

# Welcome to Ballot Storage Requirements and Best Practices!



# Agenda

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# Paper Ballot Handling and Storage

- By September 1, 2026, all counties must convert to a voting system with an auditable paper trail. (SB 598)
  - This advisory goes into more detail about SB 598:  
<https://www.sos.texas.gov/elections/laws/advisory2021-09.shtml>
- Several methods of paper-based voting exist. Today's primary options include machine-marked paper (with a ballot marking device), hand-marked paper, and vote-by-mail.
- What does this mean? If you have a DRE system or your voting system does not have a voter verifiable paper trail, then you must change voting systems before the September 1, 2026 deadline.



# What Type of Paper Are You Using?

- Most voting systems use thermal paper for voting in the polling place.
- Thermal paper is primarily used for voting systems that have a ballot marking device, and a ballot scanner at the polling locations during early voting and election day.
- Thermal paper is a popular choice due to the fact it does not use ink and is less likely to smear.
- While thermal paper is becoming an industry standard, there are some things you should know about it.



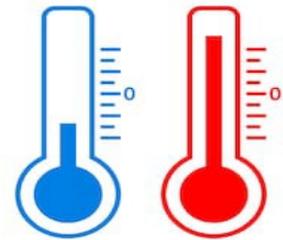
## What Type of Paper Are You Using?

- Most paper used for ballot by mail is a form of regular copy paper with the weight specified by your vendor.
- Most paper used for hand-marked paper ballots is also specified by the vendor, especially if it will be scanned in one of their proprietary scanners and not hand counted.
- For hand-marked and hand-counted paper ballots, the thickness of the paper is not as crucial, but should be thick enough not to have marks bleed through from the other side.



# The Quirks

- Key features of thermal paper:
  - It is not very heat tolerant.
  - It must be stored for the 22 month records retention period
  - It must be stored in a climate-controlled facility prior to an election and the retention period after the election.
  - If ballot stock is serialized, it must be stored with the ballots from the election. If it is un-serialized, it can be used again right away.
- Humidity can increase the size of paper. Store paper and ballots in a climate-controlled space throughout the election cycle. This includes the polling place (for example, close the doors on a rainy day).
- Dust is also a consideration. How much dust is the paper leaving in the ballot scanner?



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# Securing the Paper Ballots and Stock

- All voted ballots and paper stock must be returned to the General Custodian of Election Records on Election Night. **This is your ballot of record.**

**NOTE:** *County staff may not pick up voted or unvoted ballots from polling locations post election!!!*

- Transitioning to a paper based voting system creates new challenges for storing and securing materials.
- Paper storage is only as secure as the Best Practices that support it.
- Paper offers an audit trail for an election but we need to build a clear path to maintain a sense of security and integrity.
- If possible, place boxes/containers on a shelf and not on the floor.
  - You need to ensure that your boxes/containers are protected from fire, floods or other physical risks.



# How Do We Do This?

- Keep paper, blank ballot stock or ballots in a climate-controlled space.
- Label stock with the date of receipt for optimal use.
- By law, you must use the same paper for testing (L&A or otherwise) as you use in the election. (Sec. 127.094)
- Consider creating a ballot inventory spreadsheet so you know what is where at all times.
- If you have pre-numbered ballots, the Record of Ballot Distribution is required for use and retention. (Sec. 51.007).
- While it is important to keep paper in the original packaging until use, it is a best practice to count the quantity in each package before deploying it to the locations.



# Post-Election Storage

- Label all boxes or storage containers with election name, date, polling place name(s), numbers and a destruction date.
- Store the voted ballots separately from the blank ballot stock.
- If you're storing multiple polling locations' ballots in the same container, keep them separate within the container and label each location.
- This is a good example of an effective container.
- Keep your records stored separately by Early Voting, Election Day and Ballot by Mail.
- Store duplicates together.



**NOTE:** While all counties must conduct a partial manual count after the election, risk limiting audits (RLA) are on the horizon. So keeping an accurate inventory of voted ballots is becoming more and more important.



# Short Term vs. Long Term Storage

- Short term storage is keeping the voted ballots in the original ballot box for 60 days post election.

**NOTE:** Do not leave ballots in ballot scanners after Election Day!!! *Remove the ballot container from the scanner to keep the scanners available for use. (Sec. 66.058 (b-1))*

- After 60 days, you may transfer the ballots into a secure container to store for the 22 month retention period.
- A secure container must have a lock and seal in a secured area/room.
- We recommend limiting access to the secured area and keeping a log and contact list of those that have clearance to access the space and who actually accessed the space.



# Control YOUR Paper's Chain of Custody

- Officials should maintain election security and integrity at all times.
- Officials must be able to prove chain of custody of complete, unaltered paper records from ballot creation, through Election Day, and until a post election audit or recount.

## CHAIN OF CUSTODY MUSTS!

- Establish processes to preserve the chain of custody for all ballots.
- Use secure, tamper-evident transport bags or boxes.
- Track who accesses ballots at each step.
- Record the serial numbers of tamper-evident seals, noting date and time of when affixed and broken.



