

# 2016

# BALLOT INTEGRITY

# MANUAL



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# 2016 BALLOT INTEGRITY MANUAL

## TABLE OF CONTENTS

<b>I.</b>	<b>Introduction</b>	<b>1</b>
<b>II.</b>	<b>Election Integrity Organization</b>	<b>2</b>
	<b>Task Force Leaders and Other Contacts</b>	
<b>III.</b>	<b>Organizing the Legal Response Team and the Task Forces</b>	<b>2</b>
	<b>A. Ensuring Ballot Integrity Efforts Prior To Election Day</b>	<b>2</b>
	1. County Chair Serves on the County Election Board and the County Election Commission	
	2. County Chair Works with the Local Elections Department	
	3. County Chair is Prepared to Handle Problems or Irregularities	
	4. County Chair Ensures GOP is Represented at Every Poll Site	
	5. County Chair Nominates Presiding and Alternate Election Judges	
	6. Commissioners Court Appoints Presiding and Alternate Judges	
	7. Presiding Judge’s Key Roles in Protecting Election Integrity	
	8. County Chair Submits a List to Appoint Early Voting Election Officers to the Elections Administrator	
	9. County Chair Submits a List to Appoint Early Voting Ballot Board	
	10. County Chair Submits a List to the County Election Board for the Signature Verification Committee	
	a. Appointed by the County Election Board	
	b. Duties of the Signature Verification Committee	
	c. Understanding the Requirements to Vote by Mail	
	<b>B. Organizing Ballot Integrity Efforts on Election Day</b>	<b>12</b>
	1. The Task Force Chairman	12
	2. The Legal Response Team	12
	3. Election Judges and Alternate Judges	13

VOTER ID UPDATE – NEW REQUIREMENTS  
PROVISIONAL VOTING

4. Poll Watchers	16
C. Handling Ballot Integrity Disputes After the Election	22
1. General Considerations	
2. Specific Considerations	
D. General Preparation	23
<b>IV. Uniform &amp; Overseas Citizens Absentee Voting In Federal and Texas Elections</b>	<b>24</b>
A. Introduction	
B. Who Is An Overseas Voter?	
C. Using FPCA	
D. Special Consideration for Uniformed Voters	
<b>V. Combating Voter Intimidation And Manipulation</b>	<b>27</b>
<b>VI. Complaint Steps for Election Day Attorneys</b>	<b>28</b>
<b>VII. Appendix</b>	<b>29</b>
A. Report Form for Voter Intimidation or Election Violations	29
B. Poll Watcher Appointment Forms	31
1. By a Candidate or Declared Write-In Candidate	31
2. By a Political Party	32
3. For Propositions or Issues	33
C. Appointment of Watcher for a Recount Form	34
D. Petition Requesting a Recount Form	35
E. Request for Inspectors Form	37
F. Reasonable Impediment Declaration	39
G. Memorandum: Appointment of Election Judges and Alternate Judges	41
H. Memorandum: Early Voting Ballot Board	43

## I. INTRODUCTION



Republican Party of Texas

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Tom Mechler, Chairman

### *Your Vote is Your Voice!*

This is the deeply-held belief of millions of American voters that will carry them to the polls this election season. In casting their vote for the candidates of their choice, they are full participants in our representative republic, and the peaceful transition of power is continued.

But in some areas, voter fraud is an unfortunate reality, as is the process of fraudulent voter registration and absentee ballot tampering.

Election integrity is the cornerstone of a free republic, and it is not something to be taken lightly. Each incident of voter fraud not only dilutes the legitimate votes cast in an election, it serves to undermine the faith of the American electorate.

In 2016, it is the Republican Party of Texas who will lead the way in protecting the integrity of EVERY vote, and the faith of Texas voters in every county. We want to ensure that only legitimately cast ballots in this state's election will be legally counted. Additionally, we do not want any fraudulent votes illegally counted.

We have produced this guide in the hopes that it will assist you in putting together a team dedicated to taking the lead on ballot integrity in your area. The Republican Party of Texas stands ready to assist you with this effort — we want to help *you* help your county.

The future of our state and our nation rests in our elections... it is vital that Texans not only turn out to vote this November, but remain engaged in the political process. Thank you for your efforts in protecting the integrity of Texas elections and the faith of Texas voters!

Tom Mechler  
Chairman, Republican Party of Texas

## **II. ELECTION INTEGRITY ORGANIZATION (TASK FORCE LEADERS AND OTHER CONTACTS)**

Your commitment to Ballot Integrity will ensure that only legitimately cast ballots will be legally counted, not only on a statewide level, but also in each county and precinct. It is vital that you provide volunteers to watch for possible issues that would violate the integrity of an election. Your help will guarantee the success of this election and ensure a fair result.

### **The Ballot Integrity Task Force Team:**

- a) Task Force Chairman
- b) Legal Response Team
- c) Election and Alternate Election Judges
- d) Poll Watchers

For any problems or questions prior to Election Day, please contact the Republican Party of Texas at 512-766-4597.

## **III. ORGANIZING THE LEGAL RESPONSE TEAM AND THE TASK FORCES**

Close races can be won or lost as the result of many decisions that election officials make. These decisions often are subject to a great deal of discretion.

As any election event approaches, your county Republican election team members must ensure election integrity — prior to, during, and after the election. Utilize this awareness and training in everything from your county's Ballot Integrity Task Force to the role of Election Judges, Alternate Judges and Poll Watchers, and your county's Legal Response Team.

### **A. Ensuring Ballot Integrity Efforts Prior to Election Day**

#### **1. The County Chair Serves on the County Election Board and the County Election Commission.**

The County Chairman is a member of the County Election Board. The County Election Board is established in each county for the General Election for state and county offices, a Special Election for an office regularly elected at the General Election, and any other election ordered by a county authority held at county expense. The County Election Board consists of the County Clerk as Chair, County Judge, Voter Registrar, Sheriff, and County Chair of each political party that made nominations by Primary Elections for the last General Election for state and county officers. The County Election Board is tasked

with administering the election and approves the procurement of election supplies necessary to conduct elections. The Board appoints the members of the Early Voting Ballot Board, and the Signature Verification Committee (if established in the county) from a list submitted by the County Chairs of the parties holding Primary Elections.

The County Election Commission consists of the County Judge as Chair; the County Clerk as Vice Chair; the County Tax Assessor-Collector as Secretary; and the County Chair of each political party that made nominations by Primary Elections for the last General Election for state and county officers. If a county employs an Elections Administrator, that person is appointed by the County Election Commission. (Counties that have consolidated this office with adjoining counties have a Joint Election Commission.)

## **2. The County Chair works with the Local Elections Department.**

Building a relationship based on trust and mutual respect with your County Elections Officials is one important way to ensure election integrity. The County Chair should take seriously his or her role in guaranteeing that the Elections Administrator appointed follows the law in administering the General Election.

Familiarity should begin with a visit to the elections office. Introduce yourself to the elections official and staff. Ask for an explanation of how ballots will be handled/counted, etc. Ask to see the layout of counting room areas. (Should you find that the elections office does not have, or will not provide you with, a layout of the office or counting areas, ask for a tour of the areas. This will let you create your own layout for later reference.)

Find out the election department's policy on access by persons other than official candidates and party representatives. Usually, only an official representative of a candidate or a party will be credentialed to be present during the counting of mail-in and Early Voting ballots.

It is important to know the various decision makers and where various segments of the ballot counting will be conducted.

Ask how and when they will be counting ballots by Mail and ballots by Early Voting in-person. It will be important to have someone present to verify that only legitimate mail-in ballots are counted and that ballots not meeting statutory criteria are excluded. Each County Chairman should have submitted a list of names to the Elections Administrator or County Clerk of the Early Voting Ballot Board and Signature Verification Committee.

Find out the security procedures for transferring and storing mail-in ballots, Early Voting in-person ballots, provisional ballots, and any other means by which vote counts will be conveyed to the elections department.

Ask about the security measures in place regarding the software used in the touch-screen voting machines if these will be used in your county. Each machine has its own software and, once voting is complete, the results from each machine are downloaded into a file showing the results for the polling station/precinct as a whole. A change of custody could become relevant in any post-election dispute. In addition, request copies of any certifications of voting technology being used in your county.

Make sure plenty of complaint forms and provisional ballots are readily available. Ask about the process for handling Election Day (or Early Voting) Problems and Complaints. The County Elections Department usually provides a phone number for Election Day complaints. It is very likely that the phone line will be busy. Therefore, you should get additional phone numbers where you can report election irregularities.

### **3. The County Chairman is prepared to Handle Problems or Irregularities.**

**Keep important telephone numbers of the Republican Party of Texas (RPT) Headquarters, Secretary of State Hotline, and District Judges with jurisdiction over the county (*including their home phone numbers and cell phone numbers, if available*) for Election Day and Night.**

- Suggestion: distribute pocket-size cards listing important contact numbers to all Republican election workers.

**County Elections Department:**

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**Secretary of State Elections Division: 800-252-VOTE (8683)**

**Republican Party of Texas: 512-766-4597**

**My County's Party Headquarters:**

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- 4. The County Chairman ensures that the Republican Party is represented at every polling place, including Early Voting locations.**
- 5. The County Chairman nominates Election Judges and Alternate Election Judges, which are appointed by the County Commissioner's Court.**

The County Chairman plays a key role in ensuring voting integrity by carefully following the steps in this process.

- o Each County Chairman is required to provide a list of nominees for Election Judge or Alternate Election Judge in each voting precinct and early-voting polling place in the County<sup>1</sup>.

*Note: The Appointment Process for Election Judges and Alternates changed in 2009<sup>2</sup>.*

**a) For counties with a population of over 500,000:**

Before July of each year, the County Chairs of the political parties whose candidate for governor received the highest and second highest number of votes in the county in the gubernatorial election must submit a list to the Commissioners Court naming persons in order of preference who are eligible for appointment as a Presiding or Alternate Judge in each county election precinct and as a central counting station Election Judge and Alternate Judge and who are affiliated or aligned with the County Chair's political party<sup>3</sup>.

Lists submitted by mail must be postmarked by June 30, 2016 in order for them to be considered timely filed.

The lists should contain names for every precinct in the county and for the central counting station. A County Chair may supplement the list of names for Election Judges until the 20th day before a general election in case an appointed judge becomes unable to serve. After that time, the county may make emergency appointments<sup>4</sup>.

**b) For counties with a population of 500,000 or less:**

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<sup>1</sup> *Texas Election Code (TEC) Sections [32.002\(c\)](#), [85.009\(b\)](#)*

<sup>2</sup> *House Bill 1145 (81st Legislature 2009)*

<sup>3</sup> *Id.* §§ [32.002](#) & [127.005\(e\)](#)

<sup>4</sup> *Id.* § [32.007](#)

Before August of each year, the County Chairs of the political parties whose candidate for governor received the highest and second highest number of votes in the county in the gubernatorial election must submit a list to the Commissioners Court naming persons in order of preference who are eligible for appointment as a Presiding or Alternate Judge in each county election precinct and as a central counting station Election Judge and Alternate Judge and who are affiliated or aligned with the County Chair's political party<sup>5</sup>.

