

Chain of Custody and Security

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Election Security Trainers

What is Chain of Custody?

- Establishes who has access to an important piece of physical equipment or media that must remain tamper-free.
- Chain of custody helps establish that only authorized, trusted parties have handled an item from the time it left its point of origin until its proper return.
- Documents who has possession of an item and when it was relinquished to the custody of another person or place.
- Protects the integrity of the items and the processes involving them.



What do you Need to Know about Chain of Custody?

- Who does it apply to?
- How is it documented?
- When is it required?
- Which items must have it?
- What are some Best Practices?

Who Does Chain of Custody Apply to?

- Anyone in contact with ballots/voting equipment/election records is responsible for the security and tracking of Chain of Custody.
- Only officially hired poll workers/election officials can deliver or transport supplies or ballots
- General Custodian of Election Records [Sec. 66.001, TEC]

How is Chain of Custody Documented?

- Each Chain of Custody form must be dated, and the printed names and signatures must be obtained when transferring or moving equipment or election media from one location to another.
- Each electronic election system (voting system, ePollbook, election media) should be monitored on a Chain of Custody form until it is returned to storage, the warehouse, or building where it is housed.
- The Chain of Custody form(s) must be signed by an elections representative to the transporting agent, and from the transporting agent to the presiding judge of a voting precinct or election site.
- Chain of custody forms should have copies to document proper transfer for all parties involved.

When is Chain of Custody Required?

- Whenever the voting equipment, supplies and/or ballots change hands or locations.
- There should always be TWO witnesses when documenting delivery/receipt of items.
- Procedures must support proper chain of custody throughout the conduct of the entire election.

Which Items are Required to Have Chain of Custody Documentation?

Chain of Custody procedures apply to the complete record of the election - all associated items and articles

- Voted ballots including (spoiled, blank, limited and provisional ballots) [Sec 127.1232, TEC]
- Voting Systems and all associated media. (USB drives, flash cards, memory cards, machine tapes and DRE machines)
- Voting Systems testing materials and documentation. [Sec 127.099-127.100,129.024, TEC]
- Ballot Boxes. [Chapter 127, Subchapter C, TEC]

Certification Of Public Logic And Accuracy Test, Hash Validation, And First Test Of Automatic Tabulating Equipment (Form 15-5)

- Name and Date of the Election
- Name, Model and Version Number of devices tested
- Serial Number of each device tested
- Completion time and date of successful test
- Presiding Judge of Central Count information
- General Custodian of Election Records information

Prescribed by Secretary of State
Sections 127.092, 127.093(b), 127.094, 127.095, 127.096, 127.097, 127.1231, 129.023, Texas Election Code
07/2023

CERTIFICATION OF PUBLIC LOGIC AND ACCURACY TEST, HASH VALIDATION AND FIRST TEST OF AUTOMATIC TABULATING EQUIPMENT

We, the Presiding Judge of the Central Counting Station and the General Custodian of Election Records, do hereby certify that the hash validation comparison, Public Logic and Accuracy Test and the First Test of the Automatic Tabulating Equipment to be used to count the ballots for the

_____ Election to be held on ____/____/____ was conducted
(name of election) (date of election)

using a predetermined number of valid votes for each candidate and for and against each proposition on the ballot for the election. Each contest position, as well as each precinct and ballot style was able to be voted and was accurately counted. Each type of device that will tabulate ballots including precinct scanners and/or central scanners, whichever is applicable, was included in the testing. The test group also contained ballots with overvotes, ballots with undervotes, if applicable to the system being tested, multi-candidate races, provisional votes and write-in votes, if applicable. We further certify that a representative sample of voting system equipment was tested with a hash validation process to ensure that the source code of the equipment has not been altered. The trusted hashes for each unique device in the voting system are pertinent to the most current version of the voting system and were obtained from the Secretary of State's office prior to the Public Logic and Accuracy Test.

Vendor: _____

Software Version: _____

Type of Device Tested

Serial Number of Device

<u>Type of Device Tested</u>	<u>Serial Number of Device</u>

The test was successful and was concluded at _____ on ____/____/____.
(time) (date)

Printed Name Presiding Judge
of Central Counting Station

Printed Name General Custodian
of Election Records

Signature of Presiding Judge
of Central Counting Station

Signature of General Custodian
of Election Records

Instructions to Presiding Judge and General Custodian:

The hash validation process must take place at the Public Test for Logic and Accuracy. The hash validation test may be practiced in advance of the Public Logic and Accuracy Test for proofing purposes, but only the public performance of the hash validation test may be certified. If either or both of the initial tests were not successful, prepare a written record of the changes to the program, adjustments to the equipment and other actions taken to achieve a successful test and attach to this certification.

Note: If your county does not use a Central Counting Station, only the General Custodian of Election records is required to sign this form.

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Best Practices for Maintaining Chain of Custody

Seals

- All items requiring a seal/serial number associated with it, should be tracked on a chain of custody form.
- Seals should be tamper-evident to ensure 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 the seal assignment envelope or keep them using another storage method
- If there are any discrepancies, document them accordingly.

