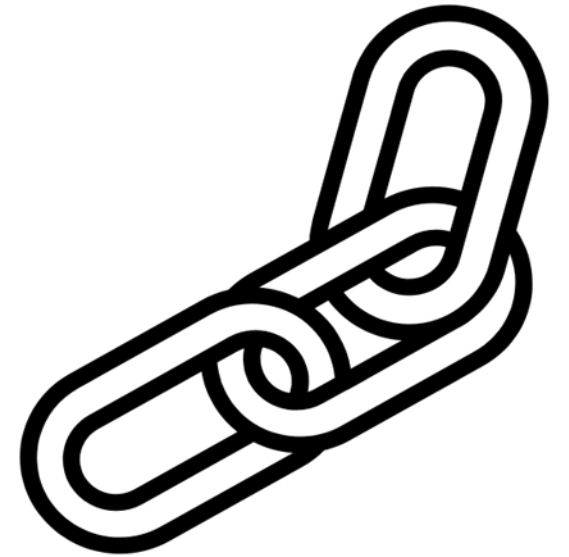


Chain of Custody



What is Chain of Custody?

The chronological documentation or paper trail that records the sequence of packaging, **custody**, control, transportation, transfer, analysis, storage, and disposition of physical or electronic evidence.



Chain of Custody **today**



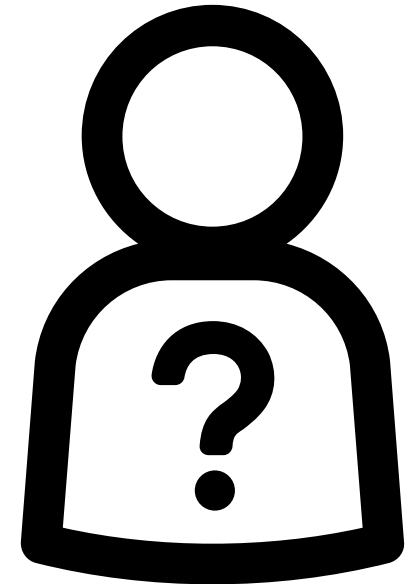
The 5 W's

Who, What, When, Where, Why?



Who Does Chain of Custody Apply to?

- General Custodian of Election Records
- Poll workers
- County employees
- Witnesses/Poll Watchers
- Vendors



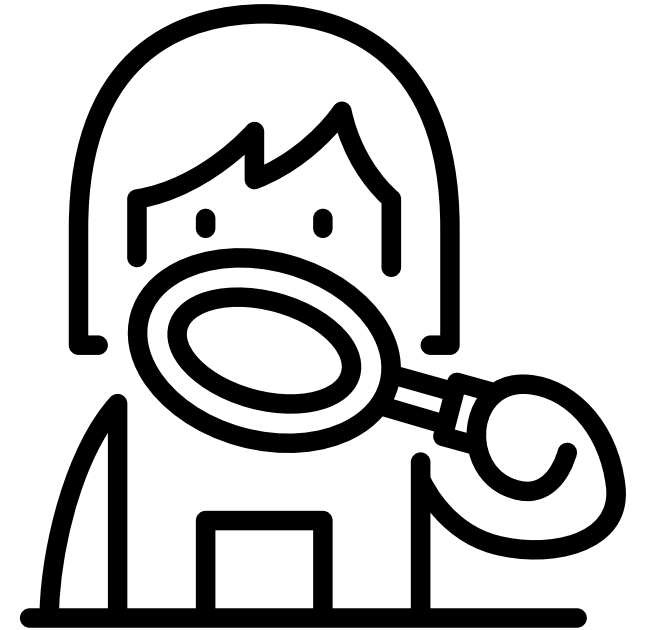
The Importance of Witnesses

- Keep sensitive items (ballots, drives, etc.) within view at all times.
- Never leave these items unattended or with just one person.
- Always have **two** people sign corresponding documentation when delivering or receiving items.



Poll Watchers and Chain of Custody

- Watchers are another link in the chain
- Watchers can follow workers when transporting ballots
 - If the delivery is made in a vehicle, the watcher may follow in a different vehicle.
 - The election officer must drive in a manner that allows the watcher to keep the delivery vehicle in sight.
- Two watchers, if present, may sign the results tape at the polling place on Election Night.



***What* Items Have Chain of Custody Documentation?**

- Ballots (including blank ballot paper)
- Voting devices/machines
- Electronic media
- Testing materials and documentation
- Ballot boxes
- ePollbooks
- Zero tapes/suspend reports(EV)/results tapes(Eday)



Ballot Boxes



When is Chain of Custody Required?