Lists submitted by mail must be postmarked by July 31, 2016 in order for them to be considered timely-filed.

The lists should contain names for every precinct in the county and for the central counting station. A County Chair may supplement the list of names for Election Judges until the 20th day before a general election in case an appointed judge becomes unable to serve. After that time, the county may make emergency appointments<sup>6</sup>.

## **6. The Commissioners Court then appoints Presiding and Alternate**

**Election Judges** for each county election precinct and the central counting station from the lists submitted by the County Chairs at its July or August term, as applicable<sup>7</sup>. The Commissioners Court MUST appoint the first eligible person as Presiding Judge from the list of the party whose candidate for governor received the highest number of votes in that precinct<sup>8</sup>. The Alternate Judge MUST be the first eligible person from the list submitted by the party whose candidate for governor received the second highest number of votes in that precinct<sup>9</sup>. In counties with a population of more than 500,000, the terms of the judges start on August 1, 2016. In counties with a population of 500,000 or less, the terms of the judges start on September 1, 2016.

### **a) County Chair's Failure to Submit List by Deadline:**

If a County Chair does not submit names by the June 30, 2016, or July 31, 2016, deadline, as applicable, for a particular precinct, the County Clerk or Elections Administrator shall prepare a list for that precinct<sup>10</sup>. The Commissioners Court shall select and appoint an eligible person from the County Clerk or Elections Administrator's list who is affiliated or aligned with the appropriate party, if available<sup>11</sup>.

### **b) Presiding Judge of the Central Counting Station:**

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<sup>5</sup> *Id.* §§ [32.002](#) & [127.005\(e\)](#)

<sup>6</sup> *Id.* § [32.007](#)

<sup>7</sup> *Id.* §§ [32.001](#), [32.002](#) & [127.005\(e\)](#)

<sup>8</sup> *Id.* §§ [32.001](#)

<sup>9</sup> *Id.* §§ [32.001](#)

<sup>10</sup> *Id.* § [32.002](#)

<sup>11</sup> *Id.* § [32.002](#)

To be eligible to serve as the Presiding Judge of the central counting station, one must meet the general eligibility requirements of a Presiding Judge, except that he or she is required only to be a qualified voter of the county (not for any particular precinct)<sup>12</sup>.

**c) Emergency Appointments:**

An emergency appointment may be made if the inability of the Presiding and Alternate Judges to serve is discovered after the 20<sup>th</sup> day before general election<sup>13</sup>. The authority making the emergency appointment should make a *reasonable effort* to consult with the party chair from which the judge was originally appointed.

## **7. The Presiding Judge of each election precinct plays a key role in protecting election integrity.**

**a) Appoints Election Clerks**

The Presiding Judge for each election precinct appoints the Election Clerks, one of which must be the Alternate Judge, in the number prescribed by Commissioners Court<sup>14</sup>. In the November General Election for state and county officers, the Clerks must be selected from different political parties, if possible<sup>15</sup>.

To be eligible to serve as an Election Clerk in a precinct, a person must be a qualified voter of the county in a countywide election ordered by the governor or county authority<sup>16</sup>.

For the General Election, the County Chair of a political party whose candidate for governor received the highest or second highest number of votes in the county in the gubernatorial election may submit to a Presiding Judge a list containing the names of at least two persons who are eligible for appointment as a Clerk<sup>17</sup>.

If a timely list is submitted (*postmarked by October 14, 2016*), the Presiding Judge must appoint at least one Clerk from the list, unless there will be only one other Election Clerk in addition to the Alternate Judge serving as Clerk<sup>18</sup>. In such case, the additional Clerk must be appointed from the list of a political party with which neither the Presiding Judge nor Alternate Judge is affiliated or aligned, if such a list is submitted<sup>19</sup>.

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<sup>12</sup> *Id.* §§ [32.051](#) & [127.005](#)

<sup>13</sup> *Id.* § [32.007](#)

<sup>14</sup> *Id.* §§ [32.031](#), [32.032](#) & [32.033](#)

<sup>15</sup> *Id.* § [32.034](#)

<sup>16</sup> *Id.* § [32.051](#)

<sup>17</sup> *Id.* § [32.034\(b\)](#)

<sup>18</sup> *Id.* § [32.034\(c\)](#)

<sup>19</sup> *Id.* § [32.034\(c\)](#)

Students between the ages of 16 and 18 may also qualify to be Election Clerks<sup>20</sup>.

- b) Conducts the election within the precinct
- c) Maintains the sanctity of the ballot
- d) Is accorded the powers of a State District Judge while conducting the election due to protect the integrity of the ballot

*[Check the [Secretary of State's website](#) for additional information.]*

## **8. The County Chair submits a list for appointment of Early Voting Election Officers to the elections administrator.**

The elections administrator selects election officers for the main Early Voting location, as well as branch Early Voting locations, from lists provided by the County Chairs to ensure equal representation for each political party<sup>21</sup>.

**However, the Elections Administrator, as Early Voting Clerk, has the ultimate responsibility for the overall conduct of Early Voting<sup>22</sup>.**

Before July of each year, the County Chair of each political party submits in writing to the elections administrator a list of names of persons, in order of preference, to serve at each Early Voting polling place<sup>23</sup>. The list must contain the names of individuals who are eligible to serve under the requirements set forth in the Code for presiding Election Judges, with the exception that employees of the Early Voting Clerk are allowed to serve and permanent employees of the county who are not qualified voters of the county may also serve, if registered to vote in another county<sup>24</sup>. The County Chair may supplement the list of names until the 30th day before Early Voting begins in the event an appointed officer becomes ineligible to serve<sup>25</sup>.

The elections administrator MUST appoint the first person who meets the eligibility requirements from the list submitted by the party that obtained the highest number of votes in the county from the gubernatorial election as the Early Voting Presiding Officer

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<sup>20</sup> *Id.* § [32.0511](#)

<sup>21</sup> *Id.* § [85.009](#)

<sup>22</sup> *Id.* § [83.031\(c\)](#)

<sup>23</sup> *Id.* § [85.009](#)

<sup>24</sup> *Id.* §§ [83.032\(b\)](#) & [85.009](#)

<sup>25</sup> *Id.* § [85.009](#)

of that Early Voting polling place and the first person meeting the eligibility requirements from the list submitted by the party that obtained the second highest number of votes to serve as the Early Voting Alternate Presiding Officer of that Early Voting polling place.

Additional Early Voting election officers for each Early Voting polling place will be appointed from the lists submitted by the County Chairs to the elections administrator for each Early Voting polling place. If a County Chair fails to submit a list to the elections administrator, the elections administrator must make reasonable attempts to consult with the party. If such attempts do not prove successful, the elections administrator will select Early Voting election officers for the Early Voting polling place(s) in a manner that attempts to ensure equal representation for the parties to the extent possible.

## **9. The County Chair submits a list of eligible persons for appointment to the Early Voting Ballot Board.**

*The procedure for appointing the Early Voting Ballot Board for the November General Election is set out in Section 87.002 of the Code<sup>26</sup>.*

The County Election Board appoints the Early Voting Ballot Board in each election to process Early Voting results. The minimum number of Early Voting Ballot Board members to be appointed is three, a presiding judge and two clerks<sup>27</sup>.

- a) Eligibility requirements are the same as for Presiding Election Judges, except a member of the Early Voting Ballot Board has only to be a qualified voter of the county.
- b) Party Chairs, *including the Libertarian Party of Texas and other parties that are on the ballot*, submit lists of eligible persons for appointment to the board<sup>28</sup> within the same time frame that they are preparing names for precinct Election Judges for submission to Commissioners Court.
  - In counties with a population of over 500,000, the chairs should submit names of persons to serve on the Early Voting Ballot Board by June 30, 2016.
  - In counties with a population of 500,000 or less, the chairs should submit names of persons to serve on the Early Voting Ballot Board by July 31, 2016.
- c) Members of the Early Voting Ballot Board should be appointed by October 1<sup>st</sup> to allow time for notice requirements.

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<sup>26</sup> *Id.* § [87.002\(c\)](#)

<sup>27</sup> *Id.* § [87.002\(a\)](#)

<sup>28</sup> *Id.* § [87.002](#)

- d) The Presiding Judge of the Early Voting Ballot Board is appointed from the list of the political party whose candidate for governor received the highest vote in the gubernatorial general election countywide<sup>29</sup>. For the remaining members, the county election board must select *at least one* from each party chair's list<sup>30</sup>. If more than three members are ordered, an equal number of members must be chosen from each list.

## 10. The County Chair submits a list to the County Election Board for the Signature Verification Committee.

*Most mail-in ballot fraud can be prevented if this committee does its job—and this is why it is essential to ensure that Republicans are a part of this committee. They are our front-line defense team against mail-in ballot fraud.*

### a) Appointed by the County Election Board:

If the Elections Administrator determines that a Signature Verification Committee is desirable, or if in receipt of a petition signed by 15 registered voters, the Elections Administrator shall issue a written order creating the Signature Verification Committee<sup>31</sup>. The deadline to submit a petition requesting creation of a Signature Verification Committee is **October 1, 2016**. A request submitted by mail is considered submitted at the *time of its receipt* by the Early Voting Clerk<sup>32</sup>.

The Early Voting Clerk (who is also the Elections Administrator) determines the number of members on the committee (minimum of five, including the committee chair and four members)<sup>33</sup>.

The County Election Board appoints the members of the Signature Verification Committee from a list submitted by the County Chairs, *including the County Chair of the Libertarian Party of Texas*, and approves the procurement of election supplies necessary to conduct elections.

If a county in which the Republican nominee for governor got the most votes in the last gubernatorial election, Republicans are entitled to have a majority of the members on the Signature Verification Committee<sup>34</sup>.

In order to serve on the committee, a person must be a qualified voter of the county<sup>35</sup>.

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<sup>29</sup> *Id.* § [87.002\(b\)](#)

<sup>30</sup> *Id.* § [51.002](#) & [87.002](#)

<sup>31</sup> *Id.* § [87.027\(a\)](#)

<sup>32</sup> *Id.* § [87.027 \(a-1\)](#)

<sup>33</sup> *Id.* § [87.027\(d\)](#)

<sup>34</sup> *Id.* § [87.027\(d\)](#)

The County Elections Board shall appoint the members of the Signature Verification Committee not later than the 5<sup>th</sup> day after the date the Early Voting Clerk issues the order calling for the creation of the committee *or* not later than **October 15, 2016**, if the committee is created after a valid petition was submitted requesting its creation<sup>36</sup>. Ideally, the Signature Verification Committee should be appointed (if needed) by **October 11, 2016**, to allow time for all necessary notice requirements. Therefore, the parties should submit the lists to the chair of the County Elections Board (elections administrator) by the end of August to allow for appointment during the month of September or no later than the **October 11, 2016** recommended date.

The Presiding Judge of the Signature Verification Committee is appointed from the list of the party whose candidate for governor received the highest vote in the gubernatorial election countywide<sup>37</sup>. For the remaining members, the county election board must select *at least two qualified individuals* from each chair's list. If Clerks beyond the minimum requirement are ordered, an equal number must be chosen from each list.

