

Preparing for the Primary



Secretary of State's Office
TAEA Mid-Winter Conference 2020

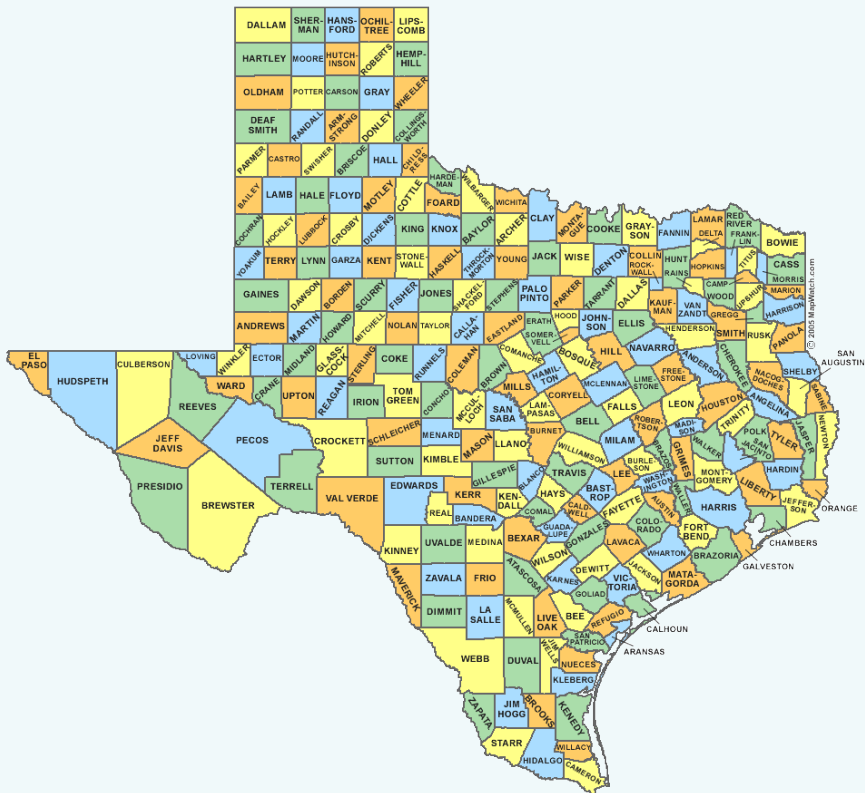


Outline

- Litigation Update
- E-Pollbook Certification
- Election Security Best Practices
- Voter Registration
- Early Voting Requirements
- Web Posting Requirements
- Primary Responsibilities



Texas By the Numbers



- Registered Voters = 16,092,616
- 254 Counties
- 750+ Political Party Chairs
- Approximately...
 - 2000 Water Districts
 - 1400 Municipalities
 - 1200 School Districts
 - And numerous hospital districts, library districts, emergency services districts, etc.
- And they all have elections!



LITIGATION UPDATE



- Candidacy challenges
- 1888 challenges
- 2504 challenges
- Ballot order challenge
- Wet signature challenge



Ballot Access for Minor Parties

- **HB 2504 (Springer)**
 - Lowers the threshold for maintaining ballot access to 2% in any statewide contest.
 - Requires minor party candidates to pay filing fee or submit a petition in lieu of a filing fee to have name listed on ballot.
 - **NOTE:** The Libertarian Party and the Green Party will both be on the 2020 general election ballot.
- **Effective: September 1, 2019**



Parties Nominating by Convention

- Both the Libertarian and Green had candidates file for the convention process.
- Additionally, we had two new parties file the paperwork to register as a political party. We don't know until this summer if they complete the process required to obtain ballot access.