- Programming
- Logic and Accuracy Testing
- Early Voting
- Election Day
- Signature Verification Committee
- Ballot Board
- Central Count
- Retention Periods



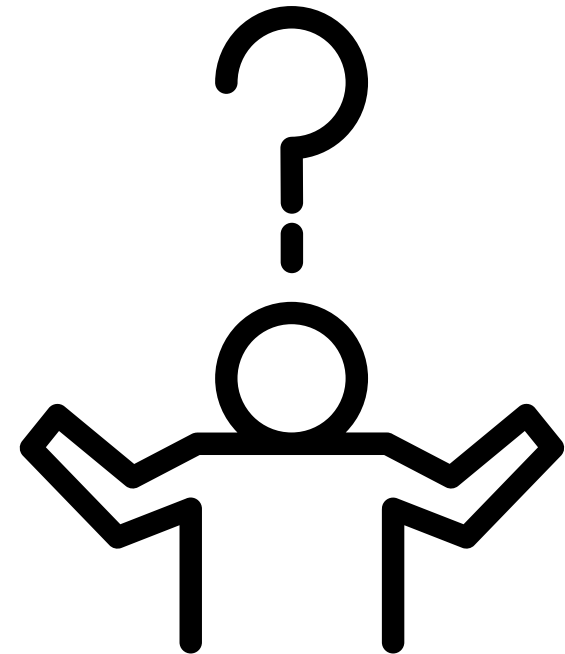
Where Does the Chain of Custody get documented?

- Main office
- Polling locations
- Transport
- Central Count
- Voter Registrar
- Storage/warehouse



Why Do We Have a Chain of Custody?

- Required by law [129.051(b)]
- Tells the story of an election
- Helps strengthen the integrity of elections
- Makes public information requests easier to fulfill
- Keeps your office organized so new team members can join seamlessly
- Documents the legacy of election officials



Seals

- All items requiring a seal/serial number associated with them, should be tracked on a chain of custody form.
- Seals should be tamper-evident to provide evidence they haven't been previously opened.
- Keep track of the seal condition and serial numbers to ensure they have not been tampered with during transport.
- Retain all seals for record keeping
- Place any broken seals in appropriate assignment envelopes or designated containers.
- If there are any discrepancies, document them accordingly.



Examples of Tamper Evident Seals



Chain of Custody Timeline



Before The Election



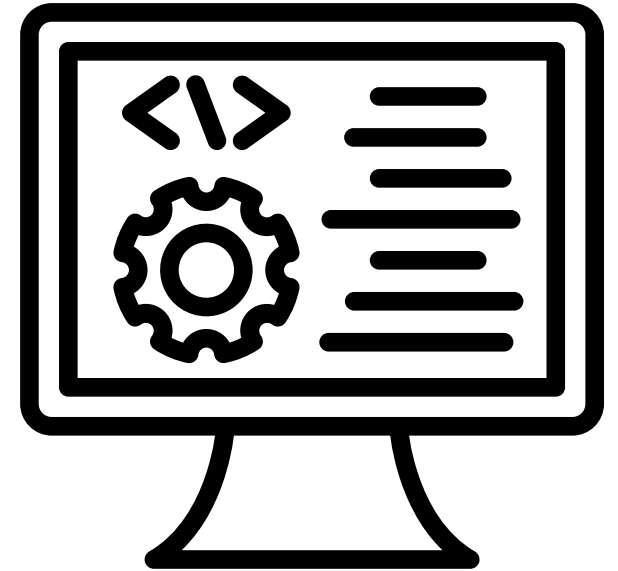
Before The Election Begins

- Create a master seal manifest or inventory sheet for each polling place
- Create a plan to transfer and document election materials to polling place officials
- Train your personnel on your chain of custody practices (completing forms, applying seals, etc.)
- If delivering equipment, create a detailed information sheet (voting systems, supplies, point of contact info, location, special instructions)



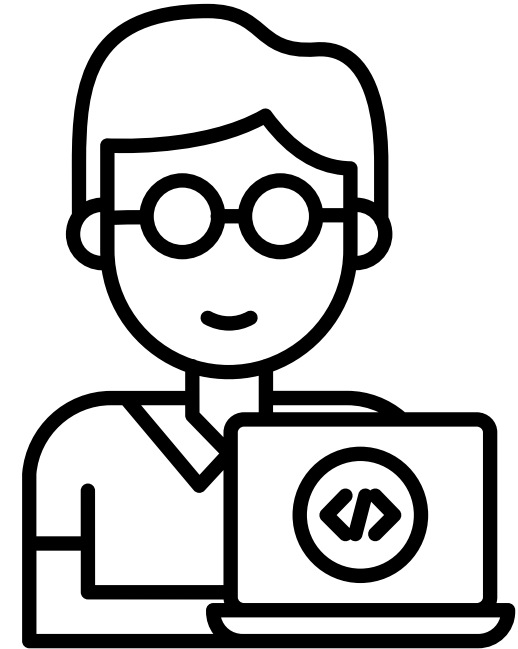
In-House Ballot Programming

- Limit the number of people who have access to the ballot programming computer and software.
- Secure the computer in a locked and secured room and create a log that tracks who entered and when.
- Make sure *two individuals* are present at all times when programming.
- Consider the security of the storage for media *before and after* programming.
- The general custodian...shall create a procedure for tracking the custody of voting system equipment once the parameters are loaded. [129.051]



