

Records Management

Election Law Seminar
December 2022



Topics Covered

- Data Classification
- Records Retention Schedule
- Security of Election Records and Data
- Storage of Election Records and Data
- Public Information



Data Classification

- [Election Security Best Practices Guide](#)
 - Four Different Categories of Data
 - Confidential
 - Sensitive
 - Internal use
 - Public Use
- How you categorize your data will help you determine how you manage your records.



Records Retention Requirements

- Election Code Requirements
 - General Rule: 22 Months after Election
- Texas State Library and Archives Commission
 - Schedule EL
 - Administrative Value
 - Durational Requirement (EX. Election Day + Two Years)
 - Permanent Record



Selected Records Retention Election Code Provisions

- 66.058 – Preservation of Precinct Election Records
- 127.152 – Test of Tabulating Equipment Required
- 129.023 – Public Test of Logic and Accuracy
- 172.114 – Disposition of Poll List

- Very few specific provisions! This is why Schedule EL is so critical.



Security of Election Records and Data

- Voter Registration Information
- Candidate Information
- Voted Ballots
- Electronic Voting Systems
- Early Voting and Election Day Records
- Chain of Custody Documents



Selected Security Provisions

- 61.005 – Security of Ballots, Ballot Boxes and Envelopes
- 62.001 – Officers to Assemble
- 66.058 – Preservation of Precinct Election Records
- 85.032 – Security of Early Voting Ballot Box
- 121.004 – Communications with Voting Systems Vendor Public Information
- 125.005 – Maintaining Security of Equipment During Voting
- 125.063 – Securing Equipment on Close of Voting
- 125.005 – Maintaining Security of Equipment During Voting
- 127.099 – Security of Test Materials
- 127.123 – Security of Program
- 127.1231 – Security of Automatic Tabulating Equipment
- 127.1232 – Security of Voted Ballots
- 127.099 – Security of Test Materials
- 129.023 – Public Test of Logic and Accuracy
- 129.024 – Security of Test Materials
- Subchapter C, Chapter 129 – Voting System Security
- Chapter 279 – Cybersecurity of Election Records



Storage of Election Records and Data

- Secure Storage
 - Access Control Measures
 - Security Cameras
 - Data Logs
- Hard Copy v. Digital?
- Inventory of Records and Data
- Space Requirements



Public Information

- General Rule
- Confidential Information
 - Seek OAG Decision
- How Proactive Should You Be?
 - Scanning Records for Easy Production
 - Posting Records on Website
- Think about Data Classifications!



Selected Public Information Provisions

- 1.012 – Public Inspection of Election Records
- 1.013 – Destruction of Records
- 13.004 – Recording and Disclosure of Certain Information by Registrar
- 31.123 – Appointment of Agent During Election Period
- 32.076 – Disclosure of E-Mail Address and Phone Number Restricted (Election Judges and Clerks)
- 66.060 – Disclosure of Social Security, Drivers License, or Personal Identification Number on Provisional Ballot
- 66.057 – Regulating Public Inspection of Certain Election Records
- 81.004 – Location of Public Election Records
- 101.103 – Confidentiality of E-Mail Address (FPCA)
- 121.004 – Communications with Voting Systems Vendors
- 122.0331 – Additional Requirements for Electronic Voting Systems
- 141.035 – Application as Public Information
- 146.023 – Declaration of Write-in Candidacy Required
- 161.004 – Party Document as Public Information
- 174.026 – Records of Convention



Questions?

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