

COMAL COUNTY PUBLIC INFORMATION REQUESTS (PIA)

Tuesday, 9/28/2021 3:34 PM

Exhibit A

Cary Zayas
Public Information Officer
100 Main Plaza
New Braunfels, TX 78130
830-221-1110
lizkacco.comal.tx.us

Dear Cary Zayas,

This request is made under the Texas Public Information Act, Chapter 552, Texas Government Code, which guarantees the public's access to information in the custody of governmental agencies. I respectfully request the following Information:

I request a copy of the Contract for the purchase of Election Equipment through the Hart InterCivic Verity Master Agreement and the Comal County Elections Office, approved by the Comal County Commissioners Court, in January 2019. Please include the item list and cost of each. The list includes: Verity Controller, AutoBallot Kit, Verity Touch, Verity Standard Booth, Verity Touch w/ Access, Verity Accessible Booth, vDrive, Verity Build, VerityCount, Verity Key, Verity Central, Canon DR-G1130 Central Scanner, Verity Workstation, 23" Flat Panel Monitor, Okidata B430 Series, Okidata C831 Printer, Verity Voting Device Battery, Battery Charger, 6 Bay, Verity Caddy w/Casters, 5' Wide, New Implementation Services, Voting Equipment Salvage Services, License and Support.

In addition, please include a copy of any other Contracts for purchase of Election Equipment and Services between Hart InterCivic Verity and the Comal County Elections Office and approved by the Comal County Commissioners Court, during the year 2020.

1. DA SENT CONTRACT FOR HART VERITY VERSION 2.0

**2. DA DID NOT DISCLOSE UPGRADED TO HART VERITY 2.4
IN AUGUST/2020 BEFORE THE 11/3/2020 ELECTION**

From: SILVESTER JOSE

Exhibit B

Sent: Tuesday, December 14, 2021 12:29 PM

To: publicrecords@co.comal.tx.us <publicrecords@co.comal.tx.us>

Subject: PIA Request for HART VERITY 2.4 Agreement Contract Between Comal County and Elections Office

To the Public Information Officer,

This request is made under the Texas Public Information Act, Chapter 552, Texas Government Code, which guarantees the public's access to information in the custody of governmental agencies. I respectfully request the public records for:

Comal County Hart Verity Voting Equipment was upgraded to Hart Verity Version 2.4 for the 11/3/2020 General Election. The SOS and the EAC both have the incorrect Hart Verity Voting System Version 2.0 on their Voting Systems lists. I previously requested the Hart Verity 2.0 Master Agreement Contract signed by the Commissioners Court County Judge and received it, unbeknownst to me that the Hart Verity Version had been upgraded to Version 2.4 for the 11/3/2020 General Election, due to the erroneous information on the EAC and SOS websites.

1. I request that you would please send me a copy of the Approval Letter required from the Secretary of State to the Elections Office to approve the purchase of the Hart Verity Voting System Version 2.4 and the Certification for that system.
 2. I request a copy of the Hart Verity 2.4 Master Agreement Contract signed by the Commissioners Court County Judge used in the 11/3/2020 General Election, or proof of an electronic programming upgrade (August) to Hart Verity Version 2.4 before the 11/3/2020 General Election, if the Hart Verity 2.0 Master Agreement was not updated, since that Contract was in effect from 1/1/2019 through 12/31/2020.
 3. I request a copy of the documentation showing the purchase of KNOWiNK Pollbooks by the Comal County Elections Office, or how they were obtained for use during the 11/3/2020 General Election.
- 1. Received NO REQUESTED documents. Received OTHER documents. NOT A RESPONSE**
 - 2. DA sent a Hart Letter sent to the SOS stating 31 counties were planning to upgrade to Hart Verity Voting 2.4 by 11/3/2020. NOT PROOF.**
 - 3. Hart chain-of-custody form showing Comal County sent voting machines to be upgraded to 2.4 at the Hart Repair Depot in Austin. No date or number on form.**

4/15/2022

I have not received a response to this PIA request of 12/14/2021. I will file an Open Records Complaint with the Attorney General's Office at <https://www.texasattorneygeneral.gov/open-government/open-records-complaint-form>.

