

REMARKS DURING COMMISSIONERS COURT, JUNE 27, 2023

Good morning, Commissioners, Claire Nybro here. I have copies of my presentation for each of you today, and a packet for the County Clerk so that she can include my remarks and related material with the public record. Thank you.

Yesterday I attended the Commissioners Court meeting in Kerr County. I did so because one of their commissioners understands how untrustworthy our election system is, and he is advocating a return to paper ballots and a hand count tally method. The Kerr County Commissioners passed a motion to hold a public meeting/workshop on election integrity for their constituents on August 22nd. I have included in your packet an email from Commissioner Rich Paces, in which he outlines all his reasons for wanting to get rid of the voting machines. I really hope you all find time to read it.

We need a public town hall in Burnet County as well, to educate the public - and all of you - about how the system should work, and to demonstrate the ways in which the machines can be hacked, how the data is manipulated behind the scenes, how expensive the machines & related licensing and maintenance fees are, and how much cheaper a paper ballot/hand tally counting system would be.

Another paper in your packet of materials is entitled "Adopting Paper Ballot Voting with Hand Tally Tabulation in Texas". This document points out that the Texas Election Code "really appears to be based on a paper/hand tally process, with updates and additions on how to acquire an electronic system" and that "[T]he adoption of a voting system may be modified or rescinded at any time."

So there's nothing to stop you from voting to adopt a paper ballot/hand tally method, "at any time" or even today. You alone have that authority. Once you do, not only would you be heroes and pioneers in the battle against the Deep State but you would be standing in the gap against tyranny for all the citizens of Burnet County.

Gentlemen, their system is crumbling. We must stop playing their magic show games by using their rules and their equipment. Please find in your heart to do what you know to be the moral and honorable thing to do.

Fwd: Election Integrity - Commissioners Court Meeting, Monday morning, June 26th 9:00am

Lori L. Gallagher, REALTOR <lorionafarm@gmail.com>

Sun 6/25/2023 2:12 PM

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We would like to be put on agenda for similar workshop.

See below.

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----- Forwarded message -----

From: **Rich Paces** <rich_paces@yahoo.com>

Date: Sun, Jun 25, 2023, 12:16 AM

Subject: Re: Election Integrity - Commissioners Court Meeting, Monday morning, June 26th 9:00am

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Monday morning at the Commissioners' Court meeting, the first item on the agenda is to "Consider, discuss and take appropriate action to schedule a public workshop on election integrity the week of August 21st". I had a similar item on the agenda at the previous Commissioners' Court meeting held on June 12th, however during that meeting my motion to hold the workshop failed by a vote of 2 for, 2 against and 1 abstained. The issue of whether the hand count method initially proposed by Mark Cook during the last election integrity workshop is considered a voting system requiring approval and certification by the Secretary of State (SOS) came up. The SOS's office has in fact rendered an opinion that the use of calculators with large LED readout screens and cameras overhead to record the hand count "*would likely require certification as a voting system*". We simply cannot afford to wait until a voting system is certified by the SOS, especially considering that the Commissioners Court heard from Mr. Jarrett Woodward on April 10th that the SOS certifications issued for Hart InterCivic voting equipment are not valid. As a result, I now propose that Kerr County simply adhere to the process and procedures defined in the Texas Election Code (TEC), Chapter 65 for manual counting of paper ballots. There is no certification or approval required to do so and it is the method that was recently used in the Kerrville city council election recount. It was also what we did before using the electronic voting

machines, and we certainly had no difficulty finalizing election results shortly after the polls closed on election day.

During the proposed workshop, a presentation will again be provided by cyber security expert Mark Cook, who presented during the last election integrity workshop. He will cover the “why” we should stop using vulnerable electronic voting machines. A representative from Tally Texas will also provide details on why they have petitioned the Secretary of State (SOS) to discontinue the County Wide Polling Program because of numerous issues with voting machines, people receiving the wrong ballots and no meaningful way to audit what ballot a voter received, etc... I am also working on bringing in former County Clerk from Mesa County, CO, **Tina Peters**, to tell her story (www.SelectionCode.com). A demonstration of the TEC Chapter 65 manual method for hand counting ballots will also be provided.

