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Texas Secretary of State
Executive Summary
Audit 2020 General Election in Texas



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Executive Summary

Reason for the Audit

In order to “ensure that all Texas voters can have confidence in the elections systems in our state,” the Texas Secretary of State ordered a full forensic audit of the 2020 General Election in Collin, Dallas, Harris, and Tarrant counties. Two of the counties – Tarrant and Collin – represent the largest Republican-controlled county governments in the State of Texas, while the remaining two – Harris and Dallas – represent the largest Democratic-controlled county governments in the State. This approach ensures that the State of Texas can provide an honest, transparent assessment of county election offices overseen by both political parties.

This report will outline the findings of the Forensic Audit Division of the Texas Secretary of State’s office (FAD) over the past year.

Methodology

The audit undertaken is a comprehensive audit of election records from the 2020 General Election. An audit of this nature has not been undertaken anywhere in the country. FAD reviewed a broad spectrum of the counties’ records, including both electronic and paper documents. When allowed, we interviewed counties’ election office staff. FAD personnel made numerous trips to the four counties for onsite review of paper documents and interviews. In the course of the audit, we obtained at least 369 GB of data. We reviewed and evaluated many facets of the 2020 General Election, including:

1. Polling location and tabulation data to perform basic reconciliation of the data on as many levels as possible from poll book check-ins through the canvass process, and all points in between, to ensure that the number of voters accepted matched the number of ballots cast;
2. The physical security of election equipment;
3. The adequacy of the counties’ training materials;
4. The ballot-by-mail process in detail to ensure that ballots were issued and returned appropriately;
5. The provisional balloting process;

6. Certain aspects of voter registration, including whether or not voters were registered at non-residential addresses; and,
7. Complaints concerning the 2020 General Election received by the four counties and the Texas Secretary of State.

Even though FAD reviewed an extraordinary amount of data, it was at times limited by the data the counties kept. Not all counties kept the same data and none kept their data in the same way as the others. FAD attempted to be consistent in what was reviewed across counties, but that was not always possible.

Key Findings

When the Texas Election Code and local procedures are followed, Texas voters should have a very high level of confidence in the accuracy of the outcome of Texas elections. Each of the four counties has detailed procedures and detailed forms to document compliance with the code and ensure that only lawful ballots are cast and counted. When procedures are followed, results of the election are trustworthy. Indeed, in most cases, the audit found that the counties followed their procedures and clearly documented their activities. In some cases, however, they did not. As outlined in this Report, in cases where procedures were not followed, discrepancies and irregularities ranging from small to large ensued.

The 2020 General Election, administered during the COVID-19 pandemic, presented the counties with extraordinary challenges that likely led to procedural errors. These challenges, combined with staffing shortages, strained local election officials. Many of the irregularities observed in the audit are less likely to occur in future elections due to legislative changes made following the 2020 General Election, including Senate Bill 1. Moreover, the challenge of conducting an election during a global pandemic is unlikely to repeat itself.

County-Specific Findings

Harris County

Harris County had very serious issues in the handling of electronic media. These issues were so severe that FAD notified Harris County of our preliminary findings by letter prior to the 2022 General Election.

Harris County findings:

- In at least 14 polling locations, mobile ballot boxes (MBBs) containing 184,999 cast vote records included in the tally did not have proper chain of custody.
- Harris County was not able to provide documentation for the creation of 17 MBBs accounting for 124,630 cast vote records.
- The electronic pollbook records from at least 26 Early Voting locations and 8 Election Day polling locations did not match the Tally Audit Log for those locations.
- Harris County did not have an inventory of their warehoused records for the 2020 General Election. FAD counted 534 boxes but cannot confirm this comprises all records. At times, FAD observed the label used on the outside of the boxes inaccurately described the contents.
- Harris County was the only county that did not provide a “list of Early Voting or Election Day polling locations that had a discrepancy of one percent or more between the number of voters that checked in to the number of votes cast at that location,” requested at the outset of the audit. This is basic reconciliation that should have been easily produced.
- FAD was not given the opportunity to speak with pertinent staff until October 2022 when the new administration provided access to address the issues with the Tally Audit Log.

