

BALLOT NUMBERING VIOLATIONS IN TARRANT COUNTY, TEXAS ELECTIONS

TAKING BACK TEXASS

THE CIRCUMVENTION OF STATE LAW

Determining whether criminal activity did or does occur in the modification of election processes.

Tarrant County, Texas has undergone several major changes in the administration of our local elections, most of which have been sold as tools or programs of convenience benefiting voters. At first glance the programs and tools do seem as though they would provide a slight certain amount of

convenience, however the discussion is warranted whether these conveniences are being offered in exchange for the security of our elections.

Do these changes adhere to Article VI Section 2c of the Texas Constitution, which states that our

privilege of free suffrage shall be protected by laws regulating elections and prohibiting under adequate penalties all undue influence in elections from power,

bribery, tumult, or other improper practice?

I was recently invited to attend a public machine testing event being held at the Tarrant County Elections, where I was able to address Heider Garcia, Tarrant County Elections Administrator, about some concerning issues

observed by our poll watchers. A long conversation took place between Heider and I, during which it was established that the issue of ballot numbering seems to be a fundamental one.

I asked Heider

when, if he was aware, Tarrant County Elections stopped numbering our ballots according to Texas Law. His response was that we changed how the ballots are numbered when we adopted

“THE PRIVELEGE OF FREE SUFFRAGE SHALL BE PROTECTED BY LAWS REGULATING ELECTIONS AND PROHIBITING UNDER ADEQUATE PENALTIES ALL UNDUE INFLUENCE IN ELECTIONS FROM POWER, BRIBERY, TUMULT, OR OTHER IMPROPER PRACTICE.”

- ARTICLE VI SECTION 2C OF THE TEXAS CONSTITUTION.

RELEVANT TEXAS ELECTION CODES REGARDING BALLOT NUMBERING

- 52.062. NUMBERING OF BALLOTS. “The ballots prepared by each authority responsible for having the official ballot prepared shall be numbered consecutively beginning with the number “1.”
- 62.009. DISARRANGING BALLOTS FOR VOTER’S SELECTION. (a) “As needed for voting, an election officer shall disarrange a supply of ballots so that they are in random numerical order. (b) The disarranged ballots shall be placed face down on a table in a manner preventing an election officer or other person from ascertaining the number of a ballot selected by a voter.” (c) “The provisional ballots shall be placed separately from the regular ballots.”

certain HART machines in 2018. This is the same year we joined the Community Wide Polling Center Program. Upon further questioning, Heider informed me that these recommendations were his to the commissioners, but that HART offered the options of either pre-numbered paper ballots, or blank PVRs (Printed Vote Records) which can be assigned a serialized data sequence by the BMDs.

It would seem as though HART Inter-Civics Verity Voting Systems have been programmed with a code that has not only allowed, but incentivized the circumvention of State Election Codes which outline the way our ballots are to be numbered. HART has been a major sponsor of the TAEA (Texas Association of Elections Administrators) where Heider is the Treasurer. There would possibly be a decent amount of plausible deniability here, if HART didn't specialize in ballot-printing and preparation in Texas for nearly 100 years. They know well how our ballots are lawfully prescribed to be prepared with numbers, and the fact that they have designed a code that directly violates the laws they are aware of and have adhered to for decades is highly concerning.

Heider confirmed the rumor that the new ballot numbering sequence is, in fact, a data set, wherein the sequence contains symbols and letters along with numerals which reportedly correspond to some key which identifies more information on the ballot than necessary. This is a blatant voter privacy issue. Only the voter should know their ballot

number, there should be no machine logs of which ballot has what number. Who has either ordered the creation of such software, or has inadvertently and unknowingly facilitated this obfuscation of our ballot numbering?

After establishing that Heider himself sold to the Election Board and County Commissioners the concepts of Community Polling Centers and unlawfully numbered ballots, the debate began over the value of adhering to the relevant Texas Election Codes. He took the mind boggling position that the new system is much more secure, as now nobody is aware of their ballot number, somehow securing a voter's anonymity. Despite the fact that our existing ballot numbering laws clearly outline the value of pre-numbered ballots, Heider does not see the value in the voter being aware of their individual ballot numbers, stating this infringes on that voter's right to privacy. I took the position that voters should definitely know their ballot number, and only they should know their ballot number, in case the desire to audit the results does arise. The voter should be able to summon their individual ballot to ensure their vote was recorded accurately. *Adding to the potential violation is the concern over fraudulent ballots being inserted into a batch of ballots without detection. This is much more difficult to accomplish when the ballots are consecutively pre-numbered, allowing voters to easily identify their ballot number for potential recall later. We have merely twenty-two months to*

preserve election records for potential examination by Texas Law, however Heider has informed me that the County preserves the records for a bit longer than the Law prescribes.

It seems as though between Tarrant County Elections Administrator Heider Garcia, Secretary of State's office Elections Department Chair Keith Ingram, executives for HART Inter-Civics Verity Voting Systems, and potentially local District Attorney Sharen Wilson's office, the decision to change lawfully ordained process of pre-numbering our ballots consecutively has been authorized. None of these positions, not even collectively, have the authority to circumvent or violate State Election Laws.

Chapter 129 of the Texas Election Code does offer a deferral to the Secretary of State for issues arising from use of the Electronic Voting Machines; however this deferral is merely for advising on how Elections Administrators may adhere to the Law when encountering new processes. Neither the Secretary of State's office, nor the County Elections Administrator, has the authority to authorize the violation of State Election Codes, not even collectively. Willing violation of State codes is potentially devastating to the auditability of our elections, and when these decisions involve several individuals spanning several State entities is potentially criminal.

Taking Back Texas would like to recommend that every county look in to the administration of their local

elections to determine whether or not they are being administered to State election codes. This process can be tedious and time consuming, and when the administrative codes come into play it can get confusing and vague.

At that stage of the investigation you'll need to

remember these facts:

Administrative Codes do NOT, can NOT supersede or circumvent State Election Codes which were drafted, debated and passed by the State Legislature as ordained by the National Constitution. Additionally, Election Codes must adhere to the State's Constitutional article on Suffrage. Knowingly

introducing programs and processes that violate State Election Codes and obfuscate our audit process is a direct violation of Article VI, Section 2c of the Texas Constitution. Keep this context in mind as you confront your local government about processes you may discover are unlawful and damaging to our local elections.

One might consider the need for new legislation that would create a new process of securing ballot integrity without compromising a voter's privacy, however nothing so time consuming or tedious is necessary. The process of pre-numbering our ballots is intentionally simple, and therefore very difficult to obfuscate. Texans simply need to demand that Constitutional State Election Codes be adhered to, and State Codes that have obfuscated the election process, 43.007 for example, be repealed for the effect they have on our elections.

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