Texas Conservative Grassroots Coalition

Election Integrity:
Adherence to the Texas Constitution and
Transparency in Unique & Sequential Ballot Numbering
for DRE Electronic Voting Systems

July 17, 2017

The Honorable Ken Paxton
Attorney General for the State of Texas

Dear General Paxton:

Thank you for prioritizing election integrity in the Texas Attorney General's Office. With recent news reports about voter fraud and multiple ongoing investigations by your office, it gets clearer every day how important honest elections are in Texas and how much work there is to do to secure ballot integrity.

Your commitment to Texans was made crystal clear when you stated in a recent Dallas press conference, "Nothing is more sacred to our democracy than the integrity of our voting process," and that your office would, "do everything within our resources and abilities to solidify trust in every election here and around the state." ***All of Texas is grateful for your dedication to honest elections.***

We therefore ask you to turn your attention to improving the security of computerized voting conducted with Direct Recording Electronic (DRE) voting systems in Texas. There are numerous legal requirements that must be met for state certification of such electronic voting equipment.

Your office has one of the most important roles in preserving election integrity – that of jointly certifying DRE equipment with the Texas Secretary of State's Office. We know you agree that we must ensure checks and balances are in place, and that all Texas Constitutional and Election Code provisions are strictly adhered to for computerized voting.

Since 1891, our Texas Constitution has mandated <u>unique</u>, <u>sequential</u>, ballot numbering in Texas. It has come to the attention of the Texas Conservative Grassroots Coalition that numbering of ballots as outlined in the Texas Constitution (Article VI, Sec. 4[1]) and the Texas Election Code (52.062[2]) is not being enforced with regard to DRE voting systems in Texas. We are deeply concerned (and alarmed) that millions of tax dollars have been and will be spent on voting machines that are out of compliance with the law.

[1] http://www.statutes.legis.state.tx.us/DocViewer.aspx?DocKey=CN%2fCN.6&Phrases=%22Numbering%22&HighlightType=1&ExactPhrase=True&QueryText=%22Numbering%22

[2] http://www.statutes.legis.state.tx.us/DocViewer.aspx?DocKey=EL%2fEL.52&Phrases=52.062&HighlightType=1&ExactPhrase=False&QueryText=52.062

We ask for your **direct attention** to this serious election integrity issue and request that you address it ***personally*** by **September 15, 2017.**

We respectfully request you take the following actions:

1) Meet with a representative group of Texas Conservative Coalition election integrity leaders to discuss the importance of a transparent and sound process for ensuring the unique, sequential numbering of ballots for DRE voting systems;

2) Review the Texas Constitution (Article VI, Sec. 4[3]) and the Texas Election Code (TEC 52.062[4]) for the mandatory requirement for ballot numbering and ensure paper ballots and DRE electronic ballots equally meet all Texas suffrage and election laws;

3) Review Texas Supreme Court and Appeals Court case law[5] related to mandatory requirements for ballot numbering for paper systems and DRE voting systems that employ paper ballot and ballot images (TEC 213.106[6]) for recounts;

4) Review the Texas Election Code (122.001(a)3[7]) that requires voting systems in Texas to meet the Federal Election Assistance Commission standards;

5) Review the 2015 Federal Election Assistance Commission[8] national standards for DREs, which specify DRE electronic ballots are to be uniquely numbered as defined by 2.4.4.2(e)iii[9] – "…produce a report of ballot images…For each voted ballot…providing a **unique identifier** for the ballot…:"),

6) Review the following evidence related to uniquely numbering DRE ballots:
   a)DRE vendor certification evidence provided to your office,
   b)vendor communications (Hart[10] and ES&S[11]) to the Secretary of State, and
   c)affidavits from Jacklyn King[12] and Dottie Barnes[13] of Navarro County

7) Develop corrective action plans to ensure DRE ballots are uniquely and sequentially numbered according to the Texas Constitution, Election Code, and federal standards, and the plans are transparent to voters.

General Paxton, as you well know, election integrity and ballot security have strong bi-partisan support. A government by and for the People can only exist when we have confidence that the results of each election are a ***verifiable*** reflection of the collective intent of eligible voters in each

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[4] http://www.statutes.legis.state.tx.us/DocViewer.aspx?DocKey=EL%2fEL.52&Phrases=52.062&HighlightType=1&ExactPhrase=False&QueryText=52.062
[5] https://dk-media.s3.amazonaws.com/media/1m8vg/downloads/326644/Texas_Case_Law_on_Ballot_Numbering.pdf
[6] http://www.statutes.legis.state.tx.us/DocViewer.aspx?DocKey=EL%2fEL.213&Phrases=213.016&HighlightType=1&ExactPhrase=False&QueryText=213.016
[7] http://www.statutes.legis.state.tx.us/DocViewer.aspx?DocKey=EL%2fEL.122&Phrases=%22Election+Assistance+Commission%22&HighlightType=1&ExactPhrase=True&QueryText=%22Election+Assistance+Commission%22
[8] https://www.eac.gov/assets/1/28/VVSG.1.1.VOL.1.FINAL1.pdf
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[13] https://dk-media.s3.amazonaws.com/media/1m8vg/downloads/326646/Barnes_affidavit_voter_machine_Hart_1_.jpeg

race or proposition on a given ballot**.**

Thank you for your service to the people of the great state of Texas. We look forward to hearing from you on this most pressing matter.

