

Wednesday, March 20, 2024 at 09:10:37 Eastern Daylight Time

Subject: RE: Public Information Request (TX-SMITH-24-0244)
Date: Tuesday, March 19, 2024 at 8:56:12 AM Eastern Daylight Time
From: Michelle Allcon
To: AO Records
CC: Davis Woudwyk, Thomas Wilson
Attachments: Smith Co In-Person Inspecting of Sensitive Documents.pdf

EXTERNAL SENDER

Good Morning,

Please see the attachment for the Smith County Elections Administration's policy for in-person inspection of election records. As for the second portion of your request, my office has not received any requests for an in-person inspection of the records since 09-01-2023. In addition, while we have received PIR's for electronic copies of election records, there is not a log or record reflecting these requests.

Please let me know if you have any questions,

Michelle Allcon

Elections Administrator
Phone: 903-590-4774
Fax: 903-590-4778
302 E. Ferguson St., Tyler, TX 75702

From: Elizabeth Alfaro <EAlfaro@smith-county.com>
Sent: Wednesday, March 13, 2024 1:44 PM
To: Michelle Allcon <MAAllcon@smith-county.com>
Cc: Davis Woudwyk <DWoudwyk@smith-county.com>; Thomas Wilson <TWilson@smith-county.com>
Subject: FW: Public Information Request (TX-SMITH-24-0244)

Please see the attached request.

From: AO Records <records@americanoversight.org>
Sent: Wednesday, March 13, 2024 1:23 PM
To: publicinforequest <PublicInformationRequest@smith-county.com>
Subject: Public Information Request (TX-SMITH-24-0244)

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other sensitive information on linked pages from this email. *****

Dear Public Information Officer,

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

Sincerely,

Mariuxi Pintado | (she/hers)
Senior Paralegal | American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

Public Information Request: TX-SMITH-24-0244

Inspecting Sensitive Documents In-Person

As the general custodian of election records, Smith County Elections Administration (SCEA) must balance dual priorities: (1) Providing transparency of the election process by allowing public access for inspection of election records, and (2) insuring the security and integrity of election records are maintained. This policy establishes procedures as authorized by law to accomplish the dual priorities of document preservation and public access relating to the inspection of sensitive documents, including anonymous voted ballots under the election code.

1. The term “documents” refers to any physical records, including, but not limited to, paper ballots, printouts, and election related forms being interacted with. At times, “documents” and “record” may be used interchangeably.
2. Personally identifiable information must be redacted before allowing public access to the ballots.

TIME-PERIOD FOR PUBLIC INSPECTION

3. Requests to conduct an in-person inspection must be made at a minimum of three (3) business days in advance of the desired date of inspection.
4. Dates will be scheduled based on availability of space and resources. Because the SCEA 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 SCEA can be scheduled. The SCEA 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.
5. 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 SCEA.
 - a. Normal business hours are Monday through Friday, 8 AM to 5 PM, excluding County holidays.
6. The room in which in-person public inspection is taking place may be equipped with video surveillance to monitor activities in the inspection room during the time that the election records are made available for inspection.
 - a. If a room with surveillance capability is necessary during the requested inspection time, rental cost by be charged to the inspector.

NUMBER OF PARTICIPANTS AND LOG

1. As the general custodian of election records, SCEA will have, at a minimum, one staff member present at all times in the room containing the election records while public inspection is taking place. The number of SCEA staff present will be up to the discretion of the Elections Administrator, or his/her designee in the event of his/her absence. A cost for staff members presence may be charged to the inspector.
2. In order to reasonably monitor the inspection process, the number of persons allowed simultaneous access to the election records is limited to the amount of space, SCEA staff, and the number of records available. SCEA staff has the sole authority to determine the maximum capacity at any given time.

- a. A log of all individuals participating in in-person inspection of election records must be signed by all attendees and will be maintained as part of the election records.

SAFEKEEPING OF RECORDS

3. For the safety and integrity of the election records the following prohibitions and restrictions will apply :
 - a. Tote bags, purses, backpacks, boxes and other containers will have a dedicated space in the room where the inspection is taking place. They are not allowed outside of that space.
 - b. Pens or markers are prohibited in the room containing election records. Pencils are allowed for the taking of notes and tallies. Computers for recording notes and tallies are allowed. The ballots can in no way be marked.
 - c. Food and beverages are allowed in the designated area in the inspection room; they are prohibited outside that space or near the election records.
4. All records, including voted ballots, must be kept in the same stacks, containers, or boxes, whichever is applicable, while public inspection is taking place.
5. No record, of any kind, may not be removed from the room in which public inspection is taking place.
6. There will be specific tables designated for handling the documents:
 - a. No more than two boxes or containers (insomuch as the documents are in boxes or containers) may be simultaneously accessed per table. This constraint may be reduced to one box or container based on space and resource availability.
 - b. In the event that the documents are not boxed, the SCEA 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 issues.
7. SCEA staff will manage the records for inspection and may limit the amount available at any given time to maintain control and security of the documents.
8. Laptops, tablets, or any other electronic devices which contain network capability are not allowed to be connected to any County network.
 - a. Ethernet cables are strictly prohibited in the inspection area.
 - b. Any attempt to plug a device into an ethernet jack in the building at any time is prohibited.
 - c. Laptops, tablets, cell phone, and other electronic devices that do not have ethernet ports may be brought into the inspection area.
9. Those conducting the in-person inspection may use imaging devices to take photos or make copies of the election records (subject to exclusion of records containing personally identifiable information). SCEA staff, on request, will make copies of the requested records at the cost of 10 cents per page.

Adherence to these guidelines is mandatory. Failure to comply with the policy can result in Elections asking the person to leave and the review of documents being rescheduled to a future date.