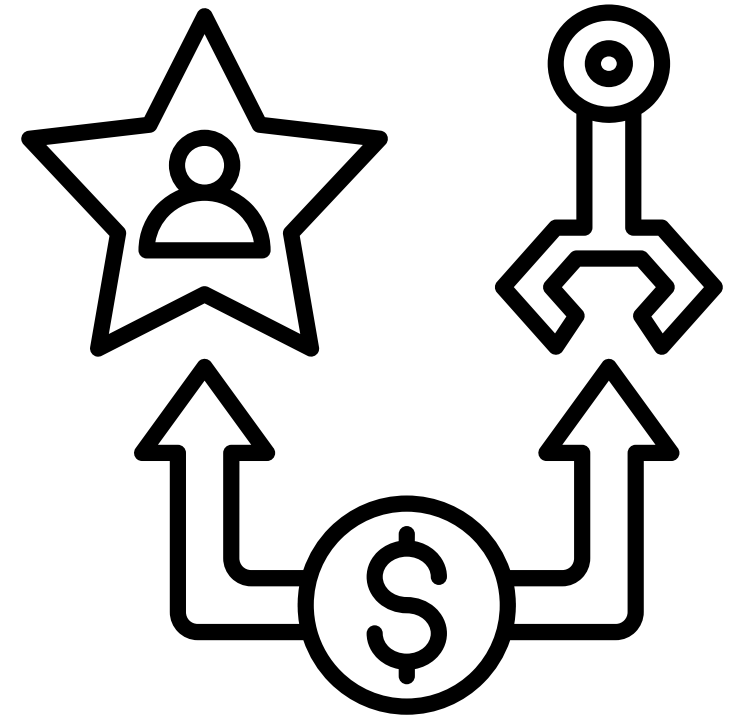
Vendor Ballot Programming

- Your vendor's practices are part of the chain of custody
- Ask your vendor what security measures they have in place
- Will your programmed ballot information be submitted to you by secure means?
 - Encrypted email
 - Secure portal
 - Media in a sealed pouch via FedEx or other carrier
- Develop a Vendor Risk Management Policy (Election Security Toolkit)



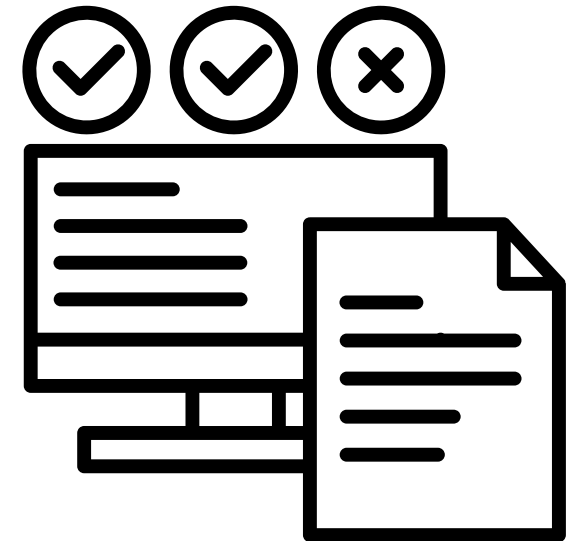
Security with Vendors

- Establish proper procedures for delivery of election media, ballot programming information and equipment.
- When signing a vendor contract, make sure to implement policies that allow for you to be in control of the processes of programming and testing – *Ensure your staff is familiar with these processes*
- Vendor employees should wear identifying badges at all times and be accompanied by an employee if making a visit to the elections office.