Sincerely,

Dr. Laura Pressley, Ph.D., Founder, Save Our Texas Vote

Aaron Harris, Executive Director, Direct Action Texas

JoAnn Fleming, Executive Director, Grassroots America – We the People PAC

Cathie Adams, Board, National Eagle Forum; Past President, Texas Eagle Forum

Dana Hodges, State Director, Concerned Women for America/Texas

Jim Graham, President, Texas Right to Life

Bill Hussey, Founder & Past President, Llano TEA Party

Terri Hall, Founder/Director, Texans for Toll-Free Highways

Maggie Wright, founding member/past president, Texas Patriots TEA Party

George Rodriguez, El Conservador, Broadcast Activist/San Antonio

Suezette Griffin, President, Clear Lake TEA Party

Tammy Blair, Republican Party County Chair, Cherokee County

Barb Stauffer, Steering Committee Member, Garland TEA Party

Pat Tibbs, President, Montgomery County Tea Party PAC

Adam Cahn, Austin Political Blogger, Cahnman's Musings

Mary & Dale Huls, Executive Committee members, Clear Lake TEA Party

Mike Olcott, Co-founder, Parker County Conservatives

Toni and Tom Fabry, Chairman & Treasurer, Frisco TEA Party

Carol Doucet, a Founder, Conservative Society of Navarro County

Tom Glass, Election Integrity Chair, Libertarian Party of Texas

Jim Keller, Election Integrity Committee, Libertarian Party of Texas

Larry Korkmas, President, TFIRE

Dr. Dwayne Collins, Founder, Edom TEA Party

Dean Wright, Co-founder/Director, New Revolution Now & Austin TEA Party

Sue Evenwel, State Republican Executive Committeewoman, SD 1

Josie Schoolcraft, President, Cherokee County Republican Club

Naomi Narvaiz, State Republican Executive Committee, Senate District 21

Ann Hettinger, Director, Center for Preservation of American Ideals

Carroll Maxwell, Past Pres./Board Member, Collin Co. Conservative Republicans

Terry Wade, President, Collin County Conservative Republicans

Stacy McMahan, Executive Director, East Texans for Liberty

Ruth York, President, TEA Party Patriots of Eastland County

Dr. Carole Hornsby Haynes, Educator, Education Policy Analyst

Bob Farris, Park Cities/Preston Hollow Leadership Forum

Ray Myers, Chairman, Kaufman County Tea Party

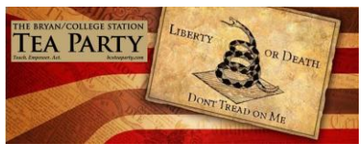
Matt Long, President, Fredericksburg TEA Party of Texas

Jim Stanley, Henderson County TEA Party

Ernie Clark, Past President, Grassroots America – We the People PAC

Allen Tharp, President, San Antonio TEA Party

Bill Bingham, Spokesman, Bryan/College Station TEA Party



Fredericksburg TEA Party

Dr. Ivette Lozano, **MD,** Past President, Dallas Co. Republican Assembly 2015-17

Rick Jackson, Steering Committee, Kaufman County TEA Party

Gary Gentz, Henderson County TEA Party

Brady Whatley, Flower Mound Area Republican Club

George Pangborn, President, Highland Lakes TEA Party

Lyleann McClellan Thee, President, San Angelo TEA Party

Teresa Beckmeyer, Chairman, Mitchell County Republican Party

Jim Speiran, GOTV Committee Chair, Grassroots America – We the People PAC; Chair, Smith County GOP Precinct 75

Della Clark, Charter Member, Grassroots America – We the People PAC

Maria Martinez, Houston Inner Loop Grassroots

Elwood Smith, TEA Party Conservatives – Temple

David & Rena French, Grassroots America – We the People PAC

Bill Bala, Grassroots America – We the People PAC

Rick Eisenbach, President, Grassroots America – We the People PAC

Laura Perryman, Vice-President, Grassroots America – We the People PAC

Heather Stoner, Board Member, Grassroots America – We the People PAC

Joshua Machiavello, Board Member, Grassroots America – We the People PAC

Pat Self, Prayer Team, Grassroots America – We the People PAC

Susan Lucas, Denton County Conservative Coalition

Terry Lynch, Legislative Chair, Park Cities Republican Women

Dr. Barry A. Schlech, Ph.D., Past President & VP, current Communications Director, Texas Patriots TEA Party

Elena Blake, Vice-President Programs, Irving Republican Women

Don P. Dixon, longtime transportation reform activist & blogger, San Antonio

Rick & Kim Black, Cherokee County Republicans

Annette Bennett, Fredericksburg TEA Party

Penny Story, Founder, Constitutional Conservative Activists

Jeremiah Hunter, Chairman, We the People – Longview TEA Party

Judy J. Brady, Charter Member, Central Texas TEA Party

Mark Reid, President, Plano Citizens' Council; McKinney TEA Party, North Texas Citizens' Lobby, former Collin County Commissioner

Barbara Harless, Founder, North Texas Citizens Lobby

Joe Harrison, Founder & Organizer, Cass County Patriots

Fred Blanton, Republican Precinct 263 Chair, Harris County

LaDaune Ashley, Alvin Conservative Activist

Trevor Dupuy, a Founder & Past President, Highland Lakes TEA Party

Sean Paul Bolock - Republican Precinct 229 Chair, Hays County

David Doman - Republican Precinct 232 Chair, Travis County

Dana Ambs - Republican Precinct 152 Chair, Travis County

Lynn Foster - Republican Precinct 259 Chair, Travis County

[**Note:** The names on this communication represent leaders of 58 distinct organizations/districts. Many are opinion leaders of statewide groups.]

Organizational names are used for identification purposes.

CC: First Assistant Attorney General, Jeffrey C. Mateer
Deputy First Assistant Attorney General, Brantley Starr