Examples of tamper evident seals



Witnesses

- Keep sensitive items (ballots, drives, etc.) within view at all times. [Sec. 61.005(b), TEC]
- Never leave these items unattended or with just one person.
- Always have two people sign corresponding documentation when delivering or receiving items.
- Poll watchers are entitled to follow the transfer of election materials from the polling place at which the watcher was accepted to a regional tabulating center, the central counting station, or any other location designated to process election materials. [Sec. 33.0605(b), TEC]



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
 - How many of each item was delivered? – inventory/quantities/serial numbers
 - Where did items originate and where was the delivery destination? – locations/precincts
- Chain of Custody documents allow you to look back and easily answer all of these questions.

Before 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)



During The Election

- Maintain control and security of equipment, voted ballots and blank ballot stock throughout the day
- 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
- Two people must return the voted ballots, records and equipment from an electronic voting system, to the elections office or receiving substation. [Sec. 127.066(c), TEC]



After Election Day

- Maintain your Chain of Custody even after election day ends. The chain of custody documents will help you identify where everything is in the case a recount or runoff occurs.
- Ensure your documentation has enough detail. For example, instead of just documenting the building where ballots/drives are located, notate which floor and which room they are stored in, who stored them, and a log that keeps track of who accesses the room and when.
- Keep all items secured after election day to ensure no unauthorized entry or disruption to the chain of custody occurs.
- Locked ballot boxes should remain there for 60 days unless otherwise required by law.



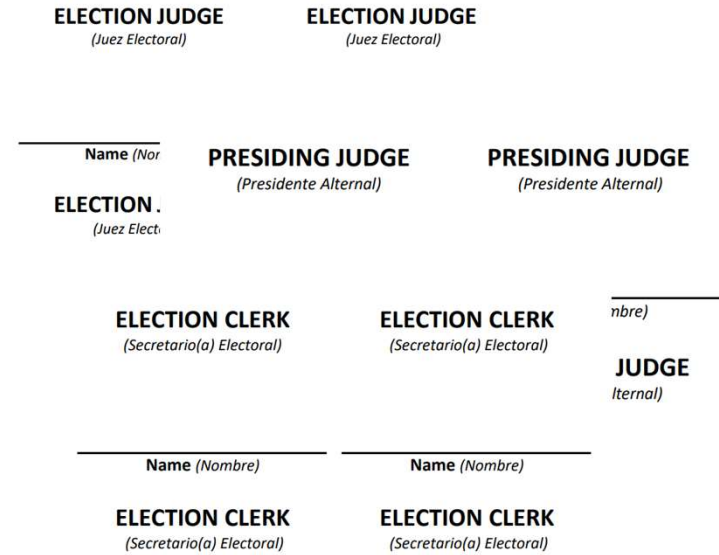
Security Of Sensitive Items And Locations

Different Places to Think About Security

- Polling places
- Election offices
- Ballot boxes
- Storage rooms
- Electronic Voting Systems
- BMDs and DREs
- Interactions with Vendors

Physical Security of Polling Places:

- All election workers should wear identifying badges. (There are badges available for printing on SOS website: forms bank 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. [Sec. 61.005(b), TEC]



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. If poll watchers are present, they should wear badges. (Form 7-6)
- Visitors must be escorted at all times.
- Limit entry and exit points to ensure that no unauthorized entry or movement of sensitive items occurs.
- The presiding judge is responsible for maintaining order at the central counting station. [Sec. 127.005(c), TEC]

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		
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Security of Ballots

- The ballots, ballot boxes, and envelopes used for provisional ballots at a polling place shall be in plain view of at least one election officer at all times. [Sec. 61.005(b), TEC]
- The container should also be opaque so no unauthorized persons can see the contents inside.
- Maintain accurate records of defectively printed and spoiled ballots.
- Voted ballots located at the main office i.e. (mail in ballots, early voting ballots)
- Counties with population 100,000 or more must have a video surveillance system that livestreams on the internet and retains a record of all areas containing voted ballots until the canvass. [Sec. 127.1232(b), TEC]



Security of Election Technology Devices

- Before and after use each day, all voting devices must be locked and applied serialized seals.
- All election workers must carefully track the serial numbers used after each period of voting.
- 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.



Security with Vendors

- Establish proper procedures for delivery of election media, ballot programming information and equipment.
- When contracting, make sure to implement policies that allow for you to be in control of the processes of programming and testing. Ensure that election staff learns these processes.
- You can prescribe these procedures in your **Vendor Risk Management Policy** included in your **Election Security Toolkit**.
- Vendor employees should wear identifying badges at all times to ensure only authorized personnel are working on the machines.
- Always accompany vendors when they are providing support.

AVAILABLE SUPPORT



WEBINARS



TRAINING



RESOURCES

ELECTION SECURITY TRAINERS
ElectionSecurity@sos.texas.gov