E-POLLBOOK CERTIFICATION



E-pollbook Certification

- **H.B. 4130** (Swanson)
 - SOS is required to develop e-pollbook standards and create an e-pollbook certification program.
 - Devices must be certified annually!
 - Using a device that is not certified will lead to a noncompliance fee.
- Effective: September 1, 2019



E-Pollbook Certification

- **Advisory 2019-21** – Texas Certification of Electronic Pollbooks
 - Certification procedures include both technical and functional review of epollbooks.
 - **Texas Certification Procedures for Electronic Pollbooks:**
 - Outlines the application requirements, certification process, and timeline for completion of the initial certification.
 - **Texas Functional Testing Matrix for Electronic Pollbooks (PDF):**
 - Outlines the functional requirements of the electronic pollbook.
 - **Texas Technical Testing Matrix for Electronic Pollbooks (PDF):**
 - Outlines the technical requirements of the electronic pollbook. Completed by a NIST-certified testing lab for completion of a report that will be provided to the Texas SOS.



E-Pollbook Certification

- **[Texas Certification Procedures for Electronic Pollbooks:](#)**
 - Outlines the application requirements, certification process, and timeline for completion of the initial certification.
- **[Texas Functional Testing Matrix for Electronic Pollbooks \(PDF\):](#)**
 - Outlines the functional requirements of the electronic pollbook.
- **[Texas Technical Testing Matrix for Electronic Pollbooks \(PDF\):](#)**
 - Outlines the technical requirements of the electronic pollbook. Review is completed by a NIST-certified testing lab for completion of a report that will be provided to the Texas Secretary of State's office for consideration in making a determination on certification of a given electronic pollbook.



E-Pollbook Certification

- **Vendors under certification:**
 - ContentActive (Harris County)
 - ES&S
 - Montgomery County
 - KnowInk
 - Tenex
 - Votec
- Reviewing process and standards and will provide updated certification standards by **June 30, 2020**.
- New standards will likely include requirements to comply with common data formats.



ELECTION SECURITY



Election Security

- **H.B. 1421 (Israel)**
 - Adds Chapter 279 “Cybersecurity of Election Systems” to Election Code.
 - Defines key terms
 - Requires SOS prescribe election security best practices
 - Prescribes breach notification requirements for county election officers and SOS.
 - Requires SOS provide cybersecurity training to SOS personnel and counties.
 - Requires all counties to complete the Election Security Assessment.
- Effective: September 1, 2019



Election Security

- **Election Security Best Practices and Data Classifications** are in the process of being finalized – will be issued ASAP.
- Will be issued as an advisory with the intention of eventually creating some broad administrative rules.



Election Security

- **Best Practices Document contains the following components**
 - **Data Classification:** Confidential, Sensitive, Internal, Public
 - **Four Broad Categories:**
 - Policy and Procedures
 - Election Processes
 - Network and IT infrastructure
 - Supporting Technology
 - **Appendices include a glossary of terms and a checklist**



Election Security

- **Election Security Trainers**
 - Available to help individually and to provide regional trainings
- **Election Toolkit**
 - Election Security Best Practices Guide
 - Election Information Security Policy Guide and Template
 - Election Cybersecurity Incident Response Plan Guide and Template
 - Election Continuity of Operations Plan Guide and Template
 - Election System Security Plan Guide and Template
 - Election Vendor Risk Management Policy Guide and Template
- **2020 Election Security Update – Coming soon!**



WEB POSTING REQUIREMENTS



Early Voting Rosters

- Both **SB 902** and **HB 1850** amended Sec. 87.121 adding new requirements for posting early voting rosters on an entity's website.
 - Both amended the same subsection but in different ways.
 - There are some conflicts as to which requirements prevail for counties and SOS, but less so for local political subdivisions.



SB 902 - Requirements

- For Primary Elections and General Election for State and County Officers –
 - Information contained on Early Voting Rosters (both in-person and by mail) will be submitted to the SOS by the County Election Officers.
 - This information will be posted to the SOS website by 11:00 AM in a downloadable format.