**b) Duties of the Signature Verification Committee are very important.**

Examine the signatures on each mail-in ballot application and carrier envelope to determine if they are from the same voter. The Signature Verification Committee, if established in the county, makes a determination by majority vote, that the signatures are of the same voter. If the Signature Verification Committee determines the signatures are from the same voter, the ballot is passed on to the Early Voting Ballot Board, who verifies the ballot meets other requirements and accepts it for counting. If the Signature Verification Committee determines the signatures to be of the same person, the Early Voting Ballot Board cannot overrule that determination; however, if the Signature Verification Committee determines the signatures are NOT of the same person, the Early Voting Ballot Board, by majority vote may overturn that determination, and accept the ballot for counting.

In addition to the signature requirement above, qualifications for Early Voting by Mail are set forth in Texas Election Code Sections [82-84](#) and include:

- disability
- confinement in jail
- expected absence from the county from the beginning of Early Voting through Election Day
- 65 years or older on Election Day.

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<sup>35</sup> *Id.* § [87.027\(e\)](#)

<sup>36</sup> *Id.* § [87.027\(f\)](#)

<sup>37</sup> *Id.* § [87.027\(d\)](#)

The Early Voting Ballot Board must determine that the voter was qualified to vote by mail in order to accept the ballot for counting.

**Lists of Persons ineligible to Vote:** The County Chair or other individual should compile a list of individuals who are deceased, yet still on the active voter rolls, ahead of time for use in challenges.

### c) **Understanding the requirements for Voting by Mail**

The Application for a Ballot By Mail (ABBM):

- Must be submitted on or after the 60th day before Election Day and *received* in the Early Voting Clerk's office by close of business on the 11th Day before Election Day<sup>38</sup>.
- Must include:
  - Name of the voter
  - Residence address
  - Voting precinct
  - Type and date of election (*often incorrect on fraudulent applications, since vote brokers store up multiple executed applications and sometimes put the wrong one in the mail*)
  - Reason for requesting a mail-in ballot
  - Signature of the voter or the voter's mark
  - Name, address, relationship to the voter, and signature of an assistant (*if the voter was assisted*)
  - If the ballot is to be mailed to an address other than the residence, the address and relationship of that address to the voter (*hospital, nursing home, out of county, relative and relationship*)
  - Must be mailed from an address out of the county if ballot is postmarked after in-person Early Voting has begun, and if "expected absence from the county" is checked.<sup>39</sup>
- Must be signed by person assisting another voter in filling out an application, with their name and address, and relationship to the voter<sup>40</sup>. (*Evidence that someone has assisted the voter and has not filled in this information as required: handwriting in different inks or handwriting for different parts of the applications*)
  - Voter's mark (*e.g. X*) without assistant information
  - Signature in different handwriting than the application
- An assistant may NOT assist more than one voter's application that is not a relative of the assistant<sup>41</sup>.

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<sup>38</sup> *Id* § [84.007](#)

<sup>39</sup> *Id* § [84.002](#), [84.005](#)

<sup>40</sup> *Id* § [84.003](#)

<sup>41</sup> *Id* § [84.004](#)

- Ballot must be addressed to either the residential address of the voter or address provided in the application; e.g., nursing home, hospital.<sup>42</sup>
- Ballot must be marked by the voter and sealed in the white ballot secrecy envelope. Then the white envelope with the voted ballot is sealed inside the carrier envelope<sup>43</sup>. The voter must sign or make their mark across the seal after it has been sealed<sup>44</sup>. The carrier envelope should not show evidence of opening after it is sealed, except by election officials<sup>45</sup>.
- Ballot must be mailed by the USPS Mail or delivered by a common carrier, such as a delivery service that delivers other packages<sup>46</sup>, e.g. FedEx, UPS, etc.
- Ballot must not be hand-delivered to the Elections Administrator<sup>47</sup>. Check to see that the ballot carrier has proper postage and is postmarked. A person assisting the voter in filling out the ballot or handling the carrier envelope must sign and provide their name in the space provided<sup>48</sup>. A person may not handle multiple ballots unless they are a relative of the voter<sup>49</sup>.
- For a Ballot in which the carrier envelope is not properly executed, the ballot should be challenged *before a mail-in ballot envelope is opened*.  
 Unless a ballot challenge is made *before a mail-in ballot envelope is opened*, the challenge is waived. If the challenge is overruled, request that the challenged ballot and envelope be kept together for future challenge. (Otherwise, they will be separated and it will be difficult, if not impossible, to track the relevant envelope that prompted the challenge to the corresponding ballot).
- The Early Ballot Board and Signature Verification Committee may not accept for counting:
  - a. Ballot in which the carrier envelope is not properly executed<sup>50</sup>
  - b. Carrier envelope whose signature does not match that of the application to vote by mail<sup>51</sup>
  - c. Ballot in which the application did not state a proper ground for mail-in voting; e.g. over age 65 (check to make sure the person is actually over 65), disabled, out of county
  - d. Ballot from a voter who is not registered to vote in that county or precinct<sup>52</sup>;
  - e. Carrier envelope that is not mailed from an address outside the county if that reason is checked<sup>53</sup> (check the postmark);

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<sup>42</sup> *Id* § [86.003](#)

<sup>43</sup> *Id* § [86.005](#)

<sup>44</sup> *Id* § [86.005](#)

<sup>45</sup> *Id* § [86.005](#)

<sup>46</sup> *Id* § [86.0051](#)

<sup>47</sup> *Id* § [86.0051](#)

<sup>48</sup> *Id* § [86.010](#)

<sup>49</sup> *Id* § [86.010](#)

<sup>50</sup> *Id* § [87.041\(b\)\(1\)](#)

<sup>51</sup> *Id* § [87.041\(b\)\(2\)](#)

<sup>52</sup> *Id* § [87.041\(b\)\(4\)](#)

<sup>53</sup> *Id* § [87.041\(b\)\(5\)](#)

- f. Ballot from a voter who is voting for the first time in a federal election in the county and has not shown proof of identification<sup>54</sup>;
  - g. Ballot from a voter who has had their voter registration card returned in the mail for bad address or whose residential address is different from that in the voter records and has not executed a "Statement of Residence" Form<sup>55</sup> (Check that the form is in the carrier with the ballot.)
- The same person cannot sign multiple people's signatures on either the application, carrier envelope, or Election Day sign-in roster. All voters must sign their own name, if able. If not, an assistant must provide their own name, information, and signature.
  - No voter may vote without signing either an application and carrier envelope, or in-person voting roster.
  - There must be a signature for every ballot counted.
  - It goes without saying that a voter cannot vote twice by mail, or once by mail and again during early in-person or Election Day voting.
  - Nor may deceased individuals vote — this actually happens!

## B. Organizing Ballot Integrity Efforts on Election Day

### 1. The Task Force Chairman

### 2. The Legal Response Team

The Legal Response Team is prepared for any legal or election code problems that may arise in the election process.

The Legal Response Team should be aware of all governing Texas Election Code Rules and requirements governing the conduct of elections, including Title 6 (chapters 61-68) entitled "[Conduct of Elections](#)" which sets forth the rules for accepting voters and provisional ballot voters, and Title 7 (chapters 81-114) entitled "[Early Voting](#)" which sets forth the rules governing all Early Voting.

The size of the Legal Response Team will depend on the size of the county. The Chairman should assign responsibility for the specific areas such as Voter Registration, Early Voting by Mail, Early Voting in Person, and Election Day Voting.

Essential to the Legal Response Team is an Attorney knowledgeable of Texas Election Code Rules governing elections.

During polling hours, the attorney, stationed at his/her firm or at another central

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<sup>54</sup> *Id* § [87.041](#)

<sup>55</sup> *Id* § [87.041\(b\)\(6\)](#)

location, should be the main contact point for attorneys or Poll Watchers in the field to call in the event of a problem.

The attorney should be knowledgeable of all Texas Election Code requirements governing the conduct of elections. That attorney will call the elections office directly to alert the elections official and/or staff to any irregularities in the field.

Station an attorney, or other knowledgeable volunteer, at the elections office with a cell phone and charger. This will provide an alternative means of lodging complaints if the official elections number is busy.

### **3. Election Judges and Alternate Judges**

**Election Judges and Alternate Judges** ensure election integrity by carefully following the voting procedures set forth in the Texas Election Code and by Secretary of State's Election Division.

Here are some specific voting procedures, which, if followed correctly, will protect the integrity of EVERY vote.

#### **• VOTER ID UPDATE – NEW PROCEDURES**

Pursuant to a court order issued on August 10, 2016, by the 5<sup>th</sup> Circuit of the US Court of Appeals regarding *Veasey v. Abbott* (Texas Voter ID), a voter who possesses an acceptable form of photo ID listed below must present such acceptable form of photo ID. Voters who do not possess one of the forms of acceptable photo identification listed below, and cannot reasonably obtain one of the forms of acceptable photo identification listed below, may present a supporting form of identification of the voter and execute a Reasonable Impediment Declaration, noting the voter's reasonable impediment to obtaining an acceptable form of photo identification, stating that the voter is the same person who personally appeared at the polling place, and stating that the voter is casting a ballot while voting in-person. **A person who follows this procedure is, under the court order, permitted to vote a regular ballot.**

Here is a list of the **Acceptable Forms** of photo ID:

- Texas driver license issued by the Texas Department of Public Safety (DPS)
- Texas Election Identification Certificate issued by DPS
- Texas personal identification card issued by DPS
- Texas license to carry a handgun issued by DPS
- United States military identification card containing the person's photograph
- United States citizenship certificate containing the person's photograph
- United States passport

With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 4 years before being presented for voter qualification at the polling place.

**NOTE:** This is a change from previous procedure. Prior law required that the photo ID not be expired for more than 60 days.

Here is a list of the **Supporting Forms** of ID that can be presented if the voter does not possess, and cannot reasonably obtain one of the forms of acceptable photo ID:

- Valid voter registration certificate
- Certified birth certificate (must be an original)
- Copy of or original current utility bill
- Copy of or original bank statement
- Copy of or original government check
- Copy of or original paycheck
- Copy of or original government document with the voter's name and an address (original required if it contains a photograph)

### **Reasonable Impediment Declaration**

After presenting a supporting form of ID, the voter must execute a Reasonable Impediment Declaration. **The election judge, election clerk, or poll watcher cannot question the reasonableness or truthfulness of the impediment claimed by the voter. The poll watcher is not permitted to communicate in any manner with any voter concerning the Reasonable Impediment Declaration procedures or presentation of identification.**

On the Reasonable Impediment Declaration, the voter must print their name, indicate the voter's reasonable impediment to obtaining one of the seven forms of acceptable photo ID, and then sign and date the form in the presence of the election judge. The election judge must then indicate that the form was signed and sworn before the judge by also signing and dating the form. Either the poll worker or the election judge should also check the box listing the form of supporting ID the voter presented, and fill in the Date of Election and Location fields.

**NOTE:** The address on either a supporting form of ID or an acceptable photo identification does not need to match the address on the list of registered voters.

