

County Clerk

Honorable Members of the Burnet County Commissioners Court
220 S. Pierce St.
Burnet, TX 78611

May 27, 2025

Re: Notice and Objections to Election Administration Issues, Texas Open Meetings Act Violations, Failure to Convene County Election Board, and Equipment Procurement Concerns in Burnet County

Dear Burnet County Commissioners Court members,

The topic of my public comments is to formally notify the Burnet County Commissioners Court of concerns regarding the administration of elections in Burnet County including concerns with the May 3, 2025 local election. These concerns include potential violations of the Texas Open Meetings Act (TOMA), the failure to convene the County Election Board, and procurement issues related to voting equipment.

This notice intends to preserve and record these objections for the public record and for any potential future legal proceedings, and should not be misconstrued as consent through silence; there are numerous official audio recordings of commissioners court meetings where voters, taxpayers, citizens, and interested persons have diligently queried the issues mentioned below. I respectfully request that the Commissioners Court publicly address and resolve the identified matters.

Under Texas Election Code, the Elections Administrator (EA) is primarily responsible for conducting elections, with oversight duties assigned to the Commissioners Court. The following issues raise substantial concerns about noncompliance by both entities.

The May 3, 2025, election involved multiple Local Political Subdivisions (LPSs), including Cimarron Shores WCID, Burnet CISD, Moonlight Bend MUD, City of Cottonwood Shores (a close margin race for Place 2), ESD-7, City of Marble Falls, City of Highland Haven, Marble Falls ISD (for significant bond debt=\$172,000,000), City of Burnet, City of Bertram, and City of Meadowlakes. Several issues described below may compromise the legal integrity, transparency, and administration of these elections:

1. Unauthorized Change in LPS Contracts

Contracts for Election Services record the EA agreeing to provide and present ballots on Hart InterCivic's eSlates (DRE) and Judge's Booth Controllers (Section II.I). However, the Elections Administrator implemented a county-wide upgrade to a hybrid voting system (e.g., Hart Verity 2.7) without executing contract amendments as required by Section VII.E. This failure, primarily the EA's responsibility, undermines the transparency requirements of the Texas Election Code and creates uncertainty about cost-sharing obligations for LPSs.

2. Failure to Disclose Advance Approval by the Secretary of State

This concern is about the timing of the Secretary of State approval of the voting equipment contract dated April 28, 2025 (which is after early voting began on April 22, 2025) - were ballots cast using unapproved electronic voting equipment? This potentially risks the validity of the May 3, 2025, election, particularly for close races (e.g., a 7-vote margin in the Cottonwood Shores Council Member, Place 2 race, etc.) where void or voidable ballots cast on unapproved equipment could affect outcomes. The Secretary of State approval letter clearly mentions advance approval or the equipment contract "is void".

3. Procurement and Transparency Violations

The purchase, likely a sole-source procurement due to Hart's proprietary system, lacks required documentation, violating the Burnet County Purchasing Policy as well as statutory Texas sole-source purchasing documentation requirements. **Similar to the recent Verity 2.7 acquisition, the 2024 e-pollbooks , lacks required documentation, violating the Burnet County Purchasing Policy as well as statutory Texas sole-source purchasing documentation requirements have the added problem of acquisition using federal grants which require additional scrutiny and compliance.**

4. TOMA Violation Through "A Series of Discussions"

Discussions about purchasing new voting equipment were conducted privately via email in conjunction with Commissioner Jim Luther Jr.'s acceptance of elections oversight on January 3, 2025, suggest a series of communications constituting a quorum-level discussion outside of a noticed meeting, potentially violating TOMA.

5. Transparency and Notice Failures

The EA has not posted all notices required, including posting notices inside the interior elections office lobby reception window. Election related notices are posted exclusively on the county elections website without recording in Commissioners Court minutes or county records, limiting public access.

6. Failure to Convene the County Election Board

Despite multiple reminders and requests, the County Election Board has not been convened as required by Texas Election Code. Burnet County adopted electronic voting machines for the 2026 state and federal elections without convening the County Elections Board.

7. Governance and Oversight Deficiencies

The Commissioners Court has not ensured compliance with election laws, procurement policies, and public notice statutes, reflecting systemic lapses in oversight. The EA's apparent unilateral approval of Joint Election Agreements—without Court action—contradicts prior practice (e.g., 2014 Court minutes) and may violate Texas Election Code. Additional issues, such as the EA's delay in filing a proper Oath of Office and Surety Bond (from 2015 until October 2023), and failures to ensure transparent and complete compliance with elections statutes are attributable to the Court.

Commissioners Court minutes omit key election communications about elections supplies and equipment purchases, likely violating the Public Information Act. Why is that?

These objections are submitted in good faith to safeguard Burnet County's electoral integrity, legal compliance, and public trust. **Candidates have invested money and time in their races. LPSs have invested taxpayer funds and resources in elections.** Failure to address these issues may necessitate further legal action. This letter serves as formal notice and objection under applicable law.

Thank you for your prompt attention to these matters. I am available to provide documents substantiating these issues, to clarify any concerns or to schedule time during a Commissioners Court meeting for further discussion.

Sincerely,
Patty Cope, Burnet County Voter, Taxpayer, Interested Person
cc:
Burnet County Attorney's Office
Doug Ferguson, Elections Administrator

Government Code

Title 5

Open Government; Ethics

Texas Government Code Section 552.001

(a) Under the fundamental philosophy of the American constitutional form of representative government that adheres to the principle that government is the servant and not the master of the people, it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees.

The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.

The people insist on remaining informed so that they may retain control over the instruments [of government that] they have created.

The provisions of this chapter shall be liberally construed to implement this policy.

(b) This chapter shall be liberally construed in favor of granting a request for information.