# Prepare – RLAs coming to your County

**Post-election audits are required in Texas. Soon, all Texas counties will be participating in Risk Limiting Audits. We recommend you begin preparing now by following these Best Practices:**

- Account for all ballots and ballot storage bags or boxes at the end of Election Night.
- Label each box/container with the # of ballots inside.
- Give each box/container a unique ID number.
- Reconcile the number of ballots returned post-election against the ballot counts in tabulation reports.
- Outline clear processes for managing provisional paper ballots during an audit.
- Secure voted ballots, restricting physical access to authorized personnel.
- Log all persons who access the secure storage area. Consider badged access control.
- Maintain ballots for the legally required retention period and prepare for proper destruction afterward.
- Proper preparation is critical in case of a recount or election contest.



# Attorney General Opinion No. KP-0411

On August 17, 2022, the Attorney General issued Opinion No. [KP-0411](#) regarding whether a legislator or a member of the public may inspect or obtain copies of anonymous voted ballots.



# SOS Recommended Procedures for Access to Anonymous Voted Ballots

- The general custodian of election records should establish a written policy that specifies procedures for providing access to anonymous voted ballots through public inspection.
- This written policy should reflect “procedures as authorized by law to accomplish the dual priorities of ballot preservation and public access to anonymous voted ballots under the Election Code.” (Opinion No. KP-0411, p. 5).
- The general custodian’s policy should, at a minimum, include the following provisions.
- A defined time period for public inspection consistent with the Public Information Act.
- A log of all individuals accessing the anonymous voted ballots during the defined time period.

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# SOS Recommended Procedures for Access to Anonymous Voted Ballots

- General regulations regarding access to the ballots, including the following protocols:
  - **At least one member of the general custodian's staff must be present at all times in the room containing the voted ballots while public inspection is taking place.**
  - Pens, pencils, and other marking devices are prohibited in the room containing the voted ballots.
  - Food and beverages are prohibited in the room containing the voted ballots.
  - Voted ballots must be kept in the same stacks, containers, or boxes, whichever is applicable, while public inspection is taking place.
  - Voted ballots may not be removed from the room in which public inspection is taking place.
  - Imaging devices may be used to take photos or make copies of the voted ballots.
- If you have video surveillance available, the SOS recommends that you utilize the surveillance system to monitor all activities in the inspection room during the time that the ballots are made available for public inspection.
- In the space where you plan to provide public access to the anonymous voted ballots, you should ensure that all other materials unrelated to the ballot request are removed from that location.



# Records Retention and Management

- Voted ballots containing personally identifiable information that could tie a voter's identity to their voting selections must be redacted before allowing public access to the ballots. As Opinion No. KP-0411 recognizes, "such information must be preserved, and the election records custodian must redact such personally identifiable information to protect the constitutional right to a secret ballot in Texas." (Opinion No. KP-0411, p. 4).
- Voted paper ballots are the official ballot of record for recounts and election contests.
- If a county has maintained an electronic copy (e.g., ballot image, cast vote record) in addition to the voted paper ballot, copies of the electronic records should be made available upon request just as paper ballots are made available.
- If you do not already have anonymous voted ballots scanned or imaged, you may want to consider imaging them prior to public inspection to ensure that there is a record of the image prior to public inspection.
- If you are providing files in any electronic format, the SOS strongly recommends that you calculate a hash value to validate the integrity of the files and to ensure they are not altered in any way. The SOS will provide additional guidance on how to accomplish this security measure.
- At the conclusion of the retention period, contents of locked ballot boxes or secure containers may only be destroyed if there is no election contest, criminal investigation, or pending public information request that has yet to be fulfilled. (Secs. 1.012, 66.058). You should also consult with your county attorney or district attorney and any county records management officers before disposing of such materials after the 22-month retention period.



# Livestream

- Texas Election Code now requires that counties with a population of over 100,000 people (not registered voters) have cameras with a 24 hour livestream feed on all voted ballots from the time they are received (ballot by mail, early voting, etc.) to the time the election has been canvassed. *(This means the public can view all activity around voted ballots at all times. It DOES NOT mean they can see the votes.)*
- Consider this provision with your chain of custody procedures and who has access to these ballots.
- This is another reason why only certain people should be allowed access to the ballots and why it is a good practice to keep a log of who accessed them and when.



# Storage Space

- Some counties have adequate storage space to support stock and retention, while others may not.
- If you find yourself in the “not “ category, don’t worry! There are solutions!
  - Talk to your fellow county officials. Another county office may have climate-controlled warehouse space to retain your records.
  - Perhaps the county clerk has some space since they are the record keeping entity for your county.
  - There are also record keeping vendors that can move your records offsite and store them properly for the necessary timeframe.
  - If you use offsite storage, make sure you are the only entity that can access those records

**NOTE:** Remember, if you are storing offsite, you must wait the 60-day period before transferring ballots into a long-term storage container(s).



# Noticing a Trend?

- Store ballot paper in a cool, dry place
- Do not let temperatures in storage exceed 77 degrees
- Keep relative humidity in storage between 45% and 65%
- Do not store in vinyl or plastic containers
- Keep stock in original packaging until needed
- Be aware of dust and other environmental factors
- If you are moving your ballots from the ballot boxes to a secure container after the 60 day retention period, remember not to store on the floor due to environmental factors
- Keep paper ballots away from light (natural or UV)



# Conclusion

- Learn from experience and prepare strong processes.
- Sharing experiences and learning from each other will help improve the election process for all.
- Talk to the vendors about recommendations and establish a contact person for your region.
- Talk to county employees who have already converted to a paper-based system and share best practices.
- Remember, elections are ever-evolving, so stay up to date on new laws and embrace change!



QUESTIONS?

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