### **Substantially Similar Name Affidavit**

Finally, note that, as was the case in prior law, if the voter's name on the list of registered voters does not match exactly to the ID presented (either an acceptable form of photo ID

or a supporting form of ID), the voter must complete the “Substantially Similar Name Affidavit” on the Combination Form.

## • PROVISIONAL VOTING

When a voter attempts to vote and the eligibility to vote is in question, the voter may be allowed to vote under the Provisional Voting Process. The Presiding Judge must inform the voter of the Provisional Voting Process and the procedures involved. A voter without a valid certificate or some other form of identification must vote under the Provisional Voting process<sup>56</sup>.

### ○ **When must a voter cast a provisional ballot?**

- a) Voter claims to be properly registered and eligible to vote at the election precinct, but whose name does not appear on the list of registered voters and whose registration cannot be determined by the Voter Registrar.
- b) When a voter who is designated as a First-Time voter on the list of registered voters, but is unable to produce the required identification.
- c) When a voter who has applied for a ballot by mail, but has not returned the ballot by mail, and does not bring the ballot to the poll to be cancelled.
- d) Whenever polling hours are extended by a state or federal court
- e) When a voter is registered to vote but attempting to vote in a different precinct other than the one in which the voter is registered
- f) When a voter is required to present identification but does not
- g) When a voter who is on the list, but registered residence address is outside the political subdivision<sup>57</sup>.

### ○ **A Quick Summary of the Provisional Voting Procedure:**

- a) Voter does not appear to be an eligible voter.
- b) Election worker calls Voter Registrar to verify voter’s registration status.
- c) If Voter Registrar has no record of voter being registered, or Voter Registrar could not be reached, Election Judge completes a portion of the provisional ballot affidavit envelope indicating reason for voter’s casting a provisional ballot. Voter completes and signs provisional ballot affidavit envelope, affirming that voter is an eligible, registered voter of the precinct.
- d) Election Judge reviews and signs the voter’s affidavit and accepts voter. Accepted voter’s name is added to the list of provisional voters and the Combination Form/Poll list where the box labeled "Provisional" is checked. Voter signs Combination Form/Signature roster.

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<sup>56</sup> § [63.011](#)

<sup>57</sup> *Texas Administrative Code Sec. [81.172](#)*

- e) Voter is asked to select a provisional ballot, which must be sealed in a secrecy envelope after it is marked and then placed within the provisional ballot affidavit envelope previously completed by Election Judge and voter.
- f) Voter is given Notice to Provisional Voter indicating the process by which the eligibility of the voter will be verified by the Voter Registrar. Notice tells voter that they will be informed within 10 days after Election Day as to whether the vote was counted.
- g) Voter proceeds to voting booth to vote ballot, then places the sealed provisional ballot affidavit envelope in the regular ballot box or other designated container.

#### 4. Poll Watchers

The Poll Watcher's role in an election is established by [Chapter 33](#) in the Texas Election Code.

- **Poll Watchers** may need to be enlisted to:
  - Witness transfers of the ballots and other applicable information, by whatever means is in effect, to the election office **after the polls close**. Depending on the technology being used, this transfer may occur at the precinct or other location remote from the elections department, or it may require the transportation of the data to the elections department. *These procedures should be verified in advance of Election Day.*
  - Serve as the party's official representative in the counting room at the elections department.
- All Poll Watchers should make note of any issues or strange occurrences that arise during the transfer or counting. It is a good idea to have snacks, water, and a phone with you (as well as a phone charger); it could be a long night.
- After the counting is complete, obtain a copy of the preliminary results report printout from the elections official. Also document the seals on the ballot boxes—make sure they are intact and record the numbers of both seals. *Go back the next morning as soon as the office opens for another reprint in case there are any changes.*

#### **Poll Watchers:**

- Observe the conduct of an election
- Must be appointed by:
  - A candidate whose name appears on the ballot
  - A write-in candidate
  - The Party Chair of the county with a candidate on the ballot

- The Campaign Treasurer of a specific purpose political action committee that supports or opposes a measure on the ballot

**Who Can Be a Poll Watcher**                      Any voter registered in the county

**Who CANNOT Be A Poll Watcher?**      Persons convicted of an election offense  
 Candidates for public office  
 Employees of election officials  
 Relatives of election officials  
 Elected public officials

- a) **A Poll Watcher does not need to live in the election precinct in which he is serving, but must be a registered voter in the county<sup>58</sup>.**
- b) **Each appointing authority can appoint:**
  - A maximum of seven (7) watchers for each Early Voting polling place (no more than 2 may be on duty at the same location and at the same time)
  - A maximum of two (2) watchers for each precinct polling place, meeting place for an Early Voting Ballot Board, or central counting station involved in the election.
- **Appointing authority issues a Certificate of Appointment to the Poll Watcher. The Certificate must be in writing and must include:**
  - a) Name, residence address, voter registration number, and signature of the Poll Watcher
  - b) The election and the number of the precinct or location at which the Poll Watcher is appointed to serve
  - c) The person(s) making the appointment must sign the Certificate of Appointment.
  - d) An indication of the capacity in which the appointing authority is acting (by a candidate, on behalf of a political party, etc.)
  - e) An Affidavit stating that the appointee will not have possession of any audio or video equipment while serving as a Poll Watcher. This **Affidavit is signed in the presence of the Presiding Judge** and also serves as the countersignature as discussed below.
- A Poll Watcher must deliver a Certificate of Appointment to the Presiding Judge when the Poll Watcher reports for service.

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<sup>58</sup> Id § [33.031](#).

- The Presiding Judge presented with a Poll Watcher's certificate of appointment must require the Poll Watcher to countersign the certificate in the officer's presence to verify that the Poll Watcher is the same person who originally signed the certificate. The Poll Watcher's signature in the portion of the certificate containing the affidavit that the Poll Watcher does not have possession of any prohibited recording devices serves as the countersignature.
- When the Poll Watcher is accepted, the judge keeps the certificate.
- If the Poll Watcher is rejected, the certificate should be returned to the Poll Watcher with a signed statement of the reason for the rejection.
- *Any rejected Poll Watcher should immediately contact the appointing authority!*

### When do Poll Watchers need to report to the polling place?

- During Early Voting:** A Poll Watcher may be present at the Early Voting polling place at any time it is open and until voting equipment is secured on the close of voting each day.
- On Election Day:** A Poll Watcher may begin service at any time after the Presiding Judge arrives.

### How long do Poll Watchers have to stay?

- During Early Voting:** serves during the hours the watcher chooses.
- On Election Day:** may stay at the polling place until election officials complete their duties.
  - A Poll Watcher who serves more than five (5) continuous hours may serve at the polling place during the hours the Poll Watcher chooses, except that if the Poll Watcher is present at the polling place when the ballots are counted, the Poll Watcher may not leave until the counting is complete. If a Poll Watcher has served for five continuous hours and no counting has begun, the Poll Watcher may leave and return without needing permission from the Election Judge.
  - A Poll Watcher who serves less than five hours may arrive at a time of the Poll Watcher's choosing; however, if the Poll Watcher leaves the polling place without serving for five continuous hours, the judge may not readmit the Poll Watcher. The only exception to this rule is if the Poll Watcher exits and promptly returns to use a wireless communications device (cell phone) outside the polling place. Absence from the polling place for this purpose does not count against the five continuous hours rule<sup>59</sup>.

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<sup>59</sup> *Id* §[66.058](#)

## **How can the Poll Watcher watch ballots being counted?**

- **Early Voting Ballot Board** (*including the Signature Verification Committee*)
  1. May be present at any time the counting station is open for the purpose of processing or preparing to process election results and until the election officers complete their duties at the station
  2. May not leave during voting hours on election day without the presiding judge's permission if the board has recorded any votes cast on voting machines or counted any ballots, unless the board has completed its duties and has been dismissed by the presiding judge.
- **Central Counting Station**
  1. May be present at any time the station is open for the purpose of processing or preparing to process election results and until the election officers complete their duties at the station.
  2. May serve during the hours the watcher chooses, except may not leave during voting hours on election day without the presiding judge's permission if the counting of ballots at the central counting station has begun.

## **What may a Poll Watcher observe?**

- Early Voting polling place activities
- Election Day polling place activities
- Early Voting Ballot Board meeting activities
- Central Counting Station activities
- Central Accumulation Station activities
- Signature Verification Committee activities
- A voter being assisted by an election official
- Inspecting and securing the voting equipment
- Delivery of election results
- Return of a defective mail-in ballot application:
  - May accompany the Clerk to deliver a voter a second application in person if the defective original application is timely and received before deadline

## **What are a Poll Watcher's duties?**

- To observe the conduct of the election at the voting location
- To point out to an Election Judge or Clerk any observed irregularity or violation of the Texas Election Code (if the Clerk refers the Poll Watcher to the Election Judge, the Poll Watcher may not discuss the matter further with the Clerk)

- To wear a Poll Watcher badge

### **What is a Poll Watcher permitted to do (*but does not have to*)?**

- Witness the installation of voting machines at the polling place
- Observe the securing of voting system equipment before the election
- Exit the polling place to use a cell phone and return promptly
- Sit or stand conveniently near election officials to observe the activities of the election
- Make written notes while on duty
- Observe assistance given to voters by election officials and inspect the ballot before it is deposited in the ballot box to determine if it was prepared in accordance with the voter's wishes
- Receive an English translation of any communication spoken other than English between a voter and an election official
- Inspect the returns and other records prepared by the election officers
- Witness securing of the voting machines at the time the polls close
- Observe the tallying and counting of votes to verify votes are tallied and read correctly
- Accompany election officials in delivering election records from a precinct polling place, an Early Voting polling place, a meeting place for an Early Voting Ballot Board, or a Central Counting Station

### **What can Poll Watchers NOT do?**

- Do not talk with an election officer regarding the election (except to call attention to an irregularity or violation)
- Do not converse with a voter
- Do not use a cell phone or other wireless communications device (but may exit to use phone and return promptly)
- Do not converse with other Poll Watchers
- Do not communicate in any manner with a voter regarding the election
- Do not leave the polling place without first serving for five continuous hours (If the watcher leaves without first serving five hours, the Presiding Judge may not readmit the watcher)
- Do not reveal the following information before the polls close:
  - How a voter has voted
  - The number of votes received for a candidate or a measure
  - A candidate's position relative to other candidates in the tabulation of the votes