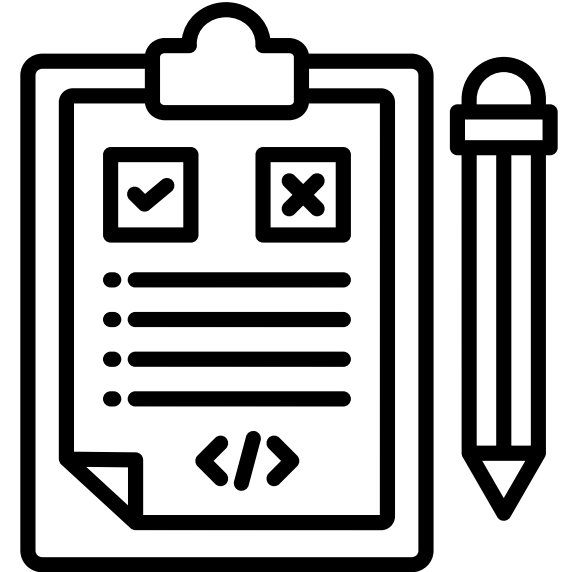
Public Logic and Accuracy Testing

- Sign in/out
- Name badges
- Post signage
- Have written procedures



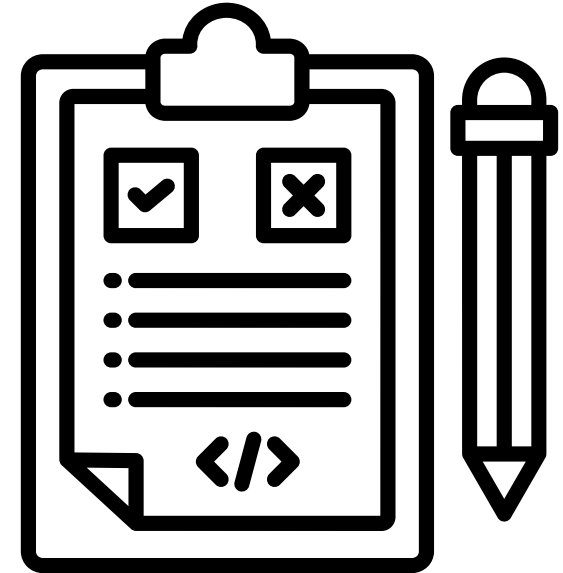
Logic and Accuracy Testing Materials

- Have two people witness the securing/sealing of the materials and sign the documentation
- Ensure that seals are documented properly when materials are unsealed/resealed for the 2nd and 3rd tests of automatic tabulator.
- L&A materials are to be retained with all other election materials
- They should be sealed and secured throughout the retention period



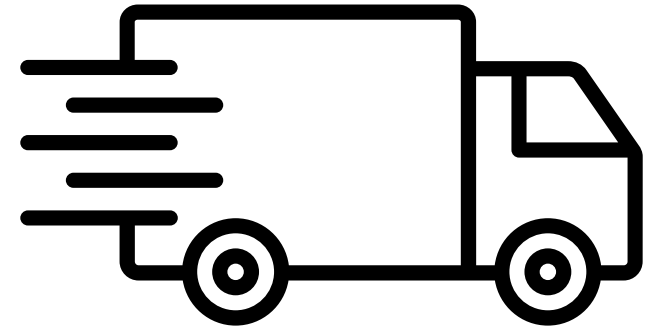
Ballot By Mail

- USPS point of contact
- Ballot by Mail tracker
- Storage of ballots



Supply Pick Up/Delivery

- Include asset tag numbers or serial numbers of the devices.
- Preprint the name of the person(s) designated to transfer the supplies
- It must be an election worker or county employee
- Require the signature and a *printed name* of the person picking up.
- The more details that are documented, the stronger the story is.

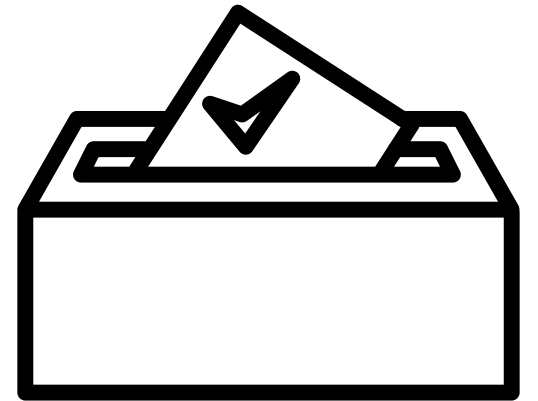


Early Voting



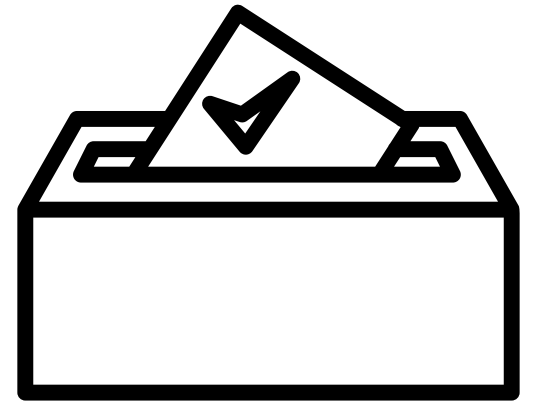
Early Voting Ballot Board and/or Signature Verification Committee

- Is the location secure?
- Are the ballots being handled properly?
- Utilize sign-in/sign-out sheets
- Never leave ballots in the room with just a single person.
- Are their activities being live streamed?
- Do the workers have access to any other areas?



