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Texas Secretary of State
Final Report on Audit of
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.

Machines & Software

Key Takeaways

- All voting equipment utilized by the four counties was certified by the Texas Secretary of State's office.
- System integration failures between electronic pollbooks and voting systems in Dallas County is covered in the Voting in Person section.

Pollbook Certification

In 2019, House Bill 4130 amended the Texas Election Code and added Section 31.014 which required the Secretary of State to prescribe requirements and standards for the certification of electronic pollbooks.¹ In order to be considered for certification in the state of Texas, a pollbook vendor must submit an application to the Secretary of State that contains:²

- A completed Application for Certification,³
- A Technical Data Package which includes the following documentation:
 - User Operating, Support, and Maintenance Manuals;
 - Training Materials and Instruction Guides;
 - Recommended Use Procedures;
 - Software License Agreement;
 - Software System Design;

¹ See Tex. Elec. Code § 31.014.

² *Texas Certification Procedures for Electronic Pollbooks*, Election Advisory No. 2019-21, (Oct. 15, 2019) <https://www.sos.state.tx.us/elections/laws/advisory2019-21.shtml>

³ Application for Texas Certification of Electronic Pollbook – Form 200 (2019), <https://www.sos.state.tx.us/elections/forms/epollbook-cert-app-10-15.pdf>.

- Warranty Information; and
 - Recommended Security Practices.
- A list of certifications and denials of certification for the system in other jurisdictions;
 - A list of any and all known anomalies experienced with the use of the electronic pollbook system, and a description of the resolution of each anomaly;
 - A list of all consumables required for the continued operation of the system, and the supply chain for those consumables;
 - A list of compatible peripheral devices used with the electronic pollbook system;
 - A statement regarding any foreign ownership interests in the electronic pollbook system;
 - A description of additional compatible languages (if any);
 - A description of accessibility features (if any); and
 - Screenshots of all phases of the pollbook process that interact with election workers and/or voters.⁴

The two phases of certification include a technical examination by the National Institute of Standards and Technology (NIST)-certified laboratory as well as a functional examination by the Secretary of State.⁵

Technical Examination

Technical Examination is required to be performed by a NIST-certified testing laboratory.⁶ A technical examination is required to be performed by a NIST-certified

⁴ *Texas Certification Procedures for Electronic Pollbooks*, Texas Secretary of State, <https://www.sos.state.tx.us/elections/laws/certification-pollbooks.shtml> (last visited Dec. 12, 2022).

⁵ *Id.*; See also *Texas Functional Testing Matrix for Electronic Pollbooks*, [sos.state.tx.us, https://www.sos.state.tx.us/elections/forms/electronic-pollbook-functional-testing-matrix-101519.pdf](https://www.sos.state.tx.us/elections/forms/electronic-pollbook-functional-testing-matrix-101519.pdf) (last visited Dec. 12, 2022).

⁶ *National Voluntary Laboratory Accreditation Program*, [nist.gov, https://www.nist.gov/accreditation#:~:text=National%20Voluntary%20Laboratory%20Accreditation%20Program&text=NVLAP%20accredits%20public%20and%20private,out%20specific%20calibrations%20or%20tests](https://www.nist.gov/accreditation#:~:text=National%20Voluntary%20Laboratory%20Accreditation%20Program&text=NVLAP%20accredits%20public%20and%20private,out%20specific%20calibrations%20or%20tests) (last visited Dec. 12, 2022).

testing laboratory.⁷ The vendor seeking certification submits a copy of the Technical Data Package (TDP) to the lab, and from there, the lab will assess the system's requirements with the Texas Technical Testing Matrix for electronic pollbooks.

This portion of testing is satisfied by the vendor submitting a test report from the lab that confirms the vendor provided the TDP and illustrates the system satisfied the requirements of the matrix.

Functional Examination

The in-person examination of a vendor's electronic pollbook is conducted at the office of the Elections Division of the Secretary of State and completed by Secretary of State employees. The functional testing is conducted to determine if the system meets the requirements outlined in the Texas Functional Testing matrix. Before functional examination takes place, the vendor must provide the Secretary of State with the NIST-certified testing lab report demonstrating the electronic pollbook meets the matrix requirements.

After all parts of the certification process are completed, the Secretary of State will issue a decision regarding whether the electronic pollbook system is certified and eligible to be used in Texas elections.

