

# TBTX

## Review of Relevant Texas Election Codes

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### EXISTING TEXAS ELECTION LAW

Traditionally held American philosophy dictates that if there is not a law specifically prohibiting certain actions, the actions are arguably “legal” and cannot be prosecuted criminally or even civilly. However, with our election processes, we must necessarily take the opposite approach... We must demand that our state legislatures amend the Election Codes by codifying into Law that any actions or processes outside of the prescribed manner of conducting Elections is ILLEGAL.

#### **Proper Ballot Preparation, Recording, Tracking and Storage (TX EC 51.006, 51.007, 52.062, 62.009)**

These laws are CLEAR that our ballots are to be pre-numbered, consecutively, beginning with the number one, then placed number-side down and randomized for the voter’s selection. The above codes reinforce one another, protect the anonymity of the ballot and give voters a way to summon their individual ballot via unique ballot numbers

#### **Proper Storage of Election Records by Precinct (TX EC 66.021 - 66.059)**

Voting in-precinct is mandated by Texas Laws related to the tabulation, reporting and storage of our election records. CWPPP (CountyWide Polling Place Program) makes auditing by precinct very difficult, and violates nearly the entire above cited chapter of election codes pertaining to proper tabulation, reporting and storage of election records.

#### **Proper Ballot Box Design and Function (TX EC 51.033, 51.034)**

Specifications for Ballot Boxes detail how boxes should be designed in order to secure election records from tampering by any bad actors. Modern ballot boxes no longer fit these specifications, ballots are less secure than ever and we must demand immediate redress.

#### **Voter Registration Regulations (TX EC 13.001 - 13.146)**

Herein lies the devilish details involved inflation of the voter rolls, please review in detail. This entire chapter has been thwarted by State and County officials. There is a form (17-1) that can be used to essentially “cure” a suspicious registration on a county or state voter roll. This is the responsibility of the County Clerk, the County Elections Administrator, the County Registrar, and the Elections Department of the Secretary of State’s office.

#### **Chain of Custody Requirements (129.0519(b))**

Without properly handled Chain of Custody forms, almost nothing can be proven in a Court of Law, no individuals can be identified as causing issues, and no process can be tracked to prove that the process is not lawful. Obfuscation of our records cannot be tolerated. Poll Watchers and any interested citizen auditors should feel free and act quickly to Open Records request all Chain of Custody forms, logs of seals and serial numbers and reconciliation forms from the Judge’s bags of a given polling location.

### AUDITABILITY OF RECORDS

#### **The People’s Right to Audit Our Own Elections (TX EC 1.010) (HAVA)**

PVRs (Printed Vote Records) have replaced the classic paper ballot. Still, they shall be the official voting records.. PVRs shall NOT be considered secondary to electronic data. Records should be tallied, tabulated, reported and stored by precinct for auditing purposes. The inability to audit our own elections due to violations of these codes is unacceptable and demands immediate redress. Special Elections and Criminal Penalties are called for by the People.

### Secretary of State Opinions

Dynamic and Hexadecimal numerals, letters, and other characters, are examples of inappropriate numbering, as each of these are in direct contrast with Texas Law.

### County Election Officials Must Read and Adhere to Texas Election Codes

Ch. 128 of the TX EC defers advisory power to the SOS, but the SOS cannot advise any official to, or how to, violate State Election Codes. The Secretary of State does not have the authority to circumvent State Election Codes.

### HAVA Requires Auditability of Election Systems, and Paper Shall Be the Official Record

301 a(2): “(A) In general – The voting system shall produce a record with an audit capacity for such system. (B) Manual audit capacity – (i) The voting system shall produce a permanent paper record with a manual audit capacity for such system. The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced. The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.”