HB 1850 - Requirements

- For all elections in which the **County Clerk** is the early voting clerk –
 - Information contained on Early Voting Rosters (both in-person and by-mail) must be posted on the county's website.
 - Does not state specific time.
 - **SOS Recommendation:** 11:00 am per 87.121(g) and (h)



HB 1850 - Requirements

- For all other elections (County Clerk is **NOT** the early voting clerk by law or contract)
 - Information contained on Early Voting Rosters (both in-person and by-mail) must be posted on the website.
 - If no website, then bulletin board used for posting notice of meetings of the governing body of the authority.
 - Does not state specific time.
 - **SOS Recommendation:** 11:00 am per 87.121(g) and (h)



HB 1850 - Requirements

- HB 1850 has language regarding the SOS making early voting rosters available on SOS website, however, the SOS has no way receiving and posting this information for local elections.
- The legislation did not create a mechanism for providing this information to the SOS.
- However, the SOS does provide a link to county election websites which will contain the county's rosters.



What information has to be posted?

- HB 1850 provides that, at a minimum, the list must contain name and VUID.
- SB 902 doesn't specify any express alternatives to what is contained on the roster.
- **For elections in 2020, SOS will only be posting name, VUID, and precinct number as a way to be more protective of voter information.**



HB 933 - Requirements

- Requires the posting of Election day and EV polling places for county and local elections on county and SOS website (in certain circumstances).
- This information is provided to the county under 4.008.
- County must post polling locations for all **local elections on county's website**. 4.003(b).
- SOS will obtain this information from the county and will post on SOS website for those elections that fall on uniform election dates and for which the county is serving as the early voting clerk.



PRIMARY RESPONSIBILITIES



Important Dates

- January 18, 2020: FPCA Mail-Out Deadline
 - Ballots to FPCA voters **MUST** be mailed out by this date.
 - **Or Else.**



Important Dates

- February 3, 2020: Voter Registration Deadline
- February 18, 2020: First day of EV
 - This is a Tuesday, due to President's Day
- February 21, 2020: Last day to receive FPCAs or ABBMs
- Friday, February 28, 2020: Last day of EV
- March 3, 2020: Election Day



HB 2640 - Requirements

- Precinct by Precinct reporting is for county and precinct offices up to statewide offices.
- **Eliminates precinct by precinct reporting for local political subdivisions.**



HB 2640 – Requirements

- Notice of Death/Withdrawal/Ineligibility
 - Chair must provide to CEO for posting on county website
- Notice of Conventions
 - Must be posted at polling place during early voting and on election day
 - Party may contract with county to supply these notices
- Notice of Consolidated Precincts
 - Must be posted on county’s website, not party website



The Canvass Process

- Local canvass is conducted by county chair (or county chair's designee) and at least one member of the county exec committee, if available
 - CEO will submit canvass report to SOS
 - County chair will certify the canvass report electronically
 - County chair will certify nominees for county/precinct offices electronically via SOS website
- State canvass is conducted by state chair
 - State canvass is based on county canvass reports
 - State chair will certify nominees for district and statewide offices electronically via SOS website



How replacement nominees are certified (after primary)

- If a replacement nominee must be made after the primary, then the state/county chair must submit the updated nomination electronically to SOS
- The official ballot is built off the list maintained on SOS website.
- List will also be emailed to each county.
- It is NOT official until you receive the email from our office.



REMINDERS...



Upcoming Advisories

- Confidentiality Updates
- Party Affiliation
- Limited Ballot Instructions
- Early Voting by Mail Reminders
- Updates to “Ballot and Seal Certificate” form and procedures
- Voter ID
- Activities in the Vicinity of the Polling Place
- Canvass and Recount Deadlines
- Recount Deadlines



Final Thoughts

- New Voting Equipment Challenges
- Poll watchers
- Electioneering
- Training Opportunities



Training Opportunities

- Polling Locations in TEAM:
 - Monday, January 13 at 2:00 pm
 - Tuesday, January 14 at 9:00 am
- County Contact & Precinct/Polling Location Information
 - Wednesday, January 15 at 2:00 pm
 - Thursday, January 16 at 9:00 am
- County Data Entry
 - Wednesday, January 29 at 2:00 pm
 - Thursday, January 30 at 9:00 am
- Talk Time with the Legal Team
 - Tuesday, January 28, 2020 at 9:00 am



Questions?

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