-6861 (direct office line)

(817)884-1233 (main)

mckratovil@tarrantcountytx.gov

From: Beverly Foley [REDACTED]
Sent: Friday, November 12, 2021 3:23 PM
To: CDA - Open Records <OpenRecords@tarrantcountytx.gov>
Subject: Open records request - Absentee Ballot rejected ballots available for review

Good Afternoon,

I am submitting a request through the open records system to be allowed to inspect the "rejected" absentee ballots from the November 3, 2020 election.

Per the Election Code Sec. 1.012 – Public Inspection of Election Records see below

Sec. 1.012,

If you have any questions concerning my request please contact me either by phone 214-415-7154 or email [REDACTED]

Respectfully submitted,

Beverly Foley

8 Oak Village Ct

Trophy Club TX 76262

214-415-7154
[REDACTED]

Sec. 1.012. PUBLIC INSPECTION OF ELECTION RECORDS. (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.

(c) Except as otherwise provided by this code or Chapter 552, Government Code, all election records are public information.

(d) In this code, "election record" includes:

(1) anything distributed or received by government under this code;

(2) anything required by law to be kept by others for information of government under this code; or

(3) a certificate, application, notice, report, or other document or paper issued or received by government under this code.

(e) An election record shall be available not later than the 15th day after election day in an electronic format for a fee of not more than \$50.



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

RECEIVED
MAY 13 2021
CIVIL DIVISION
CRIMINAL DISTRICT ATTORNEY

May 10, 2021

Mr. Mark Kratovil
Assistant Criminal District Attorney
Tarrant County Criminal District Attorney's Office
401 West Belknap, 9th Floor
Fort Worth, Texas 76196

OR2021-12168

Dear Mr. Kratovil:

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# 881452.

The Tarrant County Elections Administration (the "county") received a request for ballots cast in a specified election. You claim the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Section 552.101 of the Government Code excepts from 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, in relevant part:

(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.

¹ 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.

(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 in which they are delivered to the general custodian of election records.

(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.

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

Elec. Code § 66.058(a)-(b-1), (g). “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 the 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 assert the information at issue constitutes precinct election records made confidential by section 66.058. Based upon your representations, we agree the information at issue is subject to section 66.058.

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 information at issue in this case. Thus, 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 submitted information 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->

Mr. Mark Kratovil - Page 3

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,

Jennifer Copeland
Assistant Attorney General
Open Records Division

JC/jm

Ref: ID# 881452

Enc. Submitted documents

c: Requestor
(w/o enclosures)



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 1, 2021

RECEIVED
OCT 05 2021
CIVIL DIVISION
CRIMINAL DISTRICT ATTORNEY

Mr. Mark C. Kratovil
Assistant Criminal District Attorney
Tarrant County
401 West Belknap, 9th Floor
Fort Worth, Texas 76196-0201

OR2021-27101

Dear Mr. Kratovil:

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# 904952.

The Tarrant County Elections Administration (the "county") received a request for copies of all physical ballots cast in a specified election at two specified locations. You claim the requested information is excepted from disclosure under section 552.101 of the Government Code. You also ask whether the requestor has a right of access to the information under section 552.008 of the Government Code. We have considered the submitted arguments and the submitted representative sample of information.¹

Initially, we note the requestor is Texas State Representative Matt Krause ("Representative Krause"). Section 552.008 of the Government Code grants access to requested information, including confidential information, to individual members, agencies, or committees of the Texas Legislature. Section 552.008 provides, in relevant part, the following:

¹ We note you have submitted a copy of a blank ballot as a representative sample of the requested information because the information is not accessible at this time pursuant to section 66.058 of the Election Code. *See* § Elec. Code 66.058(b-1). This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling does not reach, and therefore does not authorize, the withholding of any other requested information to the extent that the other information is substantially different than that submitted to this office. *See* Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

(a) [The Act] does not grant authority to withhold information from individual members, agencies, or committees of the legislature to use for legislative purposes.

(b) A governmental body on request by an individual member, agency, or committee of the legislature shall provide public information, including confidential information, to the requesting member, agency, or committee for inspection or duplication in accordance with this chapter if the requesting member, agency, or committee states that the public information is requested under this chapter for legislative purposes. A governmental body, by providing public information under this section that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right to assert exceptions to required disclosure of the information in the future. The governmental body may require the requesting individual member of the legislature, the requesting legislative agency or committee, or the members or employees of the requesting entity who will view or handle information that is received under this section and that is confidential under law to sign a confidentiality agreement that covers the information and requires that:

- (1) the information not be disclosed outside the requesting entity, or within the requesting entity for purposes other than the purpose for which it was received;
- (2) the information be labeled as confidential;
- (3) the information be kept securely; or
- (4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to the governmental body remaining confidential and subject to the confidentiality agreement.

...

(c) This section does not affect:

- (1) the right of an individual member, agency, or committee of the legislature to obtain information from a governmental body under other law, including under the rules of either house of the legislature;
- (2) the procedures under which the information is obtained under other law; or
- (3) the use that may be made of the information obtained under other law.

Gov't Code § 552.008(a)-(b), (c). In his request, Representative Krause states the request is being made for legislative purposes pursuant to section 552.008(b). Section 552.008 provides the Act does not grant authority to withhold information from individual members, agencies, or committees of the legislature if the information is going to be used for legislative purposes. However, you assert the requested voted ballots are confidential under section 66.058 of the Election Code and are not accessible at this time.

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." *Id.* § 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 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). We understand the requested voted ballots are within this meaning of “precinct election records.”

We note the general election on November 9, 2020, included federal offices on the ballot. In Open Records Decision No. 505 (1988), this office determined that, under former section 66.058, the voted ballots from a primary election are exempt from public disclosure only during the prescribed retention period and 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. The decision also determined, under former section 66.058(g), the preservation period for ballots cast in an election involving a federal office is 22 months after election day and, during the preservation period, the voted ballots are protected from required disclosure under the predecessor to section 552.101. *See* ORD 505 at 2. Thus, the 22-month preservation period for federal election records is the time during which the records must be secured in a locked room in the locked ballot box with no unauthorized entry into the box.

You inform us, and provide supporting documentation demonstrating, the county consulted with the Elections Division of the Secretary of State’s Office (the “secretary of state”) concerning your interpretation of section 66.058. *See, e.g.,* Elec. Code § 66.058(h). The secretary of state advises the county “that public information requests for voted ballots cannot be fulfilled until the end of the prescribed preservation period as doing so beforehand would be an ‘unauthorized entry’ into the ballot box and could possibly subject the custodian to potential criminal actions.” The secretary of state further advises it “would caution [the county] against entering the ballot box to obtain these ballots without a court ordering authorizing this action since [it is] not currently authorized under the Texas Election Code.” The secretary of state notes it is a class A misdemeanor if the custodian makes an unauthorized entry into the ballot box or secure container. *See id.* § 66.058(e).