[Open Records Complaint Form | Office of the Attorney General](#)

Open Records Complaint Form. Current Requestor Information . Governmental Body Information

www.texasattorneygeneral.gov

From: SILVESTER JOSE

Exhibit C

Sent: Saturday, February 5, 2022 3:19 PM

To: publicrecords@co.comal.tx.us <publicrecords@co.comal.tx.us>

Subject: Comal County 11/3/2020 General Election voting system Hart Verity Voting 2.4 and KNOWiNK Poll pads

Dear Cary Zayas,

This request is made under the Texas Public Information Act, Chapter 552, Texas Government Code, which guarantees the public's access to information in the custody of governmental agencies. I respectfully request the following Information:

Regarding the Comal County 11/3/2020 General Election voting system Hart Verity Voting 2.4 and KNOWiNK Poll pads:

I request a text, comma or tab delimited file, or a text-based report, listing, in the sequence processed by the county, every ballot, it's sequential ID, its timestamp, its method of voting (early in person, absentee, mail-in, in person – whichever apply to the county), the specific votes contained for all races, and the batch id and tabulator id. Should any fields not be available, please include the fields which are. To be clear, I am not requesting a summary report of votes, I am requesting a per-ballot report. This set of information is sometimes known as a "cast vote record", "ballot log", or a "summary of ballots". If the data exists as multiple files or reports, for instance by batch or by precinct, you do not need to aggregate them, please send the individual files. I specifically do not want included any information which identifies a specific voter, and I guarantee and stipulate that this information will not be used for that purpose. This information has been satisfactorily provided from other counties using Dominion, ES&S and Hart voting systems, so the information I request should be able to be generated.

1. I request proof of the approval by the Comal County Commissioners Court for the upgrade from Hart Verity 2.0 to Hart Verity Voting 2.4 voting system in 2020 for the 11/3/2020 General election. I could not find approval in the minutes.
2. I request the letter of Approval from the Secretary of State sent to the Comal County Elections Office/Comal County Clerk/Comal County Coordinator required for the purchase of a major voting machine upgrade per Texas election Code 123.035.
3. I request confirmation that Hart Verity 2.4 voting system components Verity Touch with Access(DRE) are networked to other Verity touch devices and the Verity Controller via a daisy-chain network(LAN).
4. (a) I request Brand name, model number, software name, version, release iteration, contracts, and any other identifying information for the purchase of KNOWiNK Poll pads or proof of how they were acquired in any year.
5. (b) The software name, version and release iteration of the **UPDATE** KNOWiNK Poll pads installed on the night before the 2020 General election, on 11/2/2020.
6. (c) Proof of the Secretary of State approval of the KNOWiNK Poll pad 11/2/2020 **UPDATE** per election Code 122.061.

Exhibit C

7. (d) Any information regarding Voter Personal Identification Information transmitted to other entities, counties, states and foreign countries (possibly Alaska and China) by KNOWiNK Poll pads, or any other device, during the 2020 General election in Comal County. **NO RESPONSE TO THIS PIA REQUEST OF 2/5/2022 AFTER 70 DAYS**

From: SILVESTER JOSE <lousilvester@msn.com>

Sent: Friday, April 15, 2022 10:36 AM

To: Public Records <PublicRecords@co.comal.tx.us>

Subject: Re: Comal County 11/3/2020 General Election voting system Hart Verity Voting 2.4 and KNOWiNK Poll pads

I have not received a response to this PIA request of 2/5/2022. I will file an Open Records Complaint with the Attorney General's Office at: <https://www.texasattorneygeneral.gov/open-government/open-records-complaint-form>

[Open Records Complaint Form | Office of the Attorney General](#)

Open Records Complaint Form. Current Requestor Information . Governmental Body Information

www.texasattorneygeneral.gov

Walker, Stephanie walkes@co.comal.tx.us 4/19/2022

Mr. Silvester,

On behalf of the Comal County Elections Department, please accept our apologies for the delay on this request, which is due to preparations for the March primary and run-off elections. The Elections Office is currently compiling the responsive information, which we will get to you as soon as possible.

Thank you,

Charlotte B. Popp Executive Office Manager

Comal County Criminal District Attorney's Office

199 Main Plaza, Suite 2007 New Braunfels, TX 78130

(830) 221-1300 (phone)

ONLY 1 DOCUMENT PROVIDED OF 6 AND CVR USB, FOR PIA 2/5/2022

From: SILVESTER JOSE

Exhibit D

Sent: Friday, March 11, 2022 3:45 PM

To: publicrecords@co.comal.tx.us <publicrecords@co.comal.tx.us>

Subject: Hart Verity Voting Versions & Waivers

Dear Public Information Officer,

This request is made under the Texas Public Information Act, Chapter 552, Texas Government Code, which guarantees the public's access to information in the custody of governmental agencies. I respectfully request the following Information:

1. I request a copy of any Waiver (s) issued by the Secretary of State for any uncertified/unapproved/uninspected Hart Verity Voting system configuration and Version used in elections during the years 2019-2022 in Comal County.
2. I request a copy of any Waiver (s) issued by the Secretary of State for any uncertified/unapproved/uninspected KNOWiNK Poll Pad software updates and for any Election Night Results (ENR) vendors used in elections during the years 2019-2022 in Comal County.
3. I request the EXACT date of the upgrade to Hart Verity Voting 2.4 in 2020 and the cost of the upgrade.
4. I request a copy of the Hart Verity Voting system Version (s) that was/were used in elections in 2021 in Comal County. I request the date and cost of the upgrade. I request Letter of Approval required from the Secretary of State for that Version.
5. I request a copy of the Hart Verity Voting system Version that was used in the March 2, 2022 Primary election in Comal County. I request the Letter of Approval required from the Secretary of State for that Version.