- The names of persons who have or have not voted in the election

### **What should Poll Watchers keep an eye out for?**

*Document! Document! Document!*

- Election workers allowing voters who do not have proof of identification to vote without providing an acceptable form of identification as required by law, except those using the process set forth in the bullet point below:
  - Driver license, Election Identification Certificate, license to carry a handgun, or personal identification card issued by the Texas Department of Public Safety (DPS), that is current or has expired no more than 4 years
  - United States military identification card containing the person's photograph
  - United States citizenship certificate containing the person's photograph
  - United States passport
- Election workers allowing voters to vote if the voter cannot obtain an acceptable form of identification and the voter did not present one of the following supporting forms of identification with a signed Reasonable Impediment Declaration:
  - Valid voter registration certificate
  - Certified original birth certificate
  - Copy of or original current utility bill with the voter's name and an address
  - Copy of or original government check with the voter's name and an address
  - Copy of or original paycheck with the voter's name and an address
  - Copy of or original government document with the voter's name and an address (original required if it contains a photograph)
  - NOTE: The voter's address does not have to match the address on the poll list
- Electioneering and loitering within 100 feet of the entrance of the building in which a polling place is located
- Using sound amplification equipment within 1,000 feet of the entrance of the building in which a polling place is located
- Bribery of voters, including offering free food or cigarettes
- Unlawfully influencing voter
- Coercion of voters
- Unlawfully telling another person information that was obtained at the polling place about how a voter has voted
- Unlawfully giving information about the status of the count or the names of people who have voted before the polls close
- Tampering with a direct recording electronic voting machine
- Tampering with voting equipment
- Illegal voting

- Unlawful removal of ballot from ballot box
- Harassing the election officials
- Unlawful voter assistance or instruction
- Unlawful casting of a fleeing voter who left a voted ballot uncast that must be cancelled
- Giving the voter three or more replacement ballots which were marked in error by voter
- Unlawful acceptance of or refusal to accept voters
- Use of a wireless communication device within 100 feet of the polling place
- Interfering with the voting process
- Disregard of Texas Election Laws

### **What else should Poll Watchers know?**

- **Who is allowed inside the polling place:**
  - Election judge and clerks
  - Poll watchers and Secretary of State inspectors
  - Persons admitted to vote
  - Children under 18 years old who are accompanying a parent who is admitted to vote
  - Persons providing assistance to or interpreting for a voter who is entitled to assistance or to an interpreter
  - Federal inspectors appointed by the U.S. Department of Justice
  - Persons summoned or appointed by the presiding election judge to act as special peace officers to preserve order
  - Voting system technician on the request of the authority holding the election
- **Who should vote with a provisional ballot:**
  - A voter who claims to be properly registered and eligible to vote at the election precinct, but whose name does not appear on the list of registered voters and whose registration cannot be determined by the Voter Registrar
  - NOTE: The election officer must ask the person if they registered at DPS and make a note on the "Other" line on the Provisional Ballot Affidavit Envelope
  - A voter who has applied for a ballot by mail, but has not returned the mail ballot
  - A voter who votes during the polling hours that are extended by a state or federal court
  - A voter who is registered to vote but attempting to vote in a different precinct other than the one in which the voter is registered
  - A voter who is required to present identification but does not

- A voter who is on the list, but registered residence address is outside the political subdivision

*Refer to: Texas Secretary of State at [www.sos.state.tx.us](http://www.sos.state.tx.us) or (800) 252-VOTE (8683).*

## C. Handling Disputes of Ballot Integrity After the Election

### 1. General Considerations

In the event of a dispute, do the following *as soon as possible*:

- Obtain copies of the preliminary results;
- Obtain precinct reports;
- Find out where and when any recounts will be conducted;
- Obtain results for all races in the county and state;
- Obtain a list of all overvotes and undervotes;
- Find out how many mail-in ballots were cast, broken down by precinct;
- Find out how many provisional ballots were cast (accepted) and rejected;
- Keep someone at the election official's office at all times to observe everything that is occurring;
- Obtain incident reports from witnesses;
- Consider steps to obtain copies of election records such as registration applications, registration records, voter suspense lists, Early Voting records and applications.
- Before leaving on Election Night make sure all boxes are sealed and in a secure location; and
- Record seal numbers for each box.

#### **Important:**

Contact RPT State Headquarters (512-766-4597), the Secretary of State (800-252-8683), and if necessary, local law enforcement/judicial officials *as soon as possible*. Rely on their guidance, as not every measure necessary to be taken can be detailed here.

**Please note that there are specific rules governing public access of election records<sup>60</sup>.**

- Any party or candidate may request a recount in writing. In a close election, have a volunteer stationed at the county election official's office first thing the morning after the election. It is also a good idea to send a written request to the election official requesting notification of any recount requests. Contact the elections official and find out when and where any recount request (notice is likely to be short) will be considered. **It is critical to stay on top of the matter; the opposing side may amend its request regarding the scope of the recount at any time.**

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<sup>60</sup> For further information please see TEC Ch. 66 entitled "Disposition of Records and Supplies after Election." Additionally, the Texas Public Information Act (Texas Government Code Ch. 552) is another potential avenue to request records.

- The canvass of the Election Day returns will be conducted by the Commissioners Court for county elections and ultimately by the Governor for most statewide elections<sup>61</sup>. The general rule is that elections ordered by the Governor or county authority shall be canvassed by the Commissioners Court for each county in which the election is held<sup>62</sup>. Moreover, in elections ordered by a political subdivision aside from a county, that political subdivision's governing body shall canvass the election returns<sup>63</sup>.

## 2. Specific Considerations

- Every vote cast from within the U.S. must be received by the appropriate elections official by 7 p.m. on Election Day<sup>64</sup>.
- **Preserve Evidence** (*Document! Document! Document!*)  
If you observe a violation of the Election Code, you should record a **detailed** description of the problem. The more information you are able to document, the better your chances are for ensuring a fair and just election.
- County Chairmen and the Legal Response Team should work with all Poll Watchers and investigate alleged problems and issues promptly.
- Problems should also be reported to:  
**RPT State Headquarters at 512-766-4597**  
**Secretary of State at 800-252-8683.**

## D. General Preparation

Have your game plan ready for Early Voting, Election Day and thereafter.

Suggested pre-election action items:

- Have at least two people in charge of your overall Ballot Integrity Program.
- Recruit, Train, and Appoint Poll Watchers and Election Workers.
- Have group E-mail and fax cover sheets ready for action.
- Have a list of all appropriate contact information.
- Decide in advance who will be responsible for:
  - a. Early Voting and Election Day complaints.
  - b. Mail-in ballot issues/provisional ballots (coordination is critical).
    - Team One: voter validation (support ballots).
    - Team Two: ballot challenges (object to illegal ballots).
  - c. Information collection (Canvass reports, filings, etc.).
  - d. Communications (both internal and external).

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<sup>61</sup> TEC Chap. 67 & 87.

<sup>62</sup> § 67.002(a)(1).

<sup>63</sup> §. 67.002(a)(2).

<sup>64</sup> § 41.031

e. Recounts/litigation

(Helpful to divide up: drafting of factual background, legal research, legal argument drafting, exhibits/transcript cites, and final editor for consistency).

f. Media and political support.

g. Local political/voting expert and statistician on standby.

h. Investigator on standby.

**Anticipation of potential problems and advance preparation will be key to winning any election dispute.** Unexpected issues will arise. However, if the team is ready to deal with the easy issues, you will have more time and resources available to address surprises that come along.

## IV. UNIFORM & OVERSEAS CITIZENS ABSENTEE VOTING IN FEDERAL AND TEXAS ELECTIONS

### A. Introduction

Federal and Texas laws mandate special treatment for absentee ballots cast by "Overseas Voters" in federal elections. First, in appropriate circumstances, an overseas voter may use a special "Federal write-in absentee ballot" (FWAB) in lieu of the ordinary forms of absentee ballot specified under Texas law and provided by the state or county. Second, an absentee ballot submitted by an overseas voter in a federal election is counted in the vote for federal offices if (i) postmarked or signed and dated no later than the date of the election **and** (ii) received no later than 5 days from the date of the election, extended to Monday, November 14, 2016.

#### **Instructions for Voter Registration/Absentee Ballot Request:**

The Federal Post Card Application (FPCA) permanently registers you to vote and requests absentee ballots for all federal elections held through the next two regularly scheduled general elections. If you indicate you are "indefinitely away" in Block 1 on the FPCA, your application will serve as a temporary registration only. If you submit your FPCA by October 19, you will receive a full ballot. FPCAs received after this date will be issued a ballot for federal contests only.

You may be already registered to vote. To check, go to Texas's [voter registration verification website](#). Even if you are registered to vote, you still need to complete the form to receive an absentee ballot. You may not need to fill out this entire form. Check out the instructions below to see what information your State requires.

These special rules apply only to elections for federal office. The federal absentee ballot may not be used to vote for candidates for state, county or municipal office or in a referendum, regardless of when it is received. A person voting a federal ballot is entitled to vote only on each federal office on the ballot in the election precinct of the person's most recent domicile. TEC Sec. [114.003](#). The Texas Election Code, however, does include procedures by which military personnel can request a state write-in ballot to vote in Texas elections under certain circumstances as set forth in Texas Election Code (TEC) [105](#).

### B. Who Is An "Overseas Voter"?

The special rules (TEC [101.001](#)) relating to "Overseas Voters" apply to two classes of the electorate:

1. Members of the uniformed services (including Army, Navy, Air Force, Marines, Coast Guard, Commissioned Corps of the Public Health Service, and Commissioned Corps of the National Oceanic and Atmospheric Administration, and the Merchant Marines) who are outside of the United States by reason of active duty or service, their spouses and dependents, who are properly qualified to vote at their Texas residence; and
2. Persons who reside outside the United States whose last residence in the United States was in Texas and who are (otherwise) properly qualified to vote in Texas, if registered.

### **C. Use of Federal Write-In Absentee Ballots**

The "Federal write-in absentee ballot" is a form of ballot provided by the federal government for use in federal elections and made available at foreign locations including many American embassies, consulates, and overseas military bases. The ballot is intended to provide for overseas persons who have made timely application for regular absentee ballots and not received them.

The ballot may not be counted:

1. if submitted from a location in the United States (including Puerto Rico, Guam, the Virgin Islands, and American Samoa);
2. if the voter has made an application for a regular absentee ballot that was received by the county elections official later than 20 days before the applicable general election (if there is no postmark, the application is timely if received no later than the 15<sup>th</sup> day before Election Day); or
3. the voter has also submitted a (timely) Texas absentee form (in which case the Texas ballot should count). Federal law provides that the ballot is to be counted even if the candidate is only identified by political party or the name is misspelled.

A frequent question arising in connection with the use of the federal write-in ballot arises when the county has no record of a request for a regular absentee ballot by the voter, but the county receives the voter's federal ballot. County election officials may seek to disqualify the absentee ballot. This position is subject to challenge. Strictly speaking, federal law requires disqualification of the ballot only when the county has received a late request. The failure to have a timely request is not necessarily dispositive because the request may have been lost or not properly recorded by county election staff. Moreover, the federal write-in ballot includes a signed representation made under penalty of perjury that the voter has not mailed a request for an absentee ballot in time to be received at least 30 days in advance of the election.

### **D. Special Consideration Relating To Uniformed Voters**

Absentee ballots cast by overseas military personnel usually bear an "APO" (Army Post Office), "FPO" (Fleet Post Office), or "MPO" (Military Post Office) stamp, although they may lack all of these. They may also be identified from other information, such as the voter's overseas address.

Overseas military ballots may arrive without a postmark, with a postmark that is smudged or illegible, or with only a domestic postmark. These have been used frequently as grounds for disqualification of military overseas ballots. First, without a legible foreign postmark, it has been argued that it cannot be established that the ballot was cast from outside the United States. Second, it has been argued that the ballot did not comply with the requirement in Texas Election Code Sec. [86.007](#) that it be placed for delivery prior to the time the polls closed on Election Day.