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* ORD 505 at 2 n.2. In this instance, we have no indication the Election Code authorizes access to the requested information in this case. Additionally, we are not aware of a court order that authorizes access to the information at issue. Therefore, we conclude section 66.058(e) governs the access to the requested information during the preservation period, not section 552.008. Thus, release of the requested information is not compelled by section 552.008 in response to this request. Accordingly, pursuant to section 66.058(a), the information at issue is confidential for at least 22 months after election day and the county must withhold the requested information under section 552.101 on that basis for the duration of the preservation period. *See* Elec. Code § 66.058(a). 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,

James M. Graham
Assistant Attorney General
Open Records Division

JMG/jm

Ref: ID# 904952

Enc. Submitted documents

c: Requestor
(w/o enclosures)

From: Hannah L. Bell <hbell@tarrantcountytx.gov>
Subject: Public Information Act Request #22-07-0887
To: [REDACTED]
Cc: Dan Bates [REDACTED] Chelsea E. Ragland <CERagland@tarrantcountytx.gov>
Sent: July 29, 2022 3:56 PM (UTC-04:00)
Attached: 7_11_2022 PIA Request for November 2020 General Election.pdf, 7_11_2022 PIA Request - May 2021 City of Fort Worth General Election.pdf, 7_11_2022 PIA Request - June 2021 City of Fort Worth Run-Off Election.pdf, doc09573120220729091613.pdf

Ms. Wiseman,

Tarrant County is in receipt of your requests. Please see the response below in red. Due to the fact your requests for the November 2020 General Election, May 2021 City of Fort Worth General Election, and June 2021 City of Fort Worth Run-Off Election are requesting the same category of documents, simply for different elections, this response applies to those 3 requests, which I have attached for reference.

Per Texas Government Code section 552.222, if we do not receive a written response to the requests for clarification or narrowing within 61 days, your request is considered withdrawn.

Sincerely,

Hannah Bell

Assistant Criminal District Attorney – Civil Division

State Bar No. 24068993

401 West Belknap

Fort Worth, Texas 76196

Phone: 817-884-1400

Email: HLBell@tarrantcountytx.gov

Sharen Wilson

Criminal District Attorney

Tarrant County, Texas



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

From: Karen [REDACTED]

Sent: Monday, July 11, 2022 11:32 AM

To: CDA - Open Records <OpenRecords@tarrantcountytx.gov>

Cc: Dan Bates [REDACTED]

Subject: 7/11/2022 PIA Request for November 2020 General Election

EXTERNAL EMAIL ALERT! Think Before You Click!

Dear Sir or Madam:

For the November 2020 General Election provide the items listed below. Physical examination of the original ballots, envelopes, documents and other items referenced above is sought. Additionally, digital copies of these same items are also requested where digital copies already exist.

1. All early voting, absentee, provisional, and day-of-election paper ballots (not images). **Please see the attached**

request for a ruling to the Office of the Attorney General.

2. All absentee ballot request forms which were submitted. The responsive documents are available at [this link](#):

3. All absentee ballot return envelopes. See #2.

4. All carrier envelopes (signed or unsigned). See #2.

5. All provisional ballots/votes (whether included in the final counts or not). Please see the attached request for a ruling to the Office of the Attorney General.

6. All paper ballots that were re-created (by the ballot board or election workers) for any reason including, but not limited to Runbeck ballots from the November 2020 (that were allegedly not able to be scanned). Please see the attached request for a ruling to the Office of the Attorney General.

7. All 'receipt paper' tape that is written out from the Hart Scanners (including but not limited to start of day prints with 'zero' counts and end of day with total votes submitted through that scanner. The responsive documents are available to view in person at the Elections Administrations Building. The times available, policy and procedure for viewing are available upon request and scheduling by contacting Troy Havard or Tarrant County Election. If you are requesting copies, a cost estimate will be provided.

8. All 'receipt paper' tapes for any and all ballot tabulation scanners (absentee, early, and day-of-voting). There are no documents responsive to your request for 'receipt paper' tapes for any and all ballot tabulation scanner for absentee and early voting. The documents responsive to your request for 'receipt paper' tapes for any and all ballot tabulation scanners for day of voting (Election Day) are available upon request and scheduling by contacting Troy Havard or Tarrant County Elections. If you are requesting copies, a cost estimate will be provided.

9. All paper tally counts. We have determined there is a need for clarification or narrowing for this request. The request seems to be a duplication of number 8. If you would please state with more specificity what documents you are wanting, the Tarrant County Elections Administration may be able to further process your request. As your this portion of your request currently stands, it is too vague for the Tarrant County Elections Administration to determine what documents would be responsive to your request.

10. All voting location audit report forms filled out by election judges (forms filled out when a voting location submits all ballots to Central Count). The documents responsive to this request are available to be viewed in person at the Elections Administrations Building. The times available, policy and procedure for viewing are available upon request and scheduling by contacting Troy Havard or Tarrant County Elections. If you are requesting copies, a cost estimate will be provided.

11. All unofficial and official tabulation reports: See #7.

12. All Cast Vote Record (CVR) electronic data for all voting methods (absentee, early, and day of voting).

The documents and records you are requesting are not in the possession of the Tarrant County Elections Administration ("Elections") and cannot be produced to you at this time.

The equipment needed to generate the documents related to this request are subject to an agreed injunction and cannot currently be accessed. Consequently, to the extent Elections is in possession of the requested documents or information responsive to this request, the machines, servers, and hard drives on which this information can be found are currently subject to an Agreed Temporary Injunction (the "Injunction") in *Karen Wiseman v. Tarrant County, et al*, cause 096-330696-21 (the "Wiseman case"). The Injunction required Elections to "power down, unplug, remove from service" various pieces of identified equipment which contain the information you have requested. The Injunction also required these items to be placed in the custody and care of Darren May, Tarrant County's Information Security Officer. The Injunction does not allow anyone to access the equipment once it is powered down, removed from service, and placed in the custody and care of Darren May.

Because your request would require Elections to access servers which are currently unavailable to Elections, the requested information is currently unavailable. Texas Government Code section 552.221(c) provides that if requested information is unavailable at the time of the request to examine because it is in active use or in storage, the officer for public information shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

The Wiseman case is currently set for trial on October 10, 2022. Assuming the information you are seeking can be publicly released, Elections certifies the requested information will be available for inspection or duplication following the conclusion of the Wiseman litigation. Although the current scheduled date for trial is October 10, 2022, the date on which this litigation actually resolves may be sooner or later. Once the Injunction no longer limits the ability of Elections to access these machines or the Wiseman case otherwise

resolves, Elections will then retrieve the documents you are requesting to determine whether they are subject to exceptions to public release or subject to confidentiality provisions that that would necessitate a request for an Attorney General ruling.

13. All Vote Center tapes We have determined there is a need for clarification or narrowing for this request. If you would please state with more specificity what documents you are wanting, the Tarrant County Elections Administration may be able to further process your request. As your this portion of your request currently stands, it is too vague for the Tarrant County Elections Administration to determine what documents would be responsive to your request.

14. All Signed Zero Tape Reports. We have determined there is a need for clarification or narrowing for this request. The request seems to be a duplication of number 7. If you would please state with more specificity what documents you are wanting, the Tarrant County Elections Administration may be able to further process your request. As your this portion of your request currently stands, it is too vague for the Tarrant County Elections Administration to determine what documents would be responsive to your request.