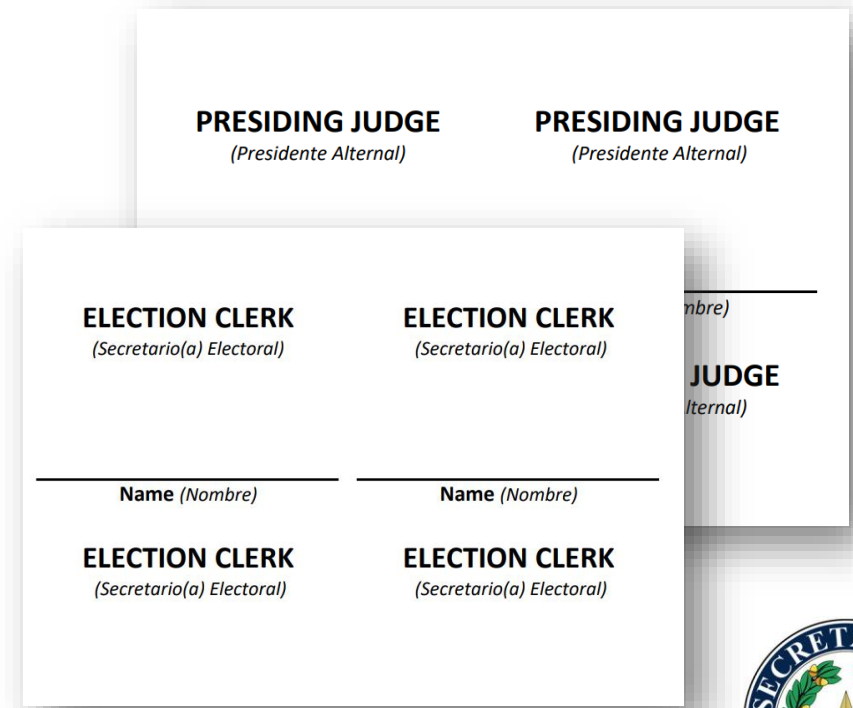
During The Election

- Maintain control and security of equipment, voted ballots and blank ballot stock throughout the election
- Follow procedures for sealing equipment and securing the voting location in between early voting days
- If changing ballot boxes during the early voting period or as they become full, follow proper transfer and storage procedures
- Only a single officer is required to deliver voted ballots and other records from branch early voting polling places but two are recommended. [85.071]



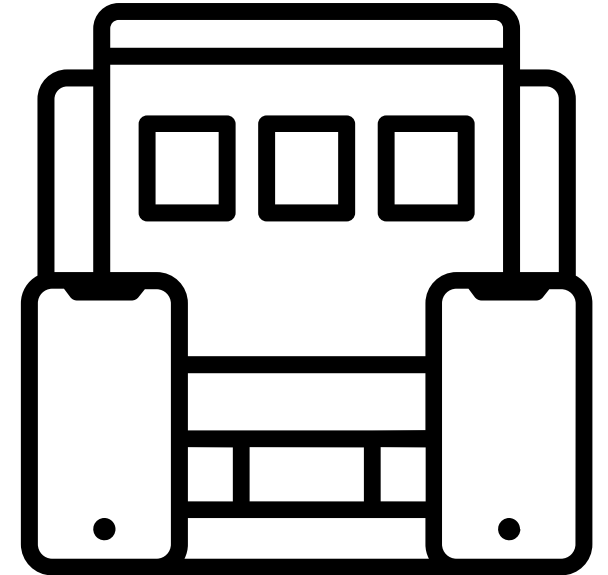
Physical Security of Polling Places

- All election workers should wear identifying badges.
 - There are badges available for printing on the SOS website: Forms 7-4 thru 7-8
- Arrange the polling place so election workers have maximum visibility over equipment and voters
- Limit entry and exit points to ensure that no unauthorized entry or movement of sensitive items occurs.
- The election judge is responsible for the security of the polling place. [61.005(b)]



Security of Election Technology Devices

- Before and after use each day, all voting devices must be locked and contain serialized numerical seals.
- Two watchers, if present, shall sign the seal that is placed over the deposit slot of the ballot box.
- All election workers must carefully track the serial numbers used.
- Periodically inspect equipment to check for any evidence of tampering or unauthorized access.
- Store the machines in a locked room after the election and ensure only authorized personnel can access the room.
- Maintain record of who has been in contact with the devices and has accessed the secured storage area.
- Voter lists and ePollbooks are not required to have a chain of custody, but we highly recommend documenting it.



Metal Ballot Boxes – *Early Voting*

- Metal ballot boxes must have a hinged top, hasp and padlock.
- The ballot box must have **two locks, each with a different key**, and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box
 - The ballot slot can be sealed to prevent any unauthorized deposit in the box.
- The seals for the boxes must be serially numbered for each election



Electronic Ballot Boxes – *Early Voting*

- Electronic ballot boxes used in Early Voting must have **two locks** in the same manner as a metal box has two locks, each with a different key
- Both keyholders must be present when the ballot box is opened
- Typically law enforcement is the other keyholder but not always
- The hierarchy of keyholders is outlined in Sec. 66.060



ES&S DS 200-300



Lock #1

Lock #2



Flat Silver Key



Hart – Verity SCAN



Advisory 2022-10 – Ballot Security Requirements

- The two-lock requirement applies to any container that is used to store or transport early voting in person ballots. This would include a ballot box used to deposit ballots, a precinct scanner enclosure in which ballots are deposited, or a transfer case contained within a precinct scanner enclosure that is used to transport voted ballots back to the general custodian of election records. [85.032]



Physical Security of Main Election Offices

- Any location where sensitive items will be present should be secure
- Sign-in rosters/visitor's log
- All employees and visitors should wear identifying badges.
- Visitors must be escorted at all times
- Limit entry and exit points

