Voting Systems in Texas

Dorothy Kennedy
Elections Administrator
Lubbock County

West Texas County Judge and County Commissioners Conference
25 April 2019
Agenda

• Methods of Voting
• Accessibility Requirements
• Certification Process
• Considerations When Purchasing a New Voting System
• Elections Security Assessment
Methods of Voting

• Three methods of voting in Texas
  – Hand-counted Paper Ballots
  – Ballots Counted with a Scanner
    • Precinct Ballot Scanner
    • Central Scanner
  – Direct Recording Electronic (DRE) Voting System
Hand Counted Paper Ballots

- A ballot that is made of paper deposited into a ballot box and **hand counted**.
- All References in the election code to “paper ballots” are referring to hand counted paper ballots.
Ballots Counted with a Scanner

- Ballots are designed to be used in a voting system that uses a scanner to read the marked ballots.
- Ballots are marked by using an indelible marker.
- Two Variations:
  - Precinct Ballot Scanner
  - Central Scanner
Precinct Ballot Counter

- Ballots are deposited by the voter into a scanner at the precinct or polling place.
Central Scanner

- Ballots are deposited by the voter into a **pre-locked, pre-sealed** ballot box. The ballot box is later transferred to a central counting station for counting.

- Ballots are run through a high speed scanner and results are generated from the electronic media.
Direct Record Electronic (DRE) Voting System

- A voting machine that is designed to allow a direct vote on the machine by the manual touch of a screen, monitor, wheel, or other device and that records the individual votes and vote totals electronically.
Accessibility Requirements

• A political subdivision must provide at least one accessible voting machine at each early voting and election day polling place.

• Two Separate Requirements
  – Section 301(a) of HAVA (federal elections)
  – Section 61.012 of the Texas Election Code (all elections)
    • Limited Exemptions based on county population
Accessible Voting Machines
Voting System Certification

- Certification process consists of two parts
  - Federal Certification
  - Texas Certification
Federal Certification Process

• Election Assistance Commission (EAC) runs the federal Testing and Certification Program
  – Adopt voting system standards:
    • Voluntary Voting System Guidelines
    – Provide accreditation to Independent Testing Laboratories
    – Certify voting system equipment

• At least 35 states participate in the Testing and Certification program.
Texas Certification Process

• All Voting Systems used in Texas must receive certification by the Texas Secretary of State
  – Section 122.031 provides that “before a voting system or voting system equipment may be used in an election, the system and a unit of the equipment must be approved by the Secretary of State…”
  – Rule 81.60, Texas Administrative Code outlines procedures for certification
  – Section 123.035 requires SOS approve voting system contracts
Aging Voting Systems

- Currently certified equipment still functions well, but is showing it’s age.
- Newly certified systems from Hart InterCivic and ES&S.
Considerations When Purchasing a New Voting System

• Practical Considerations
• The Contract Process
• Approval of Voting System Contract
• Adoption of a New System
• Acceptance Testing
Practical Considerations

• All systems in Texas must have completed Federal Certification (EAC) and Texas Certification.
  – EAC Certification for a new system can take 1-2 years.
  – Certification in Texas takes a minimum of 2-3 months from the date of the exam.

• All Voting System contracts MUST be approved by the SOS.
Contract Considerations

• On-going costs of a voting system
  • EX: Maintenance, Service, Licensing Fees, Upgrades, etc.

• Can you maintain all required services under the contract?
  • EX: Reprint ballot images for recounts

• Training Costs
• Transition Plan
Ways of Acquiring a Voting System

- County can **negotiate with vendor directly** for lease or purchase in accordance with county acquisition procedures
- **Group Contracting** (multiple counties or entities negotiating together)
- **Cooperative Purchasing** websites
- **(T) Pre-Negotiated Contract through Department of Information Resources (DIR)**
1. Approval of Voting System Contract by **SOS**
2. Adoption of Voting System by **Commissioners Court**
3. Acceptance Testing
What kind of contracts need to be approved?

- Contracts for different equipment with your current vendor.
  - EX: Going from PBCs to DREs
- Contracts for a new voting system with your current vendor.
- Contracts with new vendors.
Obtaining Approval of Contract

• To obtain SOS approval, you must submit to the SOS
  – A letter requesting approval, AND
  – A copy of the relevant portions of the acquisition contract (version numbers).

• If a contract is approved, the SOS will provide you:
  – A letter granting approval, AND
  – A copy of the voting system certification order.

• Send letter to: elections@sos.texas.gov
Adoption of a Voting System

• A voting system must be adopted for use in any one or more elections by resolution, order or other official action.

• The adoption of a voting system may be modified or rescinded at any time.

• The general custodian of election records is required to make any user or operator manuals or instructions relating to the system available for public inspection.

• Who orders the Adoption?
  – For Counties, Commissioners Court
Adoption of a Voting System

• Adoption action should indicate:
  – whether they are adopting the system for use in early voting only, regular voting on election day or both.

• VS can only be used in accordance with the "terms and conditions" stated in official action.

• Identifying the vendor is not enough!!

• Adoption action must identify the actual system being used.
What should I put in my adoption action?

- Name of Vendor
- Name of Equipment or System
- Is it going to be used for…
  - Election day? At all polling places?
  - Early Voting in Person?
  - Early Voting by Mail?
  - Provisional Voting?
- What elections will it be used for?
  - Just current elections or all elections?
Texas Election Security Assessments (ESA)

• Free evaluation for all 254 Texas Counties
  – Funds provided by 2018 Help America Vote Act (HAVA) Grants
  – Paid Directly to DIR. Counties will not be invoiced

• Partnership with
  • Texas Secretary of State’s Office (SOS)
  • Department of Information Resources (DIR)
  • AT&T

• ESAs provide recommendations to improve security after a review of procedures, technology, and affected staff.
How to Participate with ESA

• Seek County Approval for participation
  – *viz.* Commissioner’s Court

• Initiate process first email:
  • [ElecAssessment@sos.texas.gov](mailto:ElecAssessment@sos.texas.gov)

• Designate an official as liaison for a single point of contact on all matters
Areas Reviewed by ESA

- **Staff Security Knowledge**
  - Phishing
  - Email Practices
  - Social Engineering

- **Elections**
  - Ballot Creation
  - Election Results Publication
  - Voting Devices, etc.
  - Security Devices

- **Network Analysis**
  - Internet Connections
  - Webpage Vulnerability Detection

- **Voter Registration**
  - Registration Software
  - Application Storage
ESA Deliverables

• Election Security Assessment Scorecard
• Election Security Assessment Report
• Questions Contact:
  – Elections@cyberdefenses.com.
  – Keith Ingram – kingram@sos.texas.gov
  – Dan Glotzer – dglotzer@sos.texas.gov
  – Gene Moore (AT&T) - gm4738@att.com
Questions?

Dorothy Kennedy
*Lubbock County Elections Administrator*

Email: votelubbock@co.lubbock.tx.us
Phone: 806-775-1338
Website: www.votelubbock.org