15. All Signed Original Tally Reports: We have determined there is a need for clarification or narrowing for this request. The request seems to be a duplication of number 8. If you would please state with more specificity what documents you are wanting, the Tarrant County Elections Administration may be able to further process your request. As your this portion of your request currently stands, it is too vague for the Tarrant County Elections Administration to determine what documents would be responsive to your request.

16. All access code summary reports. There are no documents responsive to your request.

17. All reports showing number of voters checked in on e-Pollbooks. See #2.

18. Register of Official Ballots: See #7.

19. Register of Official Seals and Proper Installation for Opening Polls and Closing Polls: We have determined there is a need for clarification or narrowing for this request. The request seems to be a duplication of number 8. If you would please state with more specificity what documents you are wanting, the Tarrant County Elections Administration may be able to further process your request. As your this portion of your request currently stands, it is too vague for the Tarrant County Elections Administration to determine what documents would be responsive to your request.

20. For all polling places (voting centers) provide the:

a) V-drive and Seal Certificate page We have determined there is a need for clarification or narrowing for this request. The request seems to be a duplication of number 18. If you would please state with more specificity what documents you are wanting, the Tarrant County Elections Administration may be able to further process your request. As your this portion of your request currently stands, it is too vague for the Tarrant County Elections Administration to determine what documents would be responsive to your request.

b) Early Voting Seal Form and Instructions; and We have determined there is a need for clarification or narrowing for this request. The request seems to be a duplication of number 18. If you would please state with more specificity what documents you are wanting, the Tarrant County Elections Administration may be able to further process your request. As your this portion of your request currently stands, it is too vague for the Tarrant County Elections Administration to determine what documents would be responsive to your request.

c) JBC Cart (also known as the Election Equipment Carrier) Seal Form and Instructions. We have determined there is a need for clarification or narrowing for this request. The request seems to be a duplication of number 18. If you would please state with more specificity what documents you are wanting, the Tarrant County Elections Administration may be able to further process your request. As your this portion of your request currently stands, it is too vague for the Tarrant County Elections Administration to determine what documents would be responsive to your request.

Thank you,

Karen Wiseman

817-521-9000

Note: Due to the number of emails I receive, my service provider has indicated I am breaking their system and it can cause emails to my mailbox to inadvertently reject. If this happens, just resend in a few minutes and I will eventually get the email.

From: [REDACTED]
To: [CDA - Open Records](#)
Cc: [REDACTED]
Subject: 7/11/2022 PIA Request for November 2020 General Election
Date: Monday, July 11, 2022 11:32:09 AM

EXTERNAL EMAIL ALERT! Think Before You Click!

Dear Sir or Madam:

For the November 2020 General Election provide the items listed below. Physical examination of the original ballots, envelopes, documents and other items referenced above is sought. Additionally, digital copies of these same items are also requested where digital copies already exist.

1. All early voting, absentee, provisional, and day-of-election paper ballots (not images).
2. All absentee ballot request forms which were submitted.
3. All absentee ballot return envelopes.
4. All carrier envelopes (signed or unsigned).
5. All provisional ballots/votes (whether included in the final counts or not).
6. All paper ballots that were re-created (by the ballot board or election workers) for any reason including, but not limited to Runbeck ballots from the November 2020 (that were allegedly not able to be scanned).
7. All 'receipt paper' tape that is written out from the Hart Scanners (including but not limited to start of day prints with 'zero' counts and end of day with total votes submitted through that scanner).
8. All 'receipt paper' tapes for any and all ballot tabulation scanners (absentee, early, and day-of-voting).
9. All paper tally counts.
10. All voting location audit report forms filled out by election judges (forms filled out when a voting location submits all ballots to Central Count).
11. All unofficial and official tabulation reports
12. All Cast Vote Record (CVR) electronic data for all voting methods (absentee, early, and day of voting).
13. All Vote Center tapes
14. All Signed Zero Tape Reports.
15. All Signed Original Tally Reports
16. All access code summary reports.

17. All reports showing number of voters checked in on e-Pollbooks.
18. Register of Official Ballots
19. Register of Official Seals and Proper Installation for Opening Polls and Closing Polls
20. For all polling places (voting centers) provide the:
 - a) V-drive and Seal Certificate page
 - b) Early Voting Seal Form and Instructions; and
 - c) JBC Cart (also known as the Election Equipment Carrier) Seal Form and Instructions.

Thank you,

Karen Wiseman



817-521-9000

Note: Due to the number of emails I receive, my service provider has indicated I am breaking their system and it can cause emails to my mailbox to inadvertently reject. If this happens, just resend in a few minutes and I will eventually get the email.

From: [REDACTED]
To: [CDA - Open Records](#)
Cc: [REDACTED]
Subject: 7/11/2022 PIA Request - May 2021 City of Fort Worth General Election
Date: Monday, July 11, 2022 11:34:28 AM

EXTERNAL EMAIL ALERT! Think Before You Click!

Dear Sir or Madam:

For the May 2021 City of Fort Worth General Election provide the items listed below. Physical examination of the original ballots, envelopes, documents and other items referenced above is sought. Additionally, digital copies of these same items are also requested where digital copies already exist.

1. All early voting, absentee, provisional, and day-of-election paper ballots (not images).
2. All absentee ballot request forms which were submitted.
3. All absentee ballot return envelopes.
4. All carrier envelopes (signed or unsigned).
5. All provisional ballots/votes (whether included in the final counts or not).
6. All paper ballots that were re-created (by the ballot board or election workers) for any reason including, but not limited to Runbeck ballots from the November 2020 (that were allegedly not able to be scanned).
7. All 'receipt paper' tape that is written out from the Hart Scanners (including but not limited to start of day prints with 'zero' counts and end of day with total votes submitted through that scanner).
8. All 'receipt paper' tapes for any and all ballot tabulation scanners (absentee, early, and day-of-voting).
9. All paper tally counts.
10. All voting location audit report forms filled out by election judges (forms filled out when a voting location submits all ballots to Central Count).
11. All unofficial and official tabulation reports
12. All Cast Vote Record (CVR) electronic data for all voting methods (absentee, early, and day of voting).
13. All Vote Center tapes
14. All Signed Zero Tape Reports.
15. All Signed Original Tally Reports
16. All access code summary reports.

17. All reports showing number of voters checked in on e-Pollbooks.
18. Register of Official Ballots
19. Register of Official Seals and Proper Installation for Opening Polls and Closing Polls
20. For all polling places (voting centers) provide the:
 - a) V-drive and Seal Certificate page
 - b) Early Voting Seal Form and Instructions; and
 - c) JBC Cart (also known as the Election Equipment Carrier) Seal Form and Instructions.

Thank you,

Karen Wiseman

[REDACTED]
817-521-9000

Note: Due to the number of emails I receive, my service provider has indicated I am breaking their system and it can cause emails to my mailbox to inadvertently reject. If this happens, just resend in a few minutes and I will eventually get the email.