Visitor Log										
Date	Badge Number	Badge Issuer's Initials	Time-In	Name of the Visitor	Company	Mobile Phone number	Person / Department visiting	Time-Out	Signature of the visitor	Security Initials
			AM					AM		
			PM					PM		
			AM					AM		
			PM					PM		
			AM					AM		
			PM					PM		
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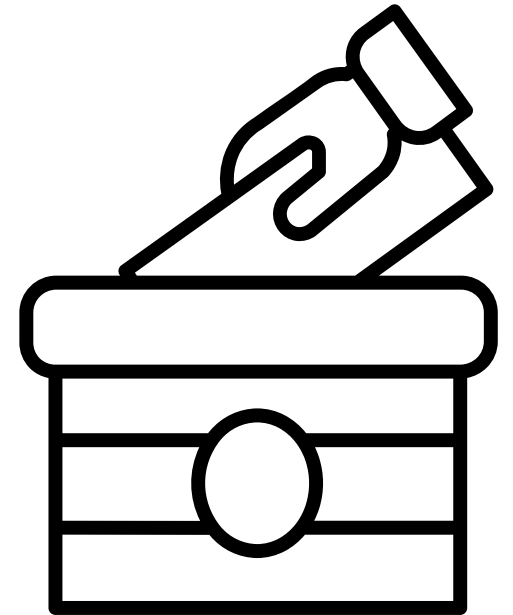


Election Day



Metal Ballot Boxes – *Election Day*

- Only one lock is required for Election Day ballot boxes and the key to it is held by the Presiding Judge of the polling place.
 - Central Counting Station
 - The key is relinquished to the Presiding Judge of the Central Counting Station upon delivery [66.051(b)]
 - The deposit slot must be sealed during transport
 - Hand Counted Ballots
 - The deposit slot to ballot box #3 should be sealed when transferred to the general custodian if ballot box #3 has a deposit slot
 - Only one election official from the polling place is required to deliver the precinct election records – this includes the precinct election returns, voted ballots and other records [66.051]



Electronic Ballot Boxes – *Election Day*

- The precinct scanner and ballot bin/bag must have one lock on it
- The ballot bin/bag must be locked at the end of election day and taken to the central counting station
- **TWO** election officers must deliver the sealed ballot box to the Presiding Judge (or designee) of the Central Counting Station [127.066]
- One of the officers that delivers the ballot box shall be given a signed receipt
 - 8-3 – Receipt of Transfer Case. [127.066]

8-3
Prescribed by Secretary of State
Section 127.066, Texas Election Code
9-2023

Type of Election	Date of Election
Authority Conducting Election	

RECEIPT FOR TRANSFER CASE

I, the undersigned presiding judge of the central counting station, do hereby acknowledge receipt of the transfer case for precinct _____. The transfer case was delivered by _____ and _____, two authorized election officers of that precinct and the seal of the transfer case was unbroken/broken (circle one) at the time of delivery.

Signature of Presiding Judge or designated representative



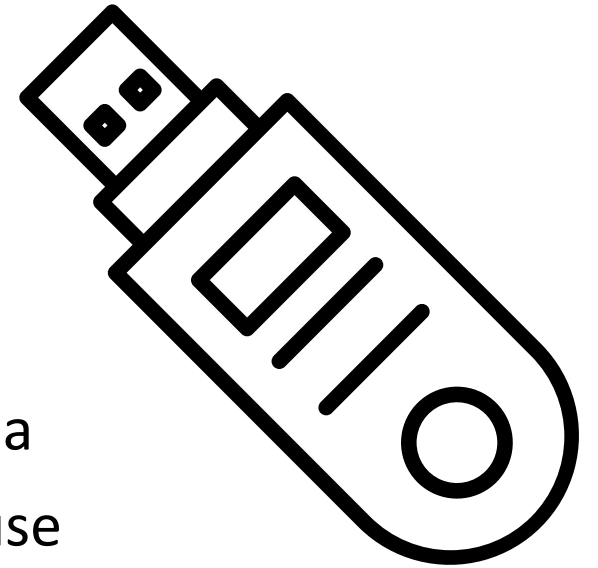
Voted Ballots

- Ballot boxes must be sealed during transport
- Electronic controllers should be sealed and locked where the drives are stored.
- Paper provisional ballots must be deposited in a secure container, **NOT AN ENVELOPE**
- DREs—The ballot card containing votes must be labeled, locked, and secured in the same manner as paper ballots
- After counting, ballots must be locked in their boxes for 60 days



