

PUBLIC COMMENTS, 8/8/2023

COMMISSIONERS COURT

Good morning, Commissioners. My name is Claire Nybro.

In just a short while, we will learn of some legal deficiencies with our voting system in Burnet County, during Mr. Woodward's presentation, #5 on today's Agenda.

Our voting system, first and foremost, **MUST** be legal.

And we want a secure voting system that's also transparent, accurate & auditable. We don't have that now.

We would like you to adopt Chapter 65 of the Texas Election Code for this November constitutional election.

It's already legal, and you, as County Commissioners, have the authority to adopt it **AT ANY TIME**. No new laws need to be implemented, and the Secretary of State's office stands at the ready to help us.

Paper ballots will give us an audit trail.

Trust and faith in our voting system will be restored when we see our votes being counted in our communities, by our friends and neighbors. In this way, transparency will be restored.

The talliers correct each other when tallying, while the judge and poll watchers can observe. This restores confidence in the accuracy of our votes being counted correctly.

As an added bonus, the County will save money! Not just on those lousy machines, but also on exorbitant licensing and maintenance fees! We like it when you save money!

Gentlemen, we have everything to gain by switching to Chapter 65.

Thank you for your time today.

TEXAS ELECTION CODE

CHAPTER 65. COUNTING VOTES AND PREPARING RETURNS

SUBCHAPTER A. COUNTING VOTES GENERALLY

At each polling place, the ballots shall be counted by one or more teams of election officers assigned by the presiding judge. Each team must consist of two or more election officers. (65.001)

Three original tally lists shall be maintained at the polling place to record the number of votes received for the candidates and for and against the measures voted on. (65.004)

One member of the counting team shall examine each ballot and clearly announce the name of each candidate for whom a vote has been received or whether a vote has been received for or against a measure. The other members of the counting team shall record the votes on the tally lists as they are announced.

The counting team shall compare the tally lists periodically to determine whether discrepancies exist among them. If a discrepancy is discovered, the ballots shall be recounted and the necessary corrections shall be made on the lists.

On completing the count, each member of the counting team assigned to tally votes shall compute the total number of votes tallied on the list the member has kept and enter the totals on the tally list. After verifying that the three lists are in agreement, each counting officer shall sign the list that the officer has kept. (65.005)

A member of a counting team may not be replaced after vote tallying is begun unless each existing discrepancy among the three tally lists is corrected before the replacement is made. If a counting officer is replaced on a counting team after the tallying is begun, the officer to be replaced shall certify the accuracy of the list the officer has kept, as of the time of the replacement, by signing the list at that time. (65.006)

In an election in which write-in voting is permitted, the name of a write-in candidate shall be entered on the tally list and votes for that candidate shall be tallied in the same manner as votes for a candidate whose name appears on the ballot. (65.008)

Failure to mark a ballot in strict conformity with this code does not invalidate the ballot. Marking the ballot by marking through the names of candidates for whom or the statements beside the propositions for which the voter does not desire to vote does not invalidate the ballot. A vote on an office or measure shall be counted if the voter's intent is clearly ascertainable unless other law prohibits counting the vote. The intent of the voter in marking a ballot may be determined by:

1. a distinguishing mark adjacent to the name of a candidate or political party or a voting choice associated with a proposition;
2. an oval, box, or similar marking clearly drawn around the name of a candidate or political party or a voting choice associated with a proposition;
3. a line drawn through:
 - A. the names of all candidates in a manner that indicates a preference for the candidates not marked if the names of the candidates not marked do not exceed the number of persons that may be elected to that office;
 - B. the name of each political party except one in a manner that clearly indicates a preference for the political party not marked; or
 - C. a voting choice associated with a proposition in a manner that clearly indicates a preference for the other voting choice associated with the proposition; or

any other evidence that clearly indicates the intent of the voter in choosing a candidate or political party or deciding on a proposition. (65.009)

The following ballots may not be counted:

1. a ballot that is not provided to the voter at the polling place;
2. two or more ballots that are folded together in a manner indicating that they were folded together when

[illegible]