From: [REDACTED]
To: [CDA - Open Records](#)
Cc: [REDACTED]
Subject: 7/11/2022 PIA Request - June 2021 City of Fort Worth Run-Off Election
Date: Monday, July 11, 2022 11:36:11 AM

EXTERNAL EMAIL ALERT! Think Before You Click!

Dear Sir or Madam:

For the June 2021 City of Fort Worth Run-Off Election provide the items listed below. Physical examination of the original ballots, envelopes, documents and other items referenced above is sought. Additionally, digital copies of these same items are also requested where digital copies already exist.

1. All early voting, absentee, provisional, and day-of-election paper ballots (not images).
2. All absentee ballot request forms which were submitted.
3. All absentee ballot return envelopes.
4. All carrier envelopes (signed or unsigned).
5. All provisional ballots/votes (whether included in the final counts or not).
6. All paper ballots that were re-created (by the ballot board or election workers) for any reason including, but not limited to Runbeck ballots from the November 2020 (that were allegedly not able to be scanned).
7. All 'receipt paper' tape that is written out from the Hart Scanners (including but not limited to start of day prints with 'zero' counts and end of day with total votes submitted through that scanner).
8. All 'receipt paper' tapes for any and all ballot tabulation scanners (absentee, early, and day-of-voting).
9. All paper tally counts.
10. All voting location audit report forms filled out by election judges (forms filled out when a voting location submits all ballots to Central Count).
11. All unofficial and official tabulation reports
12. All Cast Vote Record (CVR) electronic data for all voting methods (absentee, early, and day of voting).
13. All Vote Center tapes
14. All Signed Zero Tape Reports.
15. All Signed Original Tally Reports
16. All access code summary reports.

17. All reports showing number of voters checked in on e-Pollbooks.
18. Register of Official Ballots
19. Register of Official Seals and Proper Installation for Opening Polls and Closing Polls
20. For all polling places (voting centers) provide the:
 - a) V-drive and Seal Certificate page
 - b) Early Voting Seal Form and Instructions; and
 - c) JBC Cart (also known as the Election Equipment Carrier) Seal Form and Instructions.

Thank you,

Karen Wiseman

████████████████████
817-521-9000

Note: Due to the number of emails I receive, my service provider has indicated I am breaking their system and it can cause emails to my mailbox to inadvertently reject. If this happens, just resend in a few minutes and I will eventually get the email.



SHAREN WILSON
Criminal District Attorney
Tarrant County

July 29, 2022

Honorable Ken Paxton
Texas Attorney General
Post Office Box 12548
Austin, Texas 78711-2548

C.M./R.R.R. #7019 1640 0000 9370 1002

Re: Three Public Information Act requests to the Tarrant County Elections Administration from Karen Wiseman regarding election documents related to November 2020 General Election, May 2021 City of Forth Worth General Election, and June 2021 City of Fort Worth Run-off Election

Dear General Paxton:

The Tarrant County Criminal District Attorney's Office ("CDA") on behalf of the Tarrant County Elections Administration ("Elections") received three Public Information Act requests from Karen Wiseman ("requestor") on July 11, 2022, seeking 20 categories of documents held by Elections pertaining to the "November 2020 General Election, May 2021 City of Forth Worth General Election, and June 2021 City of Fort Worth Run-off Election." See copies of the requests, attached as Exhibit A. Please note the date of receipt of the requests are reflected in the "Sent" row of the e-mail headers. The CDA sent correspondence to the Office of the Attorney General ("OAG") on July 22, 2022, in the form of a "10-day letter" announcing its intent to request a ruling. See correspondence to the OAG, attached as Exhibit B.

Please note the correspondence sent to the OAG on July 22, 2022, in the form of a "10-day letter" included four requests from this requestor. The request for 20 categories of documents held by Elections pertaining to the "March 2020 Primary Election" is not part of this request for a ruling. See copy of the request, attached as Exhibit C. A withdrawal letter is concurrently being sent to the OAG with this request for ruling, regarding the request for "March 2020 Primary Election" documents. Some documents responsive to the "March 2020 Primary Election" request will be released to the requestor. The ballots requested are no longer under the 22 month preservation period and are available for the requestor to view in person. For other portions of the "March 2020 Primary Election" request, narrowing or clarification pursuant to Government Code section 552.222 will be requested. Further, Elections has no responsive documents to certain portions of the "March 2020 Primary Election" request.

Regarding the requestor's other three requests for documents relating to the "November 2020 General Election, May 2021 City of Fort Worth General Election, and the June 2021 City of Fort Worth Run-Off Election, the CDA is seeking a ruling for certain portions, and will be releasing certain documents responsive to the request. Finally, for other portions of the requests, narrowing or clarification pursuant to Government Code section 552.222 will be requested. Further, Elections has no responsive documents to certain portions of the remaining requests. This request for a ruling is in response to the following portions of the requests: 1. All early voting, absentee, provisional, and day-of-election paper ballots (not images); 5. All provisional ballots/votes (whether included in the final counts or not); 6. All paper ballots that were re-created (by the ballot board or election workers) for any reason including, but not limited to Runbeck ballots from the November 2020 (that were allegedly not able to be scanned).

The CDA believes all the requested ballots pertaining to the November 3, 2020 General Election, May 1, 2021 City of Fort Worth General Election, and June 5, 2021 City of Fort Worth Run-off Election contain information which may be withheld under Government Code section 552.101 in conjunction with Texas Election Code sections 66.058.

- I. The requested ballots from the November 2020 General Election, May 2021 City of Fort Worth General Election, and June 2021 City of Fort Worth Run-off Election are documents locked in a secure box until 22 months after election day, which are excepted from public disclosure under Government Code section 552.101 in conjunction with Texas Election Code section 66.058.**

Section 552.101 of the Texas Government Code excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Incorporated into the Public Information Act by section 552.101 are other sections of Texas law which make documents confidential or otherwise excepted from public release. This includes Texas Election Code section 66.058, which states in relevant part as follows:

- (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 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.

[...]

(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.

An unauthorized entry into the secure container during the 22-month preservation period is punishable as a Class A misdemeanor. *See* Tex. Elec. Code § 66.058(d) & (e). For the election which occurred on November 3, 2020, the 22-month preservation period extends until September 4, 2022. For the election which occurred on May 1, 2021, the 22-month preservation period extends until March 2, 2023. For the election which occurred on June 5, 2021, the 22-month preservation period extends until April 6, 2023. Although Election Code section 66.058(b-1) permits access “as permitted by this code” to a secure container containing precinct election records during the preservation period, these exceptions include recounts, election contests, criminal investigations, and counts conducted pursuant to chapter 127 of the Election Code. *See* Tex. Elec. Code §§ 213.007 (access to ballots for recounts), 221.008 (examination of secured ballot boxes in election contest), 273.041 (grand jury may request examination of voted ballots), 127.068 (sealed ballot box may be opened as part of election tabulation). None of these exceptions are applicable to the present situation.