Conditional Certification

The Secretary of State may issue conditional certification to a vendor if an electronic pollbook doesn't meet certain requirements in the functional and technical matrices, but complies with the requirements of Texas law or those standards by following other procedures. If the reexamined system or equipment satisfies the requirements for approval, then it may be used in elections.⁸

Modification

If a vendor makes any modifications to a Texas-certified electronic pollbook system, those changes must be submitted to the Secretary of State for administrative review. A request must be submitted in writing to the Secretary of State containing sufficient identification of the changes to the most recently certified version, and a statement

⁷ *National Voluntary Laboratory Accreditation Program*, nist.gov, <https://www.nist.gov/accreditation#:~:text=National%20Voluntary%20Laboratory%20Accreditation%20Program&text=NVLAP%20accredits%20public%20and%20private,out%20specific%20calibrations%20or%20tests> (last visited Dec. 12. 2022).

⁸ Tex. Elec. Code. § 122.095.

from a NIST-certified testing lab that approves the proposed modification, or that the modifications do not warrant examination by the testing lab.

After receiving the request, the Secretary of State will determine whether to review the modifications through the administrative review process, whether or not a formal process is necessary, and whether or not an in-person examination is required. When the review is completed, the Secretary of State will notify the vendor in writing whether the modification is approved or denied.

Recertification

The Texas Election Code requires electronic pollbooks to be recertified annually.⁹ The vendor must submit a new application by October 1st of the year before the system will be used in a Texas election. The vendor will not be required to go through technical examination again, but the Secretary of State's office reserves the right to request it along with an additional in-person examination before recertification is granted or denied. The Secretary of State will issue a decision within 30 days of receiving the application.

Voting System Certification

Before a voting system can be used in an election it must be certified by the Secretary of State and meet several requirements found in Section 122.001 of the Texas Election Code, including:

- Preserving the secrecy of the ballot;
- Preventing counting votes on offices/measure on which voter is not entitled to vote;
- Preventing counting votes by same voter for more than one candidate for same office;
- Preventing counting a vote on the same office or measure more than once; and
- Providing records from which the operation of the voting system may be audited.

⁹ Tex. Elec. Code. § 31.014.

The process for a vendor to become certified begins with the vendor completing a Notice of Intent to Seek Certification. This form is completed first to secure an available date for testing of their system.

The vendor then submits the following items to the Secretary of State no later than 45 days prior to examination:

- their application containing all necessary forms¹⁰;
- their user operating and maintenance manuals;
- training materials;
- final reports from an EAC-accredited independent testing laboratory;
- a change log detailing changes from any previously certified system or component; and
- application fees.

After all application requirements are submitted and received by the office, a time will be set to physically examine the voting systems.

To allow examiners to test the accuracy of the voting system, the Secretary of State will supply sample ballot templates which they shall furnish at least two weeks prior to examination.

During the examination, the application must demonstrate installation of the Secretary of State's copy of software/firmware received from the independent testing laboratory. The applicant demonstrates their system and explains how it meets all requirements listed in Form 101.¹¹

The Secretary of State has the authority to prescribe additional procedures for approval of electronic voting systems.¹² There are multiple testing requirements for voting equipment by law, including:

¹⁰ *Voting Systems Examination and Certification Information*, [sos.state.tx.us, https://www.sos.state.tx.us/elections/laws/votingsystems.shtml](https://www.sos.state.tx.us/elections/laws/votingsystems.shtml) (last visited Dec. 12, 2022).

¹¹ *Voting System Certification – Form 101*, <https://www.sos.state.tx.us/elections/forms/form101.pdf> (last visited Dec. 12, 2022).

¹² *Tex. Elec. Code § 122.001 (c)*; Keith Ingram, *Electronic Voting System Procedures*; [sos.texas.gov](https://www.sos.texas.gov/elections/laws/electronic-voting-system-procedures.shtml) (Apr. 1, 2014), <https://www.sos.texas.gov/elections/laws/electronic-voting-system-procedures.shtml>; *Electronic Voting System Procedures*, Election Advisory No. 2012-03 <https://www.sos.texas.gov/elections/laws/advisory2012-03.shtml> (last visited Dec. 12, 2022).

Acceptance Testing

This occurs when a new voting system has arrived to the facility. To confirm that the voting system is certified by the Texas Secretary of State, local election officials must perform the acceptance testing which includes verifying the model number and/or name of the system, and verifying software and/or firmware version.¹³

Hardware Diagnostic Testing

The Hardware Diagnostic testing is completed to ensure the proper functionality of each part of a voting system as required by the Secretary of State.¹⁴ The test will include:

- All input and output devices;
- Communications ports;
- System printers;
- System screen displays;
- Boot performance and initializations;
- Firmware and/or software loads;
- Confirmation that screen displays are functioning;
- Verify and adjust to correct date and time, if necessary;