Dallas County

Dallas County experienced two large problems during the 2020 General Election. First, they had multiple problems with their electronic pollbooks. Second, they lost several experienced staff members.

Dallas County findings:

- Dallas County’s pollbook issues created what Dallas County termed “phantom voters”. When a voter checked in, the electronic pollbook checked in a different voter. FAD verified that this affected 188 voters. FAD was unable to determine if additional voters were affected due to incomplete records.
- Dallas County misplaced 318 provisional votes that were discovered in February 2021 after the election had been certified. 63 of these ballots would have counted if processed correctly.

- Vote history records reflected 21 voters had received credit for voting by mail yet FAD located their unopened ballots in sealed carrier envelopes.
- FAD found that a single person assisted 393 voters in completing mail ballot applications.
- Dallas County’s record of transferring ballots from the Early Voting Ballot Board (EVBB) to Central Count show that the ballots tabulated at Central Count were fewer than those delivered by EVBB. The tabulation audit log reflects additional mail ballots tabulated which did not track back to those transferred by the EVBB. Dallas County forms show 76,991 ballots left the EVBB but 78,147 were recorded in the canvass.
- Dallas County provided four sources of data showing mail ballots statistics. These sources were inconsistent and none matched the canvass.

Source	Mail Ballots Returned	Mail Ballots Not Accepted	Mail Ballots Accepted
ABBM Report	72,119	11,573	60,546
Ballot by Mail Voter Roster	77,617	539	76,838
List of Voter Sent Mail Ballot	73,265	11,545	61,533
Election Audit Workbook	91,919	15,080	76,839
Canvass			78,147

Figure 1-1: Dallas County Ballot by Mail Statistics

- Dallas County’s canvass reported 813 provisional votes counted. Electronic data was not consistent with this number. FAD reviewed all 5,250 provisional affidavits and 895 of these ballots were marked accepted, yielding an 82-ballot discrepancy.

Tarrant County

Tarrant County administers a quality, transparent election.

Tarrant County findings:

- Tarrant County's electronic media containing mail ballots were named inconsistently, making tracking ballots difficult. The numbers were ultimately verified through other documentation.
- Election workers were not consistent in printing zero tapes prior to the opening of polls.

Collin County

Collin County proved to be the model of how to run elections in Texas. While not perfect, the county's records management, record quality, and procedures were unmatched. Indeed, Collin County did not have any polling locations where the pollbook check ins were more than 1% of the ballots cast.

Collin County findings:

- 21 voters received ballots by mail who were not entitled to vote by mail. For further detail see Voting by Mail section.

Findings Common Across Counties

Varying Data

Data from all of the counties had internal inconsistencies. Many sources of data existed for the same event in the election process. Ideally, the numbers from these sources would match, but in many cases the numbers were different. There are valid reasons why this may occur. But data inconsistencies, even with valid reasons, weaken the public's confidence that the election was run properly. Election officials must be more careful to ensure the data made available to the public is both accurate and consistent with other data. And if the data is not consistent, the officials must seek to rectify the issue or provide an explanation.

Examples of varying data can be seen throughout this report.

Unaccepted Applications for Ballot-by-Mail

None of the four counties meaningfully tracked applications for ballot by mail when the application did not lead to sending a ballot by mail to the voter. Although not required by the Texas Election Code, the counties should have had a system for logging these applications for ballots by mail in order to detect fraud or mistakes. Examples of unaccepted applications for ballot by mail are highlighted in the Voting by Mail section.

Counties have many helpful polling location forms that are not being used

The counties all have very helpful forms and procedures concerning what records to keep and data to record. Proper record keeping is dependent on the election workers being conscientious and thorough. The counties' files are filled with instances of forms being filled out incorrectly (or not at all), numbers not reconciling, or missing tapes. The counties must endeavor to further train their election workers on the importance of filling out the forms correctly and collecting the required tapes from the voting equipment. Examples of missing and incomplete forms can be seen throughout this report.