It is the CDA’s understanding that the only method by which an authorized entry into the secure container can occur during the 22-month preservation period is through an order issued by a Tarrant County District Court. *See* Tex. Elec. Code § 66.058(d) & (e); *see also* Tex. Const. art. 5 § 8 (granting district courts general jurisdiction of all matters except where specifically granted to another court or body). As of the date of this request for a ruling, neither the CDA nor the Elections Administration is aware of a court order authorizing the ballot boxes containing voted ballots from the November 3, 2020, May 1, 2021, or June 5, 2021 elections to be entered by any party.

Honorable Ken Paxton
Re: Karen Wiseman PIA Requests
July 29, 2022
Page 4

Because the only copies of the requested ballots held by Elections are in secure containers, which cannot be opened during the 22-month preservation period, Elections and the CDA have provided sample ballots as a representative sample of the ballots sought. Under these circumstances, the CDA on behalf of Elections asserts the requested documents are confidential and excepted from public release pursuant to Government Code section 552.101 in conjunction with Elections Code section 66.058.

II. Conclusion

Because the requested ballots are currently held in a secure container for the 22-month preservation period pursuant to Election Code section 66.058, the CDA believes it is currently prohibited from accessing the documents being requested for purposes of attaching the documents to this request for a ruling. Instead, sample ballots from the November 3, 2020, May 1, 2021, and June 5, 2021, elections have been attached. *See* Exhibit D, a representative sample of the ballots sought. This letter will serve as notice to the requestors that the CDA is seeking a ruling regarding the November 3, 2020, May 1, 2021, and June 5, 2021 ballots. I can be reached at (817) 884-1233 if questions arise regarding this request.

Sincerely,

Sharen Wilson
Criminal District Attorney
Tarrant County, Texas



Hannah Bell
Assistant District Attorney

HLB/cer

Honorable Ken Paxton
Re: Karen Wiseman PIA Requests
July 29, 2022
Page 5

Attachments:

- Exhibit A – Public Information Act requests
- Exhibit B – Correspondence to the OAG
- Exhibit C – Public Information Act request for March 2020 Primary Election Documents
- Exhibit D – Representative Sample in the form of Sample Ballots

cc w/atts.: (Exs. A, B, & C):

Karen Wiseman

Via E-Mail - [REDACTED]

Hannah L. Bell

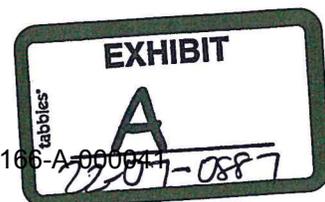
From: Karen <[REDACTED]>
Sent: Monday, July 11, 2022 11:32 AM
To: CDA - Open Records
Cc: Dan Bates
Subject: 7/11/2022 PIA Request for November 2020 General Election

EXTERNAL EMAIL ALERT! Think Before You Click!

Dear Sir or Madam:

For the November 2020 General Election provide the items listed below. Physical examination of the original ballots, envelopes, documents and other items referenced above is sought. Additionally, digital copies of these same items are also requested where digital copies already exist.

1. All early voting, absentee, provisional, and day-of-election paper ballots (not images).
2. All absentee ballot request forms which were submitted.
3. All absentee ballot return envelopes.
4. All carrier envelopes (signed or unsigned).
5. All provisional ballots/votes (whether included in the final counts or not).
6. All paper ballots that were re-created (by the ballot board or election workers) for any reason including, but not limited to Runbeck ballots from the November 2020 (that were allegedly not able to be scanned).
7. All 'receipt paper' tape that is written out from the Hart Scanners (including but not limited to start of day prints with 'zero' counts and end of day with total votes submitted through that scanner).
8. All 'receipt paper' tapes for any and all ballot tabulation scanners (absentee, early, and day-of-voting).
9. All paper tally counts.
10. All voting location audit report forms filled out by election judges (forms filled out when a voting location submits all ballots to Central Count).
11. All unofficial and official tabulation reports
12. All Cast Vote Record (CVR) electronic data for all voting methods (absentee, early, and day of voting).
13. All Vote Center tapes
14. All Signed Zero Tape Reports.
15. All Signed Original Tally Reports
16. All access code summary reports.
17. All reports showing number of voters checked in on e-Pollbooks.



18. Register of Official Ballots

19. Register of Official Seals and Proper Installation for Opening Polls and Closing Polls

20. For all polling places (voting centers) provide the:

a) V-drive and Seal Certificate page

b) Early Voting Seal Form and Instructions; and

c) JBC Cart (also known as the Election Equipment Carrier) Seal Form and Instructions.

Thank you,

Karen Wiseman

[REDACTED]

817-521-9000

Note: Due to the number of emails I receive, my service provider has indicated I am breaking their system and it can cause emails to my mailbox to inadvertently reject. If this happens, just resend in a few minutes and I will eventually get the email.

Hannah L. Bell

From: Karen [REDACTED]
Sent: Monday, July 11, 2022 11:34 AM
To: CDA - Open Records
Cc: Dan Bates
Subject: 7/11/2022 PIA Request - May 2021 City of Fort Worth General Election

EXTERNAL EMAIL ALERT! Think Before You Click!

Dear Sir or Madam:

For the May 2021 City of Fort Worth General Election provide the items listed below. Physical examination of the original ballots, envelopes, documents and other items referenced above is sought. Additionally, digital copies of these same items are also requested where digital copies already exist.

1. All early voting, absentee, provisional, and day-of-election paper ballots (not images).
2. All absentee ballot request forms which were submitted.
3. All absentee ballot return envelopes.
4. All carrier envelopes (signed or unsigned).
5. All provisional ballots/votes (whether included in the final counts or not).
6. All paper ballots that were re-created (by the ballot board or election workers) for any reason including, but not limited to Runbeck ballots from the November 2020 (that were allegedly not able to be scanned).
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9. All paper tally counts.
10. All voting location audit report forms filled out by election judges (forms filled out when a voting location submits all ballots to Central Count).
11. All unofficial and official tabulation reports
12. All Cast Vote Record (CVR) electronic data for all voting methods (absentee, early, and day of voting).
13. All Vote Center tapes
14. All Signed Zero Tape Reports.
15. All Signed Original Tally Reports
16. All access code summary reports.
17. All reports showing number of voters checked in on e-Pollbooks.

18. Register of Official Ballots

19. Register of Official Seals and Proper Installation for Opening Polls and Closing Polls

20. For all polling places (voting centers) provide the:

a) V-drive and Seal Certificate page

b) Early Voting Seal Form and Instructions; and

c) JBC Cart (also known as the Election Equipment Carrier) Seal Form and Instructions.

Thank you,

Karen Wiseman

████████████████████
817-521-9000

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Hannah L. Bell

From: Karen [REDACTED]
Sent: Monday, July 11, 2022 11:36 AM
To: CDA - Open Records
Cc: Dan Bates
Subject: 7/11/2022 PIA Request - June 2021 City of Fort Worth Run-Off Election

EXTERNAL EMAIL ALERT! Think Before You Click!

Dear Sir or Madam:

For the June 2021 City of Fort Worth Run-Off Election provide the items listed below. Physical examination of the original ballots, envelopes, documents and other items referenced above is sought. Additionally, digital copies of these same items are also requested where digital copies already exist.