4/15/2022

I have not received a response to this PIA request of 3/11/2022. I will file an Open Records Complaint with the Attorney General's Office at:

<https://www.texasattorneygeneral.gov/open-government/open-records-complaint-form>

Open Records Complaint Form | Office of the Attorney General

Open Records Complaint Form. Current Requestor Information . Governmental Body Information

www.texasattorneygeneral.gov

NO DOCUMENTS PROVIDED FOR PIA REQUEST DATED 3/11/2022

From: SILVESTER JOSE

Exhibit E

Sent: Wednesday, March 23, 2022 12:57 PM

To: publicrecords@co.comal.tx.us <publicrecords@co.comal.tx.us>

Subject: PIA REQUEST FOR ELECTION VENDOR CONTRACTS

Dear Cary Zayas,

This request is made under the Texas Public Information Act, Chapter 552, Texas Government Code, which guarantees the public's access to information in the custody of governmental agencies. I respectfully request the following Information:

1. The contracts between Comal County and KNOWiNK LLC for Electronic Poll Pads and Annual License and Support for 2019, 2020, 2021 and 2022. If sold through Hart InterCivic or DIR, please stipulate which License Renewals are for KNOWiNK LLC.
2. The Subscription Agreement Software Annual Maintenance contracts between Comal County and SOE Software Corporation d/b/a ("SCYTL") for 2019, 2020, 2021 and 2022.
3. The Hart InterCivic Master Agreement contract with Comal County modification reflecting the 8/2020 Hart Verity Voting 2.4 Version upgrade for the 11/3/2020 General Election.
4. The Hart InterCivic Master Agreement contract with Comal County modification reflecting the Hart Verity Voting Version used in elections in the year 2021.
5. The Hart InterCivic Master Agreement contract with Comal County modification reflecting the Hart Verity Voting Version of DRE voting machines converted to paper ballots used in the Primary in 2022.
6. The EASYVOTE Solutions LLC Software Annual Maintenance contracts with Comal County for the years 2019, 2020 and 2021.
7. The IMAGETEK Software Annual Maintenance Agreement for Laserfiche contracts with Comal County for the years 2018, 2019, 2020 and 2021.
8. The DG Investment Intermediate Holdings 2, Inc. Agreement contract with Comal County for Security Equipment and Installation in March 2022.

I have received the Comal County 1/1/2019-12/31/2020 contract with Hart InterCivic listing Hart InterCivic 2.0 as the voting system. This was not the version used in the 11/3/2020 election, it was Hart InterCivic Voting 2.4. Modified contracts showing the voting system version changes must exist. The SOS has not responded to PIA requests asking for the correct voting system used in the 11/3/2020 election in Comal County. I have sent PIA requests to Comal County and the SOS asking if Waivers were issued to explain this? The DA did send me a letter dated July 10, 2021 from Hart to the SOS stating that 31 counties were changing their voting systems to Hart 2.4 before the 11/3/2020 election, but there is no proof showing that occurred. I also received a chain-of-custody form listing Comal County voting machines sent to the HART Repair Depot, but there was no number or date on the form?

From: SILVESTER JOSE <lousilvester@msn.com>
Sent: Friday, April 15, 2022 10:45 AM
To: Public Records <PublicRecords@co.comal.tx.us>
Subject: Re: PIA REQUEST FOR ELECTION VENDOR CONTRACTS

Exhibit E

I have not received a reply to this PIA request of 3/23/2022. I will file an Open Records Complaint with the Attorney General's Office at:

<https://www.texasattorneygeneral.gov/open-government/open-records-complaint-form>

[Open Records Complaint Form | Office of the Attorney General](#)

Open Records Complaint Form. Current Requestor Information . Governmental Body Information

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Walker, Stephanie walkes@co.comal.tx.us 4/19/2022

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Thank you,

Charlotte B. Popp

Executive Office Manager

Comal County Criminal District Attorney's Office

199 Main Plaza, Suite 2007

New Braunfels, TX 78130

(830) 221-1300 (phone)

1. MANY DOCUMENTS PROVIDED FOR PIA 3/23/2022

2. NO LETTER OF APPROVAL OR CONTRACT FOR 2.4 - NO CONTRACT FOR 2.5