The special vulnerability of military overseas ballots to postmark deficiencies, and the reason that disqualification of these ballots is particularly unfair, arises from the mechanics of transmission of military overseas ballots. As a matter of federal law, such ballots are to be transmitted "expeditiously and free of postage." Not only do such ballots not have postage stamps requiring a cancellation, they may be sent or carried by means other than mail. In many cases, such ballots have been transported to the United States on military flights, and then mailed from domestic points of entry. Although sent from overseas, the envelopes containing such ballots may bear only domestic postmarks (often, but not always, Queens, New York or San Francisco, California).

Federal and Texas law both support the view that county election officials must rely on reasonable inferences to qualify uniformed services ballots where there is no postmark evidence of overseas origin. The federal [Uniformed and Overseas Voting Act](#) directs states to provide overseas military personnel with a reasonable opportunity to vote in federal elections and preempts any Texas law that would interfere with that right.

Neither federal nor Texas law requires that overseas origin be established by postmark. With respect to the status of any potential overseas ballot, circumstances relevant to any inquiry or investigation to determine the status of said ballot include any circumstances on a ballot with a domestic postmark which suggests it was initially sent from overseas such as ballots:

- (i) bearing a foreign "current address" (as on the Federal write-in ballot),
- (ii) listing a foreign address for the attesting witness, or
- (iii) where the domestic postmark is from a military point of entry.

Under UOCAVA, a properly requested mail-in ballot must be counted if received no later than 7 p.m. by the 5<sup>th</sup> day after Election Day. TEC Sec. [86.007\(d\)](#). Additionally, if a

ballot is postmarked after 7 p.m. on Election Day, that ballot will be invalidated. TEC Sec. [86.007](#).

For further information concerning all aspects of overseas voting please refer to Chapters [101](#), [105](#), and [114](#) of the Texas Election Code.

**The Secretary of State Elections Division may be contacted at 1-800-252-2216 or 1-800-252-VOTE (8683).**

# V. COMBATING VOTER INTIMIDATION AND MANIPULATION

Intended as a guide in identifying and addressing any voter intimidation and manipulation, the RPT is working with the appropriate entities to coordinate efforts to combat such intimidation. **Any evidence of voter intimidation should be forwarded to local law enforcement, such as the sheriff's office, and election officials immediately.** We want the maximum turnout in all communities!

## A. What To Look For

In general, voter intimidation has been used to create doubt, confusion, and fear among voters about their right to vote or the location at which they can vote.

### 1. Prior to Election Day

Activities that may take place in the weeks or days leading up to Election Day have included:

- Mass mailings in communities so that letters returned as undeliverable could be used as a basis for challenging voters (on or prior to Election Day) due to change of residence.
- Attempts to encourage voters to throw away ballots by mail.
- Attempts to coerce voters to turn over signed and endorsed ballots by mail.
- Manipulation or confusion of voters, especially the elderly.
- Theft of mail-in ballots from mailboxes.

### 2. On Election Day

Activities on Election Day have included:

- Signs, posters, phone calls, and/or sound trucks giving inaccurate information or warnings about voter requirements or eligibility and/or warning that voting when ineligible to do so is an offense, etc.
- Poll Watchers challenging every voter in minority precincts on some pretext.
- Other persons deliberately placed at polling places to harass or hassle voters.
- Efforts to create longer lines in the polls, deliberately sending unregistered voters into certain polling places to create confusion and delay, and/or creating a scene to slow down voting at targeted polling places.

## B. Defensive Measures

### 1. Lines of Defense

- The First Line of Defense are our Election Judges. Alternate judges must be doubly diligent in their posts.
- The Second Line of Defense are the Early Voting Ballot Board and the Signature Verification Committee. We must make sure all legitimate ballots by mail are counted and illegal ballots are rejected.
- The Third Line of Defense must be Poll Watchers.

## **2. Ballot Integrity Approach**

- The presiding or alternate judge should observe and neutralize all initial pending or actual election fraud at the source.
- The presiding or alternate judge should notify the County Chairman or County Coordinator for Ballot Security (CCBS) when additional assistance is needed to resolve pending or actual voter fraud issues.
- The County Chairman or CCBS notifies the RPT when additional assistance is needed to resolve these issues.

## VI. COMPLAINT STEPS ON ELECTION DAY FOR THE LEGAL RESPONSE TEAM

1. Gather as much information as possible from officials, witnesses and concerned citizens (e.g. time of day, number of people in line, specific activity, etc.).
2. Call the appropriate Task Force Leader who can dispatch volunteer attorneys as appropriate.
3. When facts are sufficiently known and matters cannot be quickly handled at the local level, or a statewide issue is involved, telephone the RPT Election Day Legal Hotline at **512-766-4597** as well as an appropriate officer of the local party or particular campaign headquarters.
4. Other telephone calls requesting assistance, as warranted, may be made to:
  - [County elections official](#) (either County Clerk, Elections Administrator, or Tax Assessor-Collector) \_\_\_\_\_
  - Law enforcement, such as Sheriff's Office \_\_\_\_\_
  - Secretary of State, Elections Division (800-252-8683)
  - Texas Attorney General (512-463-2100)
  - U.S. Attorney in your region \_\_\_\_\_
  - U.S. Department of Justice, Civil Division \_\_\_\_\_
  - County Chairman \_\_\_\_\_
  - County Party Headquarters \_\_\_\_\_

## VII. APPENDIX

### A. REPORT FORM: VOTER INTIMIDATION OR ELECTION VIOLATIONS

Use this form for collecting information regarding allegations of voter intimidation or other elections violations. Get as much information as possible, and use the back of the form to fill in details that do not fit under the listed categories.

**1. First, Secure Reference Information on the Caller/Reporter:**

Name: \_\_\_\_\_ Phone#: \_\_\_\_\_  
\_\_\_\_\_

Email: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
\_\_\_\_\_

**2. Next, find out where the alleged conduct is taking place:**

If the activity is taking place before Election Day, be sure to get as much information about the location as possible. In particular, ask the caller for:

County: \_\_\_\_\_ City: \_\_\_\_\_  
\_\_\_\_\_

Precinct #: \_\_\_\_\_

Location: \_\_\_\_\_

If the activity is occurring at a polling place on Election Day, ask the caller to get the phone number of the polling location and the name of any official Poll Watchers, especially any representatives from the state or local elections department, if available.

Name & Title: \_\_\_\_\_  
\_\_\_\_\_

Phone #: \_\_\_\_\_ Precinct \_\_\_\_\_ #:

\_\_\_\_\_  
(This information will be available from the polling place.)

**3. Next, take a quick description of the caller's complaint:**

Try to summarize the allegations briefly in the space below.

*Note: If the caller was turned away from a polling place, removed from a registration list or was otherwise prevented from voting by election officials themselves, there may be implications under the National Voter Registration Act of 1993, commonly referred to as "Motor Voter."*

Your Name: \_\_\_\_\_ Time & Date: \_\_\_\_\_

\_\_\_\_\_

Contact #: \_\_\_\_\_ County: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_ City: \_\_\_\_\_

\_\_\_\_\_

**VOTER INTIMIDATION OR ELECTION VIOLATIONS (continued)**

- a. Please describe any instances of intimidation or threats related to either registering to vote or actually voting.
- b. Please describe nature and facts about alleged election law violation or irregularity (as much detail as possible).
- c. Please describe any efforts made to persuade you or others not to vote, even if the efforts were not intimidating, threatening, or forceful, such as the offer of food, cigarettes, money, etc. to vote a certain way.
- d. Please describe any aspects of the conduct that would indicate a racial motivation for the activities. Be as specific as possible if there were any specific racial slurs or offensive language used, please list those here.
- e. Did you see any armed or official-looking "security" personnel at your polling place?

- f. **Have you or your neighbors or friends received any suspicious mail or leaflets relating to voter eligibility or the repercussions of illegal voting?** (If yes, describe the activity here and ask the caller to retain or collect copies of any actual mailings received.)
  
- g. **Did you see any signs or leaflets at your polling place threatening arrest or deportation for anyone violating election laws?** (Again, if possible, collect and retain copies of the actual materials.)
  
- h. **Did you or your neighbors or friends notice any radio or TV messages or "sound trucks" discussing ballot security or the implications of allegedly illegal voting?**
  
- i. **Please give the names and phone numbers of any other individuals we could contact regarding the conduct you are describing.**
  
- j. **Do you have any other evidence such as photographs or videotape of the conduct in question?** (If the activity is still continuing, ask the caller if they can safely obtain that kind of evidence now.)

## B. POLL WATCHER APPOINTMENT FORMS

AW4-16  
 Prescribed by Secretary of State  
 Sections 33.002, 33.006, Texas Election Code  
 05/2012

### 1. APPOINTMENT OF POLL WATCHER BY CANDIDATE ON THE BALLOT OR DECLARED WRITE-IN CANDIDATE

*NOMBRAMIENTO DE OBSERVADOR(A) POR CANDIDATO EN LA BOLETA O CANDIDATO DECLARADO  
 ELEGIBLE PARA RECIBIR VOTO POR INSERCIÓN ESCRITA*

To the Presiding Judge:  
*(Al Juez Presidente:)*

The following person has been appointed to serve as a Poll Watcher on my behalf.  
*(La siguiente persona ha sido nombrada para servir como observador(a) por mí.)*

Name of Poll Watcher <i>(Nombre del/de la Observador(a))</i>	Name of Candidate <i>(Nombre del candidato)</i>
Residence Address of Poll Watcher <i>(Dirección Residencial del/de la Observador(a))</i>	Name and Date of Election <i>(Tipo y Fecha de Elección)</i>
Voter Registration VUID Number of Poll Watcher <i>(Núm. de Certificado VUID del/de la Observador(a))</i>	Precinct or other location Poll Watcher is to serve <i>(Precinto u otra sitio en que servirá el/la Observador(a))</i>

\_\_\_\_\_

Signature of Candidate or Other Approving Authority  
*(Firma del Candidato o de la Autoridad Aprobadora)*

Title of Approving Authority  
*(Título de la Autoridad Aprobadora)*

\_\_\_\_\_

Signature of the Poll Watcher *(Firma del/de la Observador(a))*

### AFFIDAVIT OF POLL WATCHER (DECLARACIÓN JURADA DE OBSERVADOR(A))

I, \_\_\_\_\_, a Poll Watcher for the above appointing authority, do hereby swear or affirm that I do not have in my possession any type of mechanical or electronic means of recording images or sound while serving as a watcher at this precinct or I will disable or deactivate the device while serving as a watcher.

*(Yo, \_\_\_\_\_, observador(a) de elección designado/a por la autoridad citada, por el presente juro o protesto que no tendré en mi poder, durante mi gestión de observador(a) en este precinto electoral, ningún dispositivo mecánico o electrónico, de cualquier tipo, para la grabación de imágenes o de sonidos, o que inhabitaré o desactivaré el dispositivo al servir como Observador(a). )*

\_\_\_\_\_

Signature of Poll Watcher *(Firma de Observador(a))*

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(Jurado y suscrito ante mí, a los \_\_\_\_\_ días del mes de \_\_\_\_\_ de \_\_\_\_.)