During our last EI workshop, Hart Intercivics' representative said *“Anybody who says something is not hackable is a fool. So, anything can be hacked, right? But it takes access to the thing, knowledge and mostly time to be able to do that”*. When questioned, he admitted that Hart imports the motherboards from China. The motherboards are the most critical component of the machines, yet we are unable to inspect them to know if there is a modem embedded within the boards. Do you trust China? I don't.

The voting machines we have been using are expensive black boxes and we have no idea whether they are giving us the correct results or not. Who knows whether our voting machines have ever been hacked here in Kerr County? I am not suggesting that they have been. But they could have been, and no one would ever know. That's the real point. Instead, hand counting paper ballots per TEC Chapter 65 should be used in our precinct polling locations on election day starting one hour after the polls open. This will consist of using multiple teams of 4 members (1 caller and 3 marking tally sheets). It will take a lot of people to volunteer 4-5 hours of their time on election day to hand count our ballots. But, isn't confidence in our elections and confidence that your vote counted as you intended worth 4-5 hours of your time? See me if you are willing to hand count our ballots. I have a sign-up list to gather support and to take away the argument that we can't get enough volunteers to step up for election day counting.

The proposed workshop and hand count demonstration should also be of interest to members of other government and political subdivisions who under the TEC Chapter 123 have the right to choose what voting system / method to use in their elections (e.g., Kerrville, Ingram, ISDs, Republican and Democrat Parties for their primary elections, etc.). While the county has been administering elections on behalf of these other subdivisions, it is each subdivision's right to adopt the method of voting for their elections. Should the county decide to discontinue its use of our Hart Intercivic Verity equipment and go with hand counting (as I advocate), these other subdivisions may still prefer to use the electronic voting machines. However, they would then have to bear the cost of the equipment, which will be quite significant, especially when upgrades and replacements are required. We need as many of our precinct chairs as possible to attend the CC meeting Monday morning and express their support for attending the workshop as it is relevant to their decision on how to conduct their elections.

So come to the Commissioners' Court meeting Monday morning a little early and sign up to speak. Tell the court that you want another workshop on election integrity and better yet, tell them that you are willing to count paper ballots in your precinct polling place!

Best regards,
Rich

Adopting Paper Ballot Voting with Hand Tally Tabulation in Texas

The Texas Election Code (Code) does not appear to address changing from an electronic voting system to a paper ballot/hand tally system. The Code appears to be based on a paper/hand tally process, with updates and additions on how to acquire an electronic system.

On the Secretary of State's (SOS) website, under the Voting Technology section, Voting Systems, there is an article entitled "Adoption of a Voting System". The article states:

Pursuant to Chapter 123, Subchapter A of the Texas Election Code ("Code"), 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. Additionally, the authority adopting the system should indicate in their official adoption action whether they are adopting the system for use in early voting only, regular voting on election day or both. 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.

Adoption of a Voting System occurs by the following authorities:

- 1. General Election for State and County Officers: Commissioners Court*
- 2. Primary Elections: County Executive of Party holding the primary*
- 3. All Other Elections:*
 - a. The Commissioners Court, if ordered by the governor or a county authority,*
 - b. The governing body of the political subdivision served by the authority ordering the election.*

As stated above, for most elections the County Commissioners Court is the authority responsible for the adoption of a voting system. It would follow that the Commissioners Court would be the authority to defund and rescind a voting system (see underlined section above), and order that county elections be conducted using paper/hand tally.

Voting Accessibility Issue: As a general rule, under sections 61.012 and 61.013, a political subdivision must provide at least one electronic accessible voting machine in each early voting and election day polling place. There is a process outlined in 61.013.c-d to possibly reduce the number of electronic accessible machines by submitting an Application of Undue Burden Status to the SOS.

Below is email confirmation from the Texas SOS regarding the above conclusions:

04/27/2023

Hello,

Under Election Code 123.001, the commissioners court is responsible for adopting the voting system that would be used in that county's elections. Some counties may choose to use hand-counted paper ballots, other counties will choose to use electronic voting systems. If the county will be using a voting system, it must be a system that has been certified at the state and federal level.

State and federal law require an entity conducting an election to provide at least one electronic voting system per polling place and per early voting location that will allow voters with

disabilities to independently mark a secret ballot. While the county may adopt hand-counted, hand-marked paper ballots as their primary method of voting, they would still need to deploy at least one electronic voting machine at each polling place and each early voting location in order to satisfy these accessibility requirements under state and federal law.

Please let us know if you have any questions about this.

Thanks,

Elections Staff

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4.27.2023

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