1. All early voting, absentee, provisional, and day-of-election paper ballots (not images).
2. All absentee ballot request forms which were submitted.
3. All absentee ballot return envelopes.
4. All carrier envelopes (signed or unsigned).
5. All provisional ballots/votes (whether included in the final counts or not).
6. All paper ballots that were re-created (by the ballot board or election workers) for any reason including, but not limited to Runbeck ballots from the November 2020 (that were allegedly not able to be scanned).
7. All 'receipt paper' tape that is written out from the Hart Scanners (including but not limited to start of day prints with 'zero' counts and end of day with total votes submitted through that scanner).
8. All 'receipt paper' tapes for any and all ballot tabulation scanners (absentee, early, and day-of-voting).
9. All paper tally counts.
10. All voting location audit report forms filled out by election judges (forms filled out when a voting location submits all ballots to Central Count).
11. All unofficial and official tabulation reports
12. All Cast Vote Record (CVR) electronic data for all voting methods (absentee, early, and day of voting).
13. All Vote Center tapes
14. All Signed Zero Tape Reports.
15. All Signed Original Tally Reports
16. All access code summary reports.
17. All reports showing number of voters checked in on e-Pollbooks.

18. Register of Official Ballots

19. Register of Official Seals and Proper Installation for Opening Polls and Closing Polls

20. For all polling places (voting centers) provide the:

a) V-drive and Seal Certificate page

b) Early Voting Seal Form and Instructions; and

c) JBC Cart (also known as the Election Equipment Carrier) Seal Form and Instructions.

Thank you,

Karen Wiseman

817-521-9000

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SHAREN WILSON
Criminal District Attorney
Tarrant County

July 22, 2022

Honorable Ken Paxton
Attorney General
Post Office Box 12548
Austin, Texas 78711-2548

CM/RRR # 7019 1640 0000 9370 1019

Re: Public Information Act request from Karen Wiseman

Dear General Paxton:

Pursuant to TEXAS GOVERNMENT CODE Section 552.301 the Tarrant County Criminal District Attorney's Office will be seeking an Attorney General's decision regarding a Public Information Act request originally received on July 11, 2022, from Karen Wiseman; thereby, making the response to the Requestor and/or submission of written comments regarding this request for a ruling to your office due on Monday, July 25, 2022. See Attachment No. 1. This Office, believes that a portion of the information sought may be exempt from public disclosure pursuant to Sections 552.022, 552.0225, 552.026, 552.101, 552.102, 552.103, 552.104, 552.105, 552.106, 552.107, 552.108, 552.1085, 552.109, 552.110, 552.111, 552.112, 552.113, 552.114, 552.115, 552.116, 552.117, 552.1175, 552.1176, 552.118, 552.119, 552.120, 552.121, 552.122, 552.123, 552.1235, 552.124, 552.125, 552.126, 552.127, 552.128, 552.129, 552.130, 552.131, 552.132, 552.1325, 552.133, 552.134, 552.135, 552.136, 552.137, 552.138, 552.139, 552.140, 552.141, 552.142, 552.1425, 552.143, 552.144, 552.145, 552.146, 552.147, 552.148, 552.149, 552.150, 552.151, 552.152, 552.153 and 552.154 of the TEXAS PUBLIC INFORMATION ACT. By copy of this letter, this Office is informing the Requestor and your office of the intention to seek an Attorney General's ruling on this matter.

In light of this request for an extension, on or before **Monday August 1, 2022**, this Office will:

- (1) submit to the attorney general:
 - (A) written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;
 - (B) a copy of the written requests for information;
 - (C) a signed statement as to the date on which the written requests for information was received by the governmental body or evidence sufficient to establish that date; and
 - (D) a copy of the specific information requested, or submit representative



Honorable Ken Paxton
Re: Karen Wiseman- PIA Request
July 22, 2022
Page 2

samples of the information if a voluminous amount of information was requested; and

(2) label that copy of the specific information, or of the representative samples, to indicate which exceptions apply to which parts of the copy.

See TEX. GOV'T CODE § 552.301(e).

If you should have any questions, please feel free to contact me at (817) 884-1233.

Sincerely,

Sharen Wilson
Criminal District Attorney
Tarrant County, Texas



HANNAH BELL
Assistant Criminal District Attorney

HLB/cer
Attachment (Att. 1)

cc w/att:

Karen Wiseman (*Requestor*)

VIA EMAIL - [REDACTED]

From: [Karen](#)
To: [CDA - Open Records](#)
Cc: [Dan Bates](#)
Subject: 7/11/2022 PIA Request - June 2021 City of Fort Worth Run-Off Election
Date: Monday, July 11, 2022 11:36:11 AM

EXTERNAL EMAIL ALERT! Think Before You Click!

Dear Sir or Madam:

For the June 2021 City of Fort Worth Run-Off Election provide the items listed below. Physical examination of the original ballots, envelopes, documents and other items referenced above is sought. Additionally, digital copies of these same items are also requested where digital copies already exist.

1. All early voting, absentee, provisional, and day-of-election paper ballots (not images).
2. All absentee ballot request forms which were submitted.
3. All absentee ballot return envelopes.
4. All carrier envelopes (signed or unsigned).
5. All provisional ballots/votes (whether included in the final counts or not).
6. All paper ballots that were re-created (by the ballot board or election workers) for any reason including, but not limited to Runbeck ballots from the November 2020 (that were allegedly not able to be scanned).
7. All 'receipt paper' tape that is written out from the Hart Scanners (including but not limited to start of day prints with 'zero' counts and end of day with total votes submitted through that scanner).
8. All 'receipt paper' tapes for any and all ballot tabulation scanners (absentee, early, and day-of-voting).
9. All paper tally counts.
10. All voting location audit report forms filled out by election judges (forms filled out when a voting location submits all ballots to Central Count).
11. All unofficial and official tabulation reports
12. All Cast Vote Record (CVR) electronic data for all voting methods (absentee, early, and day of voting).
13. All Vote Center tapes
14. All Signed Zero Tape Reports.
15. All Signed Original Tally Reports
16. All access code summary reports.

ATTACHMENT 1

17. All reports showing number of voters checked in on e-Pollbooks.
18. Register of Official Ballots
19. Register of Official Seals and Proper Installation for Opening Polls and Closing Polls
20. For all polling places (voting centers) provide the:
 - a) V-drive and Seal Certificate page
 - b) Early Voting Seal Form and Instructions; and
 - c) JBC Cart (also known as the Election Equipment Carrier) Seal Form and Instructions.

Thank you,

Karen Wiseman

[REDACTED]
817-521-9000

Note: Due to the number of emails I receive, my service provider has indicated I am breaking their system and it can cause emails to my mailbox to inadvertently reject. If this happens, just resend in a few minutes and I will eventually get the email.

From: [Karen](#)
To: [CDA - Open Records](#)
Cc: [Dan Bates](#)
Subject: 7/11/2022 PIA Request - May 2021 City of Fort Worth General Election
Date: Monday, July 11, 2022 11:34:28 AM

EXTERNAL EMAIL ALERT! Think Before You Click!