\_\_\_\_\_  
Signature of Election Judge (*Firma del/de la Juez Electoral*)

\_\_\_\_\_  
Printed Name of Election Judge (*Nombre del/de la Juez Electoral, en letras de molde*)

AW4-18  
Prescribed by Secretary of State  
Sections 33.003, 33.006, V.T.C.A, Texas Election Code  
05/2012

## 2. APPOINTMENT OF POLL WATCHER BY POLITICAL PARTY

### NOMBRAMIENTO DE UN OBSERVADOR POR UN PARTIDO POLITICO

To the Presiding Judge:  
(*Al Juez Presidente:*)

The following person has been appointed to serve as a Poll Watcher on my behalf.  
(*La siguiente persona ha sido nombrada para servir como observador(a) por mí.*)

Name of Poll Watcher ( <i>Nombre del/de la Observador(a)</i> )	Name of Political Party ( <i>Nombre del Partico Politico</i> )
Residence Address of Poll Watcher ( <i>Dirección Residencial de/de la l Observador(a)</i> )	Name and Date of Election ( <i>Tipo y Fecha de Elección</i> )
Voter Registration VUID Number of Poll Watcher ( <i>Núm. del Certificado VUID del/ de la Observador(a)</i> )	Precinct or other location Poll Watcher is to serve ( <i>Precinto u otra sitio en que servirá el/ la Observador(a)</i> )

\_\_\_\_\_  
Signature of the County Chair (*Firma del Secretario del Condado*)

\_\_\_\_\_  
Signature of Committee Member (*Firma de un Miembro del*  
*Comité*)

\_\_\_\_\_  
Signature of Committee Member (*Firma de un Miembro del Comité*)

\_\_\_\_\_  
Signature of Committee Member (*Firma de un*  
*Miembro del Comité*)

If the County Chair does not make an authorized appointment, any three members of the county executive committee may make the appointment.

\_\_\_\_\_  
Signature of the Poll Watcher (*Firma del/de la Observador(a)*)

## AFFIDAVIT OF POLL WATCHER (DECLARACION JURADA DE OBSERVADOR(A))

I, \_\_\_\_\_, a Poll Watcher for the above appointing authority, do hereby swear or affirm that I do not have in my possession any type of mechanical or electronic means of recording images or sound while serving as a watcher at this precinct or I will disable or deactivate the device while serving as a watcher.

(Yo, \_\_\_\_\_, observador(a) de elección designado/a por la autoridad citada, por el presente juro o protesto que no tendré en mi poder, durante mi gestión de observador(a) en este precinto electoral, ningún dispositivo mecánico o electrónico, de cualquier tipo, para la grabación de imágenes o de sonidos, o que inhabitaré o desactivaré el dispositivo al server como Observador(a). )

\_\_\_\_\_  
Signature of Poll Watcher (*Firma del/de la Observador(a)*)

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(Jurado y suscrito ante mí, a los \_\_\_\_\_ días del mes de \_\_\_\_\_ de \_\_\_\_.)

\_\_\_\_\_  
Signature of Election Judge (*Firma del/de la Juez Electoral*)

\_\_\_\_\_  
Printed Name of Election Judge (*Nombre del/de la Juez Electoral, en letras de molde*)

AW4-17  
Prescribed by Secretary of State  
Sections 33.005, 33.006, Texas Election Code  
05/2012

### 3. CERTIFICATE OF APPOINTMENT FOR POLL WATCHER FOR PROPOSITIONS OR ISSUES

#### CERTIFICADO DE NOMBRAMIENTO PARA UN OBSERVADOR PARA PROPOSICIONES O PUNTOS EN CUESTIÓN

To the Presiding Judge:  
(*Al Juez Presidente:*)

The following person has been appointed Poll Watcher in accordance with Sec. 33.005, Texas Election Code.

(*La siguiente persona ha sido nombrada observador(a) de acuerdo con la Sec. 33.005, Código de Elecciones.*)

Name of Poll Watcher ( <i>Nombre del/de la Observador(a)</i> )	Name or Number of Proposition on Ballot ( <i>Nombre o Número de la Proposición en la Boleta</i> )
Residence Address of Poll Watcher ( <i>Dirección Residencial de/de la l Observador(a)</i> )	Name and Date of Election ( <i>Tipo y Fecha de Elección</i> )
Voter Registration VUID Number of Poll Watcher ( <i>Núm. del Certificado VUID del/ de la Observador(a)</i> )	Precinct or other location Poll Watcher is to serve ( <i>Precinto u otra sitio en que servirá el/ la Observador(a)</i> )

The appointee (check one) \_\_\_\_\_ favors the above named proposition on the ballot. (*apoya la proposición mencionada arriba en la boleta.*)

\_\_\_\_\_ opposes (*opone*)

\_\_\_\_\_  
Signature of Campaign Treasurer or Asst. (*Firma de un Miembro del Comité*)

\_\_\_\_\_  
Name of Specific Purpose Political Committee

\_\_\_\_\_  
Signature of the Poll Watcher (*Firma del/de la Observador(a)*)

**AFFIDAVIT OF POLL WATCHER**  
(*DECLARACION JURADA DE OBSERVADOR(A)*)

I, \_\_\_\_\_, a Poll Watcher for the above appointing authority, do hereby swear or affirm that I do not have in my possession any type of mechanical or electronic means of recording images or sound while serving as a watcher at this precinct or I will disable or deactivate the device while serving as a watcher.

(*Yo, \_\_\_\_\_, observador(a) de elección designado/a por la autoridad citada, por el presente juro o protesto que no tendré en mi poder, durante mi gestión de observador(a) en este precinto electoral, ningún dispositivo mecánico o electrónico, de cualquier tipo, para la grabación de imágenes o de sonidos, o que inhabitaré o desactivaré el dispositivo al server como Observador(a).* )

\_\_\_\_\_  
Signature of Poll Watcher (*Firma del/de la Observador(a)*)

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(*Jurado y suscrito ante mí, a los \_\_\_\_\_ días del mes de \_\_\_\_\_ de \_\_\_\_\_.*)

\_\_\_\_\_  
Signature of Election Judge (*Firma del/de la Juez Electoral*)

\_\_\_\_\_  
Printed Name of Election Judge (*Nombre del/de la Juez Electoral, en letras de molde*)

**C. RECOUNT WATCHER APPOINTMENT FORM**

AW14-2  
Prescribed by Secretary of State  
Sections 213.013, Texas Election Code  
10/11

**APPOINTMENT OF REPRESENTATIVE FOR A RECOUNT**  
(*NOMBRAMIENTO DE UN REPRESENTANTE PARA UN RECUENTO*)

To the Recount Committee Chair:  
(*Al presidente del Comité de Recuento:*)

The following person has been appointed to serve as a representative.  
(*La siguiente persona ha sido nombrada para servir como representante.*)

Name of Representative <i>(Nombre del representante)</i>	Candidate or other Appointing Authority <i>(Candidato u otra persona autorizada para realizar el nombramiento)</i>
Name and Date of Election <i>(If measure election, identify the side representing)</i> <i>(Nombre y fecha de las elecciones)</i> <i>(Si son elecciones para una medida, identificar el lado que representa)</i>	Time and Location of Recount <i>(Hora y ubicación del recuento)</i>

\_\_\_\_\_  
Signature of Candidate or other Appointing Authority  
*(Firma del candidato u otra persona autorizada para realizar el*

Printed Name & Title of Candidate or other

*(Nombre y puesto del candidato u otra persona autorizada para realizar el nombramiento, en letras de molde)*

\_\_\_\_\_  
Signature of Representative  
*(Firma del representante)*

Signature of Recount Committee Chair  
*(Firma del presidente del Comité de Recuento)*

Representative  
*(Representante)*

\_\_\_\_\_

accepted *(aceptado)*

\_\_\_\_\_

rejected *(rechazado)*

Notice: No mechanical or electronic means of recording images or sound and no wireless communication are allowed inside the room in which the recount is conducted, or in any hallway or corridor in the building in which the recount is conducted within 30 feet of the entrance to the room, while the recount is in progress unless the representative agrees to disable or deactivate the device while present at the recount.

*Aviso: No se permite ningún medio mecánico o electrónico para grabar imágenes o sonido, ni ningún tipo de comunicación inalámbrica dentro de la sala en la que se realiza el recuento, ni en ningún pasillo o corredor dentro de 30 pies de la entrada de esta sala mientras se está realizando el recuento a menos que el/la representante acepte desactivar o inutilice el dispositivo mientras esté presente durante el recuento.*

## D. PETITION REQUESTING A RECOUNT

AW14-1  
Prescribed by Secretary of State  
Sections 212.001, Texas Election Code  
03/10

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### PETITION REQUESTING A RECOUNT

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(The following petition may be used for requesting a recount as provided by Section 212.001 of the Texas Election Code.)

To: \_\_\_\_\_ (name of presiding officer of canvassing authority)

I, \_\_\_\_\_, hereby request a recount for the  
\_\_\_\_\_ (date of election and name of political  
subdivision) election for the office of \_\_\_\_\_  
(identify the office for which a recount is desired (e.g., County Commissioner, Precinct #1).

Check one or more of the applicable grounds:

- Difference between number of votes received by petitioner and number of votes received by person who was elected or is entitled to a place on the runoff election ballot is less than 10% of the number of votes received by the person elected or entitled to a place on the runoff ballot; OR
- Number of votes received by all candidates is less than 1000; OR
- Electronic system used in election; OR
- An Election Judge swears that he or she counted paper ballots incorrectly (must also be certified by the secretary of state).