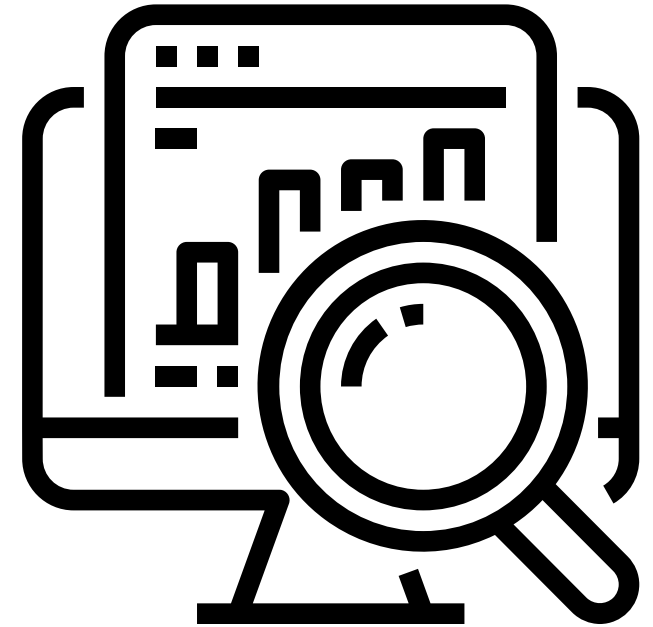
Electronic Media

- Track electronic storage media at all times [129.051]
- Secure the storage media before and after it is installed into the BMD, DRE, or precinct ballot scanner
- Remove the storage media after voting has concluded and secure it before and after counting
- Have procedures for clearing the memory of the storage media
- Secure the storage media after the election and while not in use
- Whenever a transfer of custody occurs, ***two or more individuals*** should perform a check and verification check
- Review [SOS Advisory 2019-23](#)



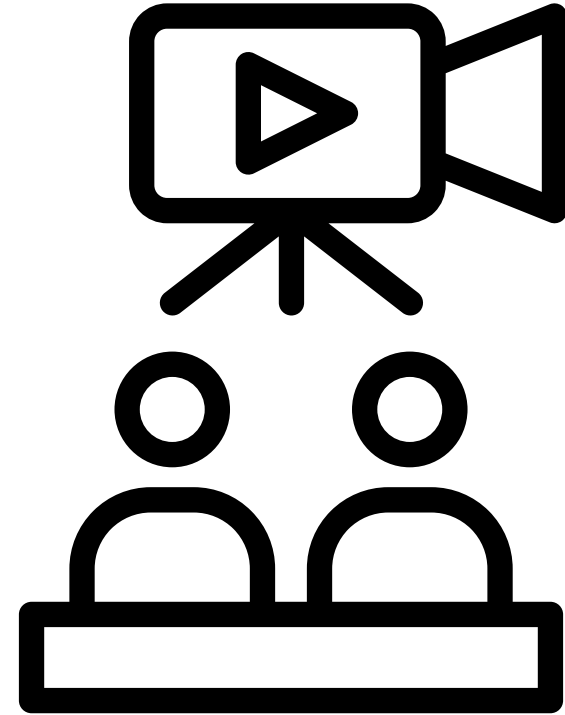
Central Counting Station

- Creating a tracking system to ensure that all polling locations have arrived with the voted ballots, records and equipment is essential to a secure election
- Account for all polling locations as Judges drop off ballots and supplies
 - Make a master spreadsheet of all polling locations
 - If using one or more receiving substations (RSS), make sure each has its own spreadsheet
 - Note arrival times
 - Note time when votes are fully counted
 - If a precinct's returns must be reviewed, note that as well
- The Presiding Judge is responsible for maintaining order at the Central Counting Station [127.005(c)]



Live Streaming of Central Counting Station Functions

- A county with a population of 100,000 or more shall implement a video surveillance system that retains a record of all areas that contain voted ballots [127.1232]
 - From the time the voted ballots are delivered to the central counting station, Early Voting Ballot Board, or Signature Verification Committee until the canvass of precinct election returns
 - The video from a system implemented under this chapter shall be made available to the public by a livestream

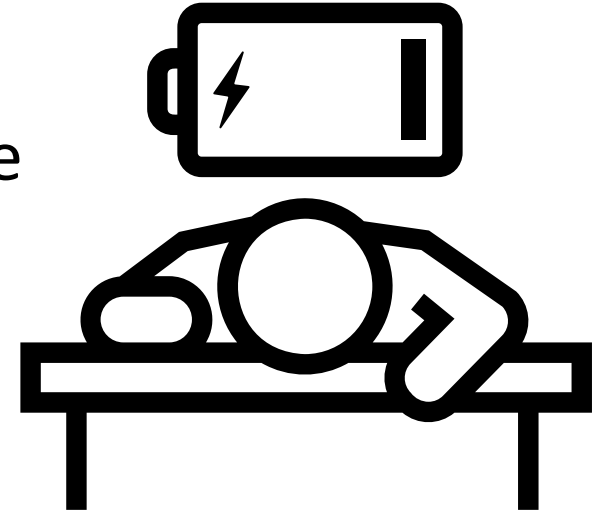


After Election Day



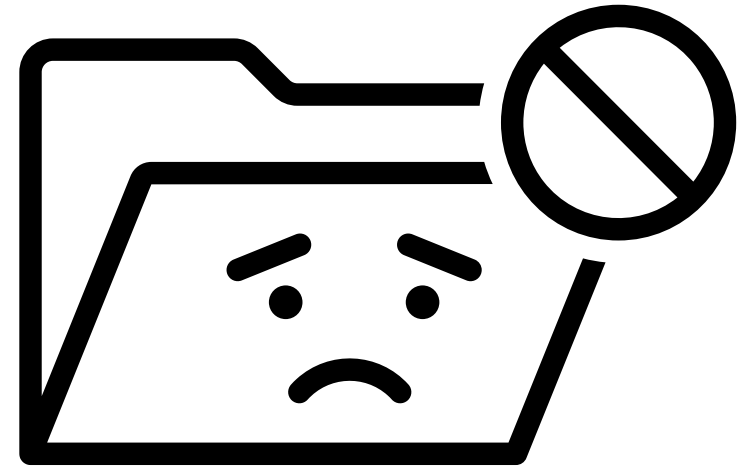
After Election Day

- Maintain your chain of custody even after election day ends
- It will help you identify the location of records in the event a recount or runoff occurs
- Ensure your documentation has enough detail
 - Floor/room number vs. building
 - Who stored the items
 - When did they store them?
 - Access log sheet
 - Who has the key?