Dear Sir or Madam:

For the May 2021 City of Fort Worth General Election provide the items listed below. Physical examination of the original ballots, envelopes, documents and other items referenced above is sought. Additionally, digital copies of these same items are also requested where digital copies already exist.

1. All early voting, absentee, provisional, and day-of-election paper ballots (not images).
2. All absentee ballot request forms which were submitted.
3. All absentee ballot return envelopes.
4. All carrier envelopes (signed or unsigned).
5. All provisional ballots/votes (whether included in the final counts or not).
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 - c) JBC Cart (also known as the Election Equipment Carrier) Seal Form and Instructions.

Thank you,

Karen Wiseman

[REDACTED]
817-521-9000

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From: [Karen](#)
To: [CDA - Open Records](#)
Cc: [Dan Bates](#)
Subject: 7/11/2022 PIA Request for November 2020 General Election
Date: Monday, July 11, 2022 11:32:09 AM

EXTERNAL EMAIL ALERT! Think Before You Click!

Dear Sir or Madam:

For the November 2020 General Election provide the items listed below. Physical examination of the original ballots, envelopes, documents and other items referenced above is sought. Additionally, digital copies of these same items are also requested where digital copies already exist.

1. All early voting, absentee, provisional, and day-of-election paper ballots (not images).
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Thank you,

Karen Wiseman

[REDACTED]
817-521-9000

Note: Due to the number of emails I receive, my service provider has indicated I am breaking their system and it can cause emails to my mailbox to inadvertently reject. If this happens, just resend in a few minutes and I will eventually get the email.

From: [Karen](#)
To: [CDA - Open Records](#)
Cc: [Dan Bates](#)
Subject: 07/11/2022 PIA Request for March 2020 Primary Election
Date: Monday, July 11, 2022 11:28:15 AM

EXTERNAL EMAIL ALERT! Think Before You Click!

Dear Sir or Madam:

For the March 2020 Primary Election provide the items listed below. Physical examination of the original ballots, envelopes, documents and other items referenced above is sought. Additionally, digital copies of these same items are also requested where digital copies already exist.

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Karen Wiseman

817-521-9000

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Hannah L. Bell

From: Karen [REDACTED]
Sent: Monday, July 11, 2022 11:28 AM
To: CDA - Open Records
Cc: Dan Bates
Subject: 07/11/2022 PIA Request for March 2020 Primary Election

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17. All reports showing number of voters checked in on e-Pollbooks.



18. Register of Official Ballots

19. Register of Official Seals and Proper Installation for Opening Polls and Closing Polls

20. For all polling places (voting centers) provide the:

a) V-drive and Seal Certificate page

b) Early Voting Seal Form and Instructions; and

c) JBC Cart (also known as the Election Equipment Carrier) Seal Form and Instructions.

Thank you,

Karen Wiseman

[REDACTED]
817-521-9000

Note: Due to the number of emails I receive, my service provider has indicated I am breaking their system and it can cause emails to my mailbox to inadvertently reject. If this happens, just resend in a few minutes and I will eventually get the email.



-A 000059

AMERICAN
OVERSIGHT

From: Hannah L. Bell <hlbell@tarrantcountytx.gov>
Subject: Public Information Act Request #22-08-0748
To: Troy C. Havard <TCHavard@tarrantcounty.com>
Sent: September 14, 2022 12:17 PM (UTC-04:00)
Attached: TARRANT_20220830_CARLIN_Public Information Act Request (2020).pdf

Mr. Carlin,

Tarrant County is in receipt of your Public Information Act request.

In response to request 1.1, the ballots are no longer under the 22-month preservation period and are now available for review by you and others. The Texas Government Code provides that inspection of records are to be made available as soon as practicable. Since Tarrant County Election Administration ("Elections") is now in preparations for the November 2022 Gubernatorial election, that time is beginning Jan 10, 2023. Attached is Elections' policy for accessing sensitive elections documents, which includes the voted ballots.

Elections has limited space available for scheduling in-person viewing of the ballots. To that end, the 10-business day period beginning on January 10, 2023 is the beginning of the first available time. Elections has a limit of 20 (twenty) people that can be in the only space available, therefore, if you will please reply letting us know if you plan to be present in that time, Elections can assure that no one is turned away and asked to reschedule due to lack of space, that would be helpful. Again, this is for the voted ballots only. If there are other documents you are wanting to review, a different time will need to be scheduled.

If you are NOT interested in participating in this time, please reply requesting that a different time be scheduled for you. Requests for rescheduling will be processed on a first-come first-served basis for the limited resources and space we have available. Rescheduling will be as soon as practicable after the initial period.

Something that may help you in your decision is that Elections is in the process of scanning the ballots from the November 3, 2020 General election and a link to the images will be made available as soon as possible after that is completed. If the images of the ballots suffice for your needs, then please let us know you wish to withdraw your request to personally inspect the ballots and/or other documents. At the very least, reviewing the images may help you to determine if there are specific ballots you wish to review in-person, thereby economizing your efforts and making the most of our limited resources.

The link to the ballot images is here. Currently, there is nothing at this location but please continue to check back, as when they are ready for download, they will be placed there. Please be patient, as there were over 860,000 ballots cast in Tarrant County for that election.

In response to requests 2.2 through 3.3 and 5.1 through 5.4, a will need be scheduled to view these documents in person. Due to the volume and the logistics of having all the documents available, the potential first available time to schedule viewing of documents, not the voted ballots, would be March 23, 2023. The availability of this date is dependent on the timeliness of your request and other requestors' scheduling of viewing documents held by Elections.

In response to requests 3.4 through 3.6 the redacted responsive documents are available via pdf. The redactions are voters personal identify information, which by law has been redacted. These documents can be sent to you, or if you prefer to view them in person, a monitor with the pdfs can be provided at Elections. If you request a printed copy, a cost estimate will be provided.

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

From: Chris Carlin <[REDACTED]>
Sent: Tuesday, August 30, 2022 1:08 PM
To: CDA - Open Records <OpenRecords@tarrantcountytx.gov>
Cc: Mr. Chris N. Carlin <[REDACTED]>
Subject: Public Information Request of Chris Carlin

EXTERNAL EMAIL ALERT! Think Before You Click!

Good afternoon,

Kindly find the attached Letter of Public Information Request.

Thank you for your continued attention to this important matter.

Kindest regards,

Chris Noel Carlin
4007 McCullough Ave., #240
San Antonio TX 78212
Tel: (210)687-3936
Fax: (866)480-3772

THE OFFICE OF
CHRIS NOEL CARLIN
4007 McCULLOUGH AVE., SUITE 240
SAN ANTONIO, TEXAS 78212

TELEPHONE: (210)687-3936

TELECOPIER: (866)480-3772

August 30, 2022

Civil Division,
Attention: Open Records,
Criminal District Attorney's Office,
Tim Curry Criminal Justice Center,
401 West Belknap, 9th Floor,
Fort Worth, Texas 76196-0201

VIA: ELECTRONIC MAIL to
openrecords@tarrantcountytexas.gov

RE: Public Information Request

Heider Garcia:

Pursuant to Texas Government Code, Sections 552.221 and 552.234(b)(2), please let this letter serve as an Application for Public Information for the following:

In-Person Review of Original Election Records is requested for the following election ("Referenced Election"): **General Election November 03, 2020**.