Identify each election precinct for which a recount is being requested and identify the method of voting used in each precinct:

election precinct(s) and voting system used

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\_\_\_\_\_

If additional information is needed, the Secretary of State can contact:

\_\_\_\_\_ (W)  
Name of person submitting petition Telephone number

\_\_\_\_\_ (H)  
Address Telephone number

\_\_\_\_\_ (C)  
City, State, Zip Code Telephone number

AW4-19  
Prescribed by Secretary of State  
Section 34.001, V.T.C.A., Election Code  
07/2007

### **PETICION PARA INSPECTORES**

*Al Secretario de Estado:*

*Nosotros, los quince infrascritos ciudadanos siendo residentes del Condado/Subdivisión Política de \_\_\_\_\_ por la presente pedimos que el Secretario de Estado nombre un inspector para la \_\_\_\_\_ que se celebrará el \_\_\_\_\_ en la cual se usará \_\_\_\_\_*  
*(nombre de elección) (fecha de elección) (modo de votar)*

*Nosotros entendemos que esta petición deberá registrarse en la oficina del Secretario de Estado a lo menos 4 días laborales regulares antes de la elección. (Favor de presentar la petición a la oficina del Secretario de Estado lo mas pronto posible para poder designar al inspector de una manera oportuna.)*

<i>Firma</i>	<i>Núm. de Cert. de Registro</i>	<i>Firma</i>	<i>Núm. de Cert. de Registro</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

---

*INFORMACION ADICIONAL: (Es importante que la persona presentando la petición incluya toda la información abajo solicitada. Favor de verificar que la información este correcta.)*

*Solicitamos inspección de los siguientes precintos donde anticipamos los problemas registrados aquí abajo:*

<i>Número de Precinto</i>	<i>Dirección</i>	<i>Problema(s)</i>
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*Si se necesita más información, el Secretario de Estado se comunicará con la siguiente persona.*

<i>Nombre de la persona que presenta la petición</i>	<i>Número de teléfono</i> <i>(en el trabajo)</i>
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<i>Domicilio: Calle y Número</i>	<i>Número de teléfono</i> <i>(en casa)</i>
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<i>Ciudad, Estado, Zona Postal</i>	<i>Número de teléfono</i> <i>(teléfono celular)</i>
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## F. REASONABLE IMPEDIMENT DECLARATION

**Instructions for a Reasonable Impediment Declaration:** If a voter appears on the official list of registered voters, but does not possess an acceptable form of photo identification—under Section 63.0101 of the Texas Election Code (SB 14 ID) **or** SB 14 ID that has expired by no more than four years—due to a reasonable impediment, the following steps shall be taken by the election officer to allow the voter to cast a **regular ballot**:

1. Present this form to the voter, and ask the voter to provide **one** of the following forms of identification:
    - a. a valid voter registration certificate (if on Election Day, the voter registration certificate indicates that the voter is appearing at the incorrect polling place, the voter should be directed to the correct polling place);
    - b. a certified birth certificate (must be an original); **or**
    - c. a copy or original of a current utility bill, bank statement, government check, paycheck, or other government document that shows the voter's name and an address (with the exception that a government document containing a photograph must be an original).  
**NOTE:** The address on this document is not required to match the address recorded in the official list of registered voters.
  2. Ask the voter to complete this form by entering their name, and then ask them to review the "**Voter's Declaration of Reasonable Impediment or Difficulty**," indicate their impediment or difficulty, and sign their name.
  3. Ask the voter to return the completed form to you. You may not question the voter concerning the reasonableness of any claimed impediment or the truth of the declaration. The election judge should enter the date and then sign on the space provided on the declaration.
  4. Either you or the election judge should indicate on the "To Be Completed By Election Official" form what type of document the voter provided by checking the appropriate box. Either you or the election judge should fill in the Date of Election and Location fields.
  5. Allow the voter to cast a **regular ballot**.
- 
-

## REASONABLE IMPEDIMENT DECLARATION

### TO BE COMPLETED BY VOTER

Name: \_\_\_\_\_  
\_\_\_\_\_

#### **VOTER'S DECLARATION OF REASONABLE IMPEDIMENT OR DIFFICULTY**

By signing this declaration, I swear or affirm under penalty of perjury that I am the same individual who personally appeared at the polling place, that I am casting a ballot while voting in-person, and I face a reasonable impediment or difficulty that prevents me from getting an acceptable form of photo identification.

My reasonable impediment or difficulty is due to the following reason(s):

(Check **at least one** box below)

- |  |  |
|--|--|
| <input type="checkbox"/> Lack of transportation  | <input type="checkbox"/> Other reasonable impediment or difficulty__ |
| <input type="checkbox"/> Lack of birth certificate or other documents needed to obtain acceptable photo ID | <input type="checkbox"/> Disability or illness                       |
| <input type="checkbox"/> Work schedule   | <input type="checkbox"/> Family responsibilities                     |
| <input type="checkbox"/> Lost or stolen photo ID   | <input type="checkbox"/> Photo ID applied for but not received       |

**The reasonableness of your impediment or difficulty cannot be questioned.**

X \_\_\_\_\_  
Signature of Voter \_\_\_\_\_ Date \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_  
Presiding Judge \_\_\_\_\_

### TO BE COMPLETED BY ELECTION OFFICIAL

The voter provided one of the following forms of identification or information:

- Valid Voter Registration certificate; or
- A copy or original of **one** of the following was provided:
  - \_\_\_\_\_ certified birth certificate (must be an original)
  - \_\_\_\_\_ current utility bill
  - \_\_\_\_\_ bank statement
  - \_\_\_\_\_ government check

\_\_\_\_\_ other government document that shows the voter's name and an address  
(with the exception of a government document containing a photograph which  
must be an original)

\_\_\_\_\_ paycheck

Location: \_\_\_\_\_

Date of Election: \_\_\_\_\_



## G. MEMORANDUM

**To:** Texas Republican County Chairmen  
**From:** Cassie Daniel, Organizational Director  
**Subject:** Appointment of Election Judges and Alternate Judges  
**Date:** 2016

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As we move toward campaign season, one of the key issues for Republicans is ballot integrity. Few activities can discourage Early Voting and Election Day illegal voting activities more than the appointment of Republican Election Judges and Alternate Judges. The following is an overview of the law as it relates to the appointment of these positions. In order to take advantage of this opportunity, **County Chairmen must submit their list to the County Commissioners Court by June 30 or July 31** (keep reading to find out which date applies to you!).

### Appointment of Election Judges: Texas Election Code, Chapter 32

- A presiding judge and an alternate presiding judge shall be appointed for each election precinct (Sec. 32.001);
- The commissioners court shall make these appointments during the court's July meeting (for counties with a population over 500,000) or August meeting (for counties with a population less than 500,000) (Sec. 32.002 (a)).
- The presiding judge and alternate presiding judges must be affiliated or aligned with different political parties (Sec. 32.002 (c));
- Before July (by June 30), Republican AND Democrat county chairmen in counties with a population over 500,000 will submit a list in writing of eligible election judges for each precinct to their commissioners court;
- Before August (by July 31), Republican AND Democrat county chairmen in counties with a population under 500,000 will submit a list in writing of eligible election judges for each precinct to their commissioners court.
- The term for the newly appointed presiding and alternate election judges shall begin on August 1<sup>st</sup> (if the meeting was in July) or September 1<sup>st</sup> (if the meeting was in August) following the appointment (Sec. 32.002(b));
- The term lasts one year, unless the Commissioners Court by "order recorded in its minutes" provides for a two-year term (Sec. 32.002(b)); if this happened in your county in 2015 then you will not have the opportunity to provide a list this year.
- Eligibility: An election judge must be a qualified voter of the precinct and satisfy any additional eligibility requirements prescribed by written order of the commissioners court (Sec. 32.051(a)). See Sections 32.051 through 32.056 for disqualifications.
- Whether or not the Republican or Democrat submitted for a precinct is appointed as the *presiding* judge or the *alternate* presiding judge depends on the 2014 Governor's race. In

precincts where Greg Abbott received the most votes, the Republican will be the presiding judge and the Democrat will be the alternate judge. In precincts where Wendy Davis received the most votes, the Democrat will be the presiding judge and the Republican will be the alternate judge. Votes cast for Independent and third party candidates do not count for this purpose; even if the Independent won the precinct, look only at the votes for Abbott and Davis. (Sec. 32.002(c)).

- **Hold your county commissioners court accountable!** According to Section 32.002(c), the commissioners court shall appoint the first person meeting the applicable eligibility requirements from the list submitted by the party with the highest number of votes for Governor in the last gubernatorial election in the precinct as the presiding judge and the second highest number of votes in the precinct as the alternate presiding judge.
- You may submit more than one name per precinct, in the case that someone does not meet the eligibility requirements (however, please research this beforehand). Remember that the submission must be in writing (Sec. 32.008(a)).
- Additionally, the appointed election judge appoints the election clerks to assist them in the conduct of the election at the polling place (Sec. 32.031). This could mean at least 2 more Republicans overseeing the polling places in precincts where Republicans are entitled to have a presiding judge!

#### **If you do not submit a list...**

- The county clerk, after making a “reasonable effort” (no definition provided) to consult with the party chair of the appropriate political party or parties, shall submit to the commissioners court [their own] list of names of persons eligible for appointment as presiding judge and alternate presiding judge for each precinct in which an appointment is not made (Sec. 32.002 (d));
- Section 32.002(d) goes on to state that the commissioners court shall appoint an eligible person from the list who is affiliated or aligned with the appropriate party, if available.
- **Therefore, to ensure that Republicans have their legal representation at polling places it is incumbent upon county chairs to properly submit a list of eligible candidates for election judge by June 30 or July 31, whichever is applicable to the county, in accordance with Sec. 32.002.**
- Sec. 32.009 states that each presiding judge and alternate presiding judge shall be provided with written notice of their appointment. This should be delivered by the authority responsible for distributing the supplies for the election (the county clerk) within 20 days of the appointment. It is recommended that you not only attend the meeting of the county commissioners court where election judges are appointed, but that you also follow up with the appointed election judges and alternate judges to see that they received their appointment letters.



## H. MEMORANDUM

**To:** Texas Republican County Chairmen  
**From:** Cassie Daniel, Organizational Director  
**Subject:** Early Voting Ballot Board  
**Date:** 2016

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The county chairman plays a very important role on the County Election Board and in choosing the Early Voting Ballot Board (EVBB). The process for creating the EVBB is basically the same as the appointment of election judges and clerks to serve in polling locations – please refer to the Appointment of Election Judges memo or Texas Election Code, Chapter 32.

### Early Voting Ballot Board: Texas Election Code, Chapter 87, Subchapter A

- Section 87.001 is the section that creates the Early Voting Ballot Board. It states: “An early voting ballot board shall be created in each election to process early voting results from the territory served (the county) by the early voting clerk (the county clerk).”
- Section 87.002 defines the composition of EVBB; it consists of a presiding judge and at least two other members. Section 87.002(b) provides that the presiding judge of the EVBB is appointed in the same manner as a presiding election judge, except that the list is submitted to the County Election Board and that the total votes in the *county* determine which political party presides (Sec. 87.002(c&d)). The County Election Board (in general elections) is made up of the county judge, county clerk, voter registrar, sheriff, **and county chair of each political party required to nominate candidates by primary election** (Sec. 51.002).
- Section 87.002(c) provides the process for the method of appointment of the members of the EVBB. **Each county chair of a political party with nominees on the general election ballot shall submit to the County Election Board a list of names of persons eligible to serve on the EVBB. The same deadline applies as for the list of election judges:** before July (by June 30) for county chairmen in counties with a population over 500,000 and before August (by July 31) for county chairmen in counties with a population under 500,000. These lists also need to be submitted in writing.
- The County Election Board shall appoint at least one person from each list to serve as a member of the EVBB. The same number of members must be appointed from each list (Sec. 87.002(c)).
- The County Election Board shall appoint the presiding judge from the list provided by the political party whose nominee for Governor received the most votes in the county in the most recent gubernatorial election (Sec. 87.002(d)).

- If the other members of the EVBB (at least two other than the presiding judge) are not chosen through the County Election Board, they are appointed by the presiding judge in the same manner as the precinct election clerks (Sec. 87.002 and 32.032 et seq.).
- **Utilize your role on the County Election Board to ensure Republicans have their legal representation on the Early Voting Ballot Board!**