Opening the Ballot Box to Retrieve Erroneously Placed Records

- Requires a court order from a District Judge
- 8-10 Application to Open Ballot Box #3 [66.059]
 - The District Judge shall post a notice of the date, hour, and place for opening the box on the entity's website continuously for 24 hours immediately preceding the hour designated for opening the box
- 8-11 Public Notice of Ballot Box Opening [66.059(b)]
 - Consider keeping a copy of the application, court order, and notice with other chain of custody documents



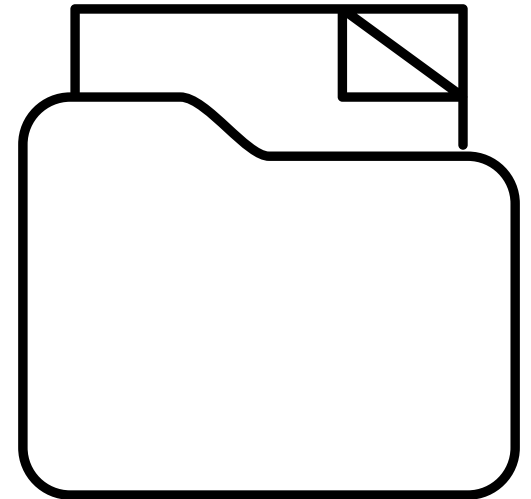
Document, Document, Document

- Always maintain a **CONTINUOUS** record of sensitive items
- The following information should be recorded during delivery:
 - Who has the items? – signatures/printed names
 - When were the items received? – times/dates
 - What item was delivered? – inventory/quantities/serial numbers
 - Where did items originate and where was the delivery destination? – locations/precincts
 - Why was the item moved? – troubleshooting log/EV close out/storage capacity.
- Chain of custody documents allow you to look back and easily answer all of these questions.



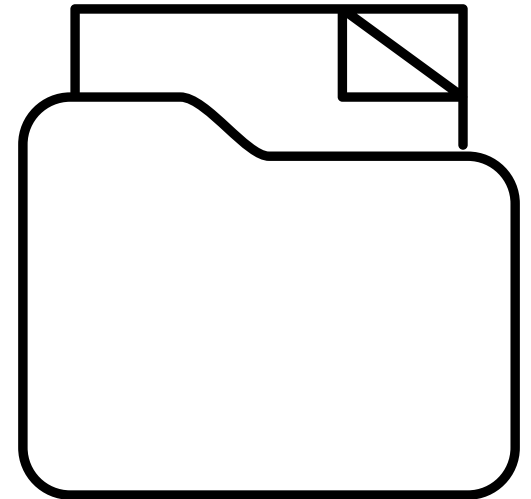
Consider Creating A Chain Of Custody Folder

- Create a form that tracks all activities from the time the media is programmed until the end of the preservation period
- Provide a separate form to the polling places that is used to document their parts of the chain of custody and then join them all in a precinct specific folder at the end of the election
- When all chain of custody documentation is assembled in one place, public information requests will be easier to fulfill
- Your paperwork tells the story
 - Zero/results tapes
- Great organization also helps when new people join your team
- Back it up electronically



Public Inspection of Ballot Images/Ballot Security

- House Bill 5180 amended 1.012 of the Texas Election Code with regard to the time frame for the public inspection of certain election records.
- Original voted ballots shall be made available for public inspection beginning on the 61st day after election day.
- Images of voted ballots (if maintained) shall be made available the day after the date of the final canvass.
- Please see Advisory 2024 – 05 for guidance regarding the public inspection of ballot images, cast vote records and ballot security



Key Points

- Be as detailed as possible
 - What? - serial/seal numbers
 - Who? - printed names/signatures
 - When? - dates/times
 - Where? - building/floor/room number
 - Why? - troubleshooting/transport
- Have witnesses
 - Employees
 - Poll watcher
 - Poll workers
- Chain of custody is continuous
 - Before election
 - Programming/L&A/vendor contracts
 - During election
 - Polling places/CCS/EVBB
 - After election
 - Retention/records management/
storage
- “Security Theatre”



Available Support



WEBINARS



TRAINING



RESOURCES

ELECTIONS DIVISION
elections@sos.texas.gov
800-252-8683
ELECTION SECURITY TRAINERS
electionsecurity@sos.texas.gov

