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“Officers, Secure Those Ballots!” or How We survived the District 27 Recount

Nueces County, Texas

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Worst Case Scenario
Fire alarms sounded throughout the courthouse! The Fire Department was on its way! Everyone in the building began to evacuate, everyone except for the individuals involved in the Central Jury Room where a U.S. Congressional Recount was being held. With a calm and collected voice, the Nueces County Auditor silenced the room. The ballots could not be left unsecured. She turned to the three Sheriff’s deputies next to her and exclaimed “Officers, Secure those ballots!”

It turned out to be a false alarm, but what could have been a disaster had been mitigated in the planning processes of the recount. A Recount Committee had discussed the possibility that this situation or a similar situation could occur. If so, officers were to take ballot boxes to each recount table, secure the ballots and then seal the box with a serial numbered tab that would show if any attempt were made to open or tamper with the box. Once all ballots were secured by the officers, they were to be placed on a cart with all other counted and uncounted ballots and escorted out of the Jury Room. There would be no break in the chain of custody. The process was being followed flawlessly when confirmation of the false alarm was given to the Recount Supervisor moments later. Ballots were returned to their recount team and the process of counting continued undisturbed until the recount was finished that evening.

Planning for the Recount
On November 10th 2010, the Nueces County Judge received a notice from the Texas Secretary of State informing him that a recount had been filed by a candidate for the U.S. Representative, District 27 race. This candidate had lost the race by fewer than 800 votes and was filing recounts in all seven Texas counties in District 27. The County Judge was named Recount Supervisor and immediately assembled a recount committee consisting of the County Clerk, the County Attorney and a member of the Commissioners Court Administration.

The Judge appointed the County Auditor as the recount chair and the County Purchasing Agent and the County Human Resources Directors to act as Vice-Chairs. Three members of the County Clerk’s election staff were appointed to assist with the Recount Central Counting Station and the County Clerk and her Chief Deputy would be available to provide clarification or assistance if requested by the Recount Chair or Vice Chairs.

The County Judge then called the first in a series of meetings to discuss the preparation and planning of the recount. In addition to the individuals appointed by the Judge, representatives from the County Commissioners Court Administration, County Attorney, Sheriff’s Department, and the County Chairs of the Democrat and Republican Parties were present at these meetings. The Libertarian candidate and party were also contacted but chose not to be involved in the meetings. With occasional clarification by the Texas Secretary of State Office (via telephone) and under the lead of the County Attorney, the process of reading and interpreting the Texas Election Code Title 13 Recounts began. As each individual sentence of the code was examined, dissected, and reexamined, responsibilities were assigned to the appropriate individual or department.
Securing the Integrity of a Recount

Securing the integrity of the recount was paramount. There could be no doubt that every vote was fairly and accurately counted. With this in mind, a number of security procedures were put into place.

- A 30 foot radius distance marker aligned with tension barriers was created from the main door of the Central Jury Room.
- Distance markers were posted along the barrier.
- Only those with approved credentials would be allowed into the recount area.
- Observers and media would remain outside of that 30 foot marker.
- No cameras, cell phones, or other electronic devices were allowed in the room.
- Any information concerning the recount, including status reports, would be delivered by the County judge in his capacity as the Recount Supervisor.
- Five deputies were assigned to be present at all times. Two officers were stationed outside of the Jury room and three were stationed inside.
- The chain of custody for the ballots would be maintained at all times. Deputies would escort all ballots to and from the recount teams.
- Deputies were provided a roster of poll watchers and clerks from the candidate and the political parties as well as a list of authorized recount personnel.
- Badges, color coded by candidate and party, were created. Because there were to be six recount teams and each party and candidate could have one poll watcher per recount team, a total of 36 poll watcher badges were created - six badges for the Democrat candidate, six for the Libertarian candidate, six for the Republican candidate, six for the Democrat party, six for the Libertarian Party and six for the Republican party.
- In order to receive a badge, a poll watcher needed to present a signed poll watcher certificate to the Recount Chair or Vice Chair. Once the certificate was verified, the poll watcher would receive a color coded badge indicating their candidate or party. Once all six badges from that party or candidate were checked out no other poll watchers were allowed into the recount area for that candidate or party.
- If a poll watcher left the recount area, their badge was secured by a Deputy and could be assigned to another poll watcher on that candidates or party’s list.

The Recount

At the beginning of day 1 of the recount, all eligible recount personnel, recount clerks, and poll watchers checked in, received their badges and convened in the Central Jury Room. The Recount Chair detailed the process, procedures and expectations of how the recount of electronic ballots was to be conducted. The order to release the ballots was then given to the County Clerk and she was escorted by 4 Deputies and 4 poll watchers to the Elections Department to collect the TALLY system and all Mobile Ballot Boxes from a secured room in the office. The electronic portion of the recount was completed on the first day with no change of vote total. Day 2 began with a summary of the process and consisted of an exhaustive recount of all By Mail Ballots. The process went as planned. The security procedures had been effective and allowed the recount to occur without distraction (false alarm notwithstanding). The Nueces County portion of the recount was concluded with no change in the results.
November 2010 Recount
Nueces County To Start District 27 Recount Wednesday

Posted: Nov 16, 2010 5:05 PM
Updated: Nov 16, 2010 7:08 PM

Information from the office of Nueces County Judge Loyd Neal

NUECES COUNTY - County Judge Loyd Neal announced this afternoon that County Officials, staff, and other recount committee appointees are prepared to begin the recount requested by Solomon P. Ortiz tomorrow afternoon, November 17, 2010. Since the beginning of the week, numerous planning meetings have been led by Judge Neal, and have included representatives from the Democratic and Republican Parties, County Attorney’s Office, Sheriff’s Office, and other County staff.

The recount proceedings will be held in the Central Jury Room on the first floor of the County Courthouse under tight security headed by the Sheriff's Office.

Judge Neal said, "This will be a very tedious process, but we are comfortable with the plans we have made to do an accurate recount in accordance with the laws provided for in the Texas Election Code. The Secretary of State's Office has been consulted along the way and we have individuals on board that have previous experience with this process. We are ready."

Nueces County Clerk Diana Barrera said, "I think we have been extremely attentive to the concerns of all interested parties during this planning process. All of us involved thus far have worked extremely well together. Our extensive planning should allow us to conduct a very organized and orderly recount. I appreciate the time and effort of everyone involved."
27th Congressional District Recount Underway

Posted: Nov 17, 2010 6:47 PM CST

Updated: Nov 19, 2010 10:58 PM CST

CORPORUS CHRISTI (Kiii News) - Election day maybe a distant memory for many, unless you have been keeping an eye on the 27th congressional district.

Today, Nueces county officials begin the difficult and tedious task of re-counting ballots. The recount was set to start at 1 o'clock, but the start time was slightly delayed due to the large number of people involved in the recount process.

There are six teams made up of 3 people each, which each party having equal representatives. There were 9 for the democratic party and 9 republicans, all hand picked by the respective sides. After a very close race between incumbent Solomon Ortiz and republican challenger Blake Farenthold, unofficial results show Farenthold beating Ortiz by 794 votes. That is less than 1% of the more than 100,000 votes cast.

The painstaking process which is still underway includes only the electronic votes which includes 145 percents. They will be shifting and verifying each of the 58,651 votes cast in the 27th congressional district. And that is only for results in Nueces county.

So Far, "No Change" In District 27th Congressional Recount

Posted: Nov 19, 2010 6:44 PM CST
Updated: Mar 02, 2011 10:40 PM CST

CORPORUS CHRISTI (Kiii News) - The official word tonight from Nueces County Judge Loyd Neal on the District 27th Congressional District re-count is "no change". Republican Blake Farenthold continues to lead the longtime democratic incumbent Solomon Ortiz by just under 800 votes, though each candidate reportedly gained a couple of votes as a result of the recount.

Tonight, all eyes are on Cameron County in the Brownsville area, where the recount process is still underway.