

# Q&A with the Elections Division

## January 17, 2024



# Custodian of Keys for the Primary Election

- Section 66.060 of the Code designates that the following individual will act as the custodian of keys for the following types of elections:
  - For an election ordered by the governor or a county authority or for a primary election, **the sheriff**, for elections in which the sheriff is not on the ballot.
  - If the sheriff is on the ballot, then the **county judge**.
  - If the sheriff and county judge are both on the ballot, then the county auditor, or if the county does not have a county auditor, then a designated member of the commissioners court who is not on the ballot and who is appointed for that role by the commissioners court.



# Custodian of Keys for the Primary Election

- Due to the high volume of polling locations in many elections, it is impracticable for the custodian to personally retain the keys to all locations for early voting and election day.
- The custodian may **designate** certain individuals to assist them with this statutory obligation
  - Designees should be employed by custodian or authorized to perform duties under the direction of the named custodian.



# Custodian of Keys for the Primary Election

- The Secretary of State's Office has defined the authorized designees for each type of custodian. These designations are based on provisions outlined in Sections 1.007 and 66.060 of the Texas Election Code.
- **Sheriff as Custodian**
  - Sheriff's Deputies
- **County Judge as Custodian**
  - Employees or Deputies of the County Judge
  - If the County Judge does not have the staff that can assist with this function, the county judge may designate the county auditor or members of the county auditor's staff if the county has a designated county auditor. If the county does not have a county auditor, the County Judge may designate certain members of the commissioners court, if they are not on the ballot for that election.
- **Constable as Custodian**
  - Constable's Deputies
- **Chief of Police or City Marshall**
  - Police Deputies or Employees of the Police Department



# Custodian of Keys for the Primary Election

- Designation of additional individual(s) should be in writing and made separately for each election and maintained with election records.
- The designee should be trained on any specific chain of custody procedures related to maintaining the keys and on any required actions they designee may have to perform.
- The named custodian does not have to be present when their designee is performing these actions, provided that the official custodian of keys has been provided notice of these actions and the actions are being performed under their direction or order.
- The Secretary of State also recommends that any time an action is performed in accordance with the requirements outlined in Section 66.060, the designee should document their actions and/or provide a report of their actions to the official custodian of keys.



# Early Voting Ballot Board

- May begin meeting at any time!
- Must have their first meeting not later than the 9<sup>th</sup> day before election day.



# Logic and Accuracy Testing

- Recommendation that testing be completed before mail ballots are sent out.
- Adjustments for inclement weather
- Must retest if there is a ballot correction.
- Test materials – have their own retention and preservation requirements. Please make a copy of your certification for PIA purposes!!!



# Voting Systems

- Voting System equipment can be reused between May 4<sup>th</sup> and the Primary Runoff.
- Voting system media cannot be reused between May and Primary Runoff --- must be preserved for 60 days.





# Things to Consider...

- Candidate Filing Period for May Uniform Elections Starts Today
- Lots of New Employees in the Elections Division
  - TEAM support
  - Attorneys
  - Trainers



# Upcoming SOS Election Support

- Upcoming Webinars
- Weekly Updates email starts this week!



# Questions?

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