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BEXAR GOP DEMANDS TRANSPARENCY, COMPLIANCE WITH ELECTION LAWS

Letter to Judge Sakai documents legal infractions, negligence by Bexar County Elections Dept.

SAN ANTONIO, TX – In an effort to ensure integrity and transparency in our local elections, Jeff McManus, Chairman of the Republican Party of Bexar County, sent a letter to Bexar County Judge Peter Sakai on May 1, 2023. The letter details violations of the Texas Election Code by the Bexar County Elections Department and includes recommended safeguards to deliver transparent, secure, and verifiable election results.

“Our only goal in bringing attention to this matter and demanding action is secure and transparent elections, and right now, there are several reasons to doubt the integrity of our local elections process,” said Bexar GOP Chair Jeff McManus. “This is something that should alarm both Republicans AND Democrats, because if the people doubt the credibility of our elections process, they will lose faith and confidence in their government.”

When it comes to elections in Texas, Bexar County is critical as it comprises 10% of all the votes cast in the state. There is ample evidence to establish that elections in Bexar County are NOT secure and do NOT follow Texas Election Code. Until they do, they should not be certified. The following constitute violations of the Texas Election Code by the Bexar County Elections Department:

1. **Texas Election Code 85.032(b)** requires seals on early voting ballot boxes containing voted ballots and requires them to follow procedures in **127.064, 127.065, 127.066, and 127.068**. These seals and the chain of custody documents signed by election officials and poll watchers are necessary to provide documentation proving the actual paper ballots are kept safe from fraud or error. Bexar County is currently NOT following these procedures and is in violation of the Texas Election Code. This prevents any valid recount or audit of Bexar County Elections.
2. **Texas Election Code 129.023** defines procedures for a Public Test of Logic and Accuracy. This test includes **129.023(c-1)** a requirement to demonstrate that the source code of the equipment has not been altered. During the Logic and Accuracy tests prior to the November 2022 election, this demonstration was not performed as observed by several poll watchers.
3. **Texas Election Code 129.054(a)** states a voting system may not be connected to any external communication network, including the internet. It is publicly known that ES&S shipped over 14,000 DS-200 tabulators to states that included wireless modems. Nobody has verified if the Bexar County DS-200 tabulators contain these modems. In addition, during the November 2022 Election, poll watchers were denied access to observe the routers/server room at Central Count to inspect and verify the network connections used in transmitting and receiving election results from the Regional Sending Sites (RSS) to Central Count. It is unknown to anyone outside Bexar County Elections Department or

ES&S if Bexar County voting systems are connected to other networks. In addition, inspections by the US Election Assistance Commission (EAC) have shown consistent vulnerabilities in ES&S Voting Machines used in Bexar County. The certification of these machines does not meet the requirements of **Texas Election Code 122.01(3)** and **Texas Administrative Code 81.61** as documented in the lawsuit styled *Gremont, et al. v. Scott, et al.*, 4:22-cv-00576. We ask that the certification be revoked for these voting systems in Bexar County and in Texas. Elections should be handled on paper ballots with secure chain of custody on ALL ballots and repeatable, verifiable ballot counting at the lowest level. The impact on timing would be minimal as demonstrated in Dallas County in April 2023, where a transparent hand count of actual ballots from Texas showed timely, 100% accurate results. This would eliminate millions of dollars in voting machines costs borne by Bexar County taxpayers.

4. **Texas Election Code 62.008** requires Presiding Judges to sign the back of each ballot used at their voting location. Texas Election Code does not require this for early voting, removing a significant check on error or fraud. Bexar County stamps the Early Voting Clerk's initials on the back of ALL early voting ballots, preventing an audit from proving the ballots were cast at a specific location. The combination of not signing the ballots and no seals as discussed earlier would easily allow a nefarious operator to substitute ballots with no possibility of detection. Implementing the election day practice of the Presiding Judge signing the ballots for early voting would enhance election integrity.
5. **Texas Election Code 127.066(c)** requires the ballot box to be delivered to the central counting station after completion of voting. The actual paper ballots in unsealed containers are NOT delivered to the central counting station until the following day or later, after completion of voting. There is NO chain of custody on these ballots during that time, again preventing a legitimate recount or audit of the election results.

Until these violations are addressed and remedied, we request that Bexar County implement the following safeguards to allow for the transparent certification of our election results:

- Public, documented, and verified (by all interested parties) set-up of all voting computers/machines (with chain of custody for machines after set-up is complete).
- Verification that NO election equipment can connect (through wired or wireless means) to the internet or another computer (with proof through physical inspection).
- Early Voting Judges sign all ballots at their voting location as they are required to do on election day (Random Numbers should also be used as required by Texas law).
- Chain of custody maintained on all absentee, early voting, and election day paper ballots (seals and signatures) and voting machines.
- Same day manual count (video recorded) of signed paper ballots at each voting system witnessed by election judges, clerks, and poll watchers from all parties (absentee, early voting, and election day voting).
- Verifiable chain of custody after election on all paper ballots to allow valid audits/recounts.

Finally, as there is no chain of custody on the paper ballots or proprietary voting machines currently in use and no actual verification of the operation of the machines, Bexar County MUST eliminate the use of the proprietary voting machines and implement strong, transparent procedures. We believe the only true source of a voter's will is a paper ballot where the voter marks or prints, reviews, and then inserts into a secure box that is counted in a transparent process for all to see. This total transparency is necessary for Bexar County residents to increase their faith in government, its leaders, and in the election process.

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