1. CAST VOTE BALLOTS

1.1. In-person, on site, Review of **Cast Vote Ballots** in referenced election

2. ELECTRONIC VOTING LOGS

2.1. In-person, on site, Review of **Logic and Accuracy Test Log** (or equivalent report containing Log of vDrive IDs, Serial Numbers, Reports Produced, Testing Manager and Observer Names and Signatures) in referenced election

2.2. In-person, on site, Review of Original **Certification of Tests of Automated Tabulating Equipment** (or equivalent report containing Signature of Certification Authority, Date, Time, and Certification of Each Required Test) in referenced election

2.2.1. In-person, on site, Review of Original **Certification of 1st Test** of Automated Tabulating Equipment in referenced election

2.2.2. In-person, on site, Review of Original **Certification of 2nd Test** of Automated Tabulating Equipment in referenced election

THE OFFICE OF
CHRIS NOEL CARLIN
4007 MCCULLOUGH AVE., SUITE 240
SAN ANTONIO, TEXAS 78212

- 2.2.3. In-person, on site, Review of Original **Certification of 3rd Test** of Automated Tabulating Equipment in referenced election
- 2.2.4. In-person, on site, Review of Original **Certification of Re-Done Tests** of Automated Tabulating Equipment in referenced election

3. RETURN SHEETS, BALLOT REGISTERS AND RECONCILIATION LOGS

- 3.1. In-person, on site, Review of Original of all **Election Day Return Sheets, Seal Logs, Ballot Registers, and Reconciliation Logs** by Polling Location (or equivalent forms to log use and count of official ballots and digital device seal numbers) in referenced election
- 3.2. In-person, on site, Review of Original of all **Early Voting Return Sheets, Seal Logs, Ballot Registers, and Reconciliation Logs** by Polling Location (or equivalent forms to log use and count of official ballots and digital device seal numbers) in referenced election
- 3.3. In-person, on site, Review of Original of all **Ballot Transmittal Forms for Early Voted Ballots** (or equivalent completed Ballot Transmittal Forms for Early Voted Ballots) in referenced election
- 3.4. In-person, on site, Review of Original of all **Applications for Absentee Ballot or Ballot by Mail** (or equivalent Application by Potential Voters to Receive a Ballot by Mail) in referenced election
- 3.5. In-person, on site, Review of Original of all **Carrier Envelopes for Voting Absentee or Ballot by Mail** (or equivalent Envelope Used for Return of Voter's Ballot by Mail) in referenced election
- 3.6. In-person, on site, Review of Original of all **Completed Requests to Cancel Absentee or Ballot by Mail** (or equivalent completed requests to cancel Cancel Ballot by Mail by Voters in Polling Location During Early and Election Day Voting) in referenced election

4. CHECK-INS WITH SIGNATURE VERIFICATION

- 4.1. In-person, on site, Review of **Check-Ins - List of Election Day Voters Check-Ins with Signature Verification** (or equivalent report containing list of Election Day Voters by Polling Location and including Signature Verification) completed in referenced election

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CHRIS NOEL CARLIN
4007 McCULLOUGH AVE., SUITE 240
SAN ANTONIO, TEXAS 78212

- 4.2. In-person, on site, Review of **Check-Ins - List of Early Voting Voters Check-Ins with Signature Verification** (or equivalent report containing list of In-Person Early Voters by Early Voting Polling Location and including Signature Verification) completed in referenced election

5. **JUDGES, CLERKS, AND OBSERVERS**

- 5.1. In-person, on site, Review of Original of all **Certificates of Appointment** for **all Poll Watchers** in referenced election
- 5.1.1. In-person, on site, Review of Original of Certificates of Appointment of **Poll Watchers for Early Voting Ballot Board** in referenced election
- 5.2. In-person, on site, Review of Original of all **Oaths of Election Judges and Clerks** (or equivalent Oath Sheets completed by Election Judges and Clerks) in referenced election
- 5.3. In-person, on site, Review of Original of all **Oath of Assistance Forms** (completed by anyone offering assistance to voters)
- 5.4. In-person, on site, Review of Original of all **Oaths of Voter Assistants and Interpreters** (completed by anyone offering Interpretation to voters)

Thank you for your attention to this important matter.

Kindest regards,

/s/ Chris N. Carlin

Chris Noel Carlin,
4007 McCullough Ave., #240,
San Antonio, Texas 78212
Tel: 210-687-3936
Fax: 866-480-3772

From: John Raymond [REDACTED]
Subject: Re: In-person review of November 2020 ballots
To: Elections - Info External <ElectionsInfo@tarrantcounty.com>
Sent: November 2, 2022 7:31 PM (UTC-04:00)

EXTERNAL EMAIL ALERT! Think Before You Click!

Troy,

I wish to withdraw my request to personally inspect the Nov 3, 2020 General Election ballots. The link to the ballot images will do just fine for myself.

Blessings,

SFC (ret) John Raymond
Precinct 4259
817-914-3451

On Wed, Sep 14, 2022 at 11:15 AM Elections - Info External <ElectionsInfo@tarrantcounty.com> wrote:

Hello. I inadvertently left the link out of the previous email. Here is the revised email with the link.

You have requested an in-person review of the November 3, 2020 ballots for Tarrant County. As these ballots are no longer under the 22-month preservation period, they are now available for review by you and others. The Texas Government Code provides that inspection of records are to be made available as soon as practicable. Since we are now in preparations for the November 2022 Gubernatorial election, that time is beginning Jan 10, 2023. Attached is our policy for accessing sensitive elections documents, which includes the voted ballots.

Please understand that we have limited space available for scheduling in-person viewing of the ballots. To that end, the 10-business day period beginning on January 10, 2023 is the beginning of the first available time. We have a limit of 20 (twenty) people that can be in the only space we have available, therefore, if you will please reply letting us know if you plan to be present in that time, we can assure that no one is turned away and asked to reschedule due to lack of space, that would be helpful. Again, this is for the voted ballots only. If there are other documents you are wanting to review, a different time will need to be scheduled.

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Something that may help you in your decision is that we are in the process of scanning the ballots from the November 3, 2020 General election and a link to the images will be made available as soon as possible after that is completed. If the images of the ballots suffice for your needs, then please let us know you wish to withdraw your request to personally inspect the ballots and/or other documents. At the very least, reviewing the images may help you to determine if there are specific ballots you wish to review in-person, thereby economizing your efforts and making the most of our limited resources.

The link to the ballot images is [here](#). Currently, there is nothing at this location but please continue to check back, as when they are ready for download, they will be placed there. Please be patient, as there were over 860,000 ballots cast in Tarrant County for that election and we prefer accuracy over speed. We're also in the midst of preparing for the 2022 November mid-term election, which takes priority.

Have a blessed day!



Troy Havard

Assistant Elections Administrator, CERA

Tarrant County

CWO4 (ret) USMC



Office: 817-831-8683

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

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

Than to live my life as if there isn't a God and die to find out there IS.