The records reflected the incorrect reason for voting by mail eligibility

Another problem common to the counties was the coding of mail ballot eligibility. A voter is only eligible to vote by mail for certain defined reasons. One of those reasons is that the voter is over 65 years of age. FAD discovered that the records reflected many voters who were coded as eligible to vote by mail because they were over 65 years old but were, in fact, under 65 years of age. Further investigation revealed that in the majority of these cases, the counties had input the reason for voting by mail incorrectly and the voter listed a valid reason for voting by mail. FAD did, however, find some cases where the voter was not entitled to vote by mail but was provided a ballot anyway.

County	Finding
Collin County	21 voters received ballots but were ineligible to vote by mail

County	Finding
Dallas County	63 voters received ballots but were ineligible to vote by mail; there were 64 other voters whose eligibility could not be determined
Harris County	Did not provide records that would have enabled the analysis conducted in the other three counties
Tarrant County	At least 353 voters were coded as over 65 years of age but FAD could not determine whether they were miscoded or ineligible

Figure 1-2: Ballot by Mail Ineligibility Findings by County

Further details are found in the Voting by Mail section.

People simultaneously serving on the SVC and EVBB creates a conflict of interest

FAD also observed that, in counties utilizing both a signature verification committee (SVC) and an early voting ballot board (EVBB), people served on both. These committees work to qualify mail in ballots by reviewing the signatures for authenticity. The SVC acts as a preprocessing station for the EVBB. Most issues only reach the EVBB if there is a dispute between members of the SVC regarding the signatures. The EVBB settles the dispute as the final arbiter. But since the EVBB is resolving disputes between members of the SVC, if there are people serving in both groups, a person is essentially grading his or her own work. While FAD recognizes the difficulty of staffing both of these entities, having people serve in both roles should be avoided.

Effect of Legislative Changes

The Texas Legislature passed several election integrity bills during the 2021 Legislative Session that should alleviate some issues observed by FAD. For example, the online ballot tracker for mail ballots included in HB 1382 requires the clerk to record each ABBM received, closing a key hole in mail ballot records. SB 1 created a new election night reconciliation form that counties are required to complete. This form has already proven quite useful to catch reconciliation mistakes. SB 1111

modified the definition of residence and created new procedures for address confirmation. This should lower the numbers of voters that are registered at non-residential addresses.

Best Practices

Collin County

- Collin County's form to document and track ballots being duplicated by the EVBB was unique among the four counties.
- Collin County's electronic record for provisional ballots was the most robust, including detailed and thorough tracking of these ballots.
- Collin County's training videos were detailed and an excellent resource for election workers.
- Collin County's digitized nearly every available record for the 2020 General Election.

Dallas County

- Dallas County segregated ABBMs that were mailed in bulk, making it easier to identify the potential seeding phase of ballot harvesting.
- Dallas County kept a Daily Report Form during early voting for the EVBB monitor daily reconciliation.
- Dallas County's practice of printing daily pollbook tapes – showing the names of voters – combined with their handwritten check-in log made the “phantom voter” issue easier to track.
- Dallas County maintained an electronic record that linked polling location electronic media with the tabulation audit log entries.

Harris County

- In Harris County, each JBC at a polling location had uniquely colored tapes. Instead of having to match tapes by serial number, tapes could be matched by color.
- Harris County's Election Day reconciliation packets included copies of forms from the polling location, tapes from the controllers, and a reconciliation cover

page. For early voting, Harris County's reconciliation envelopes included information regarding starting and end of day counts from each JBC.

Tarrant County

- Tarrant County uses an electronic system to process mail ballots for electronically-conducted signature comparison. This practice promotes transparency.
- Tarrant County's barcode system was the best system for tracking election equipment.
- Tarrant County's training videos were detailed and an excellent resource for election workers.
- Tarrant County's records management system with barcoded and numbered boxes is recommended.

This report sets forth the requirements under the Texas Election Code in 2020 that each county must follow and evaluates whether they met these requirements. The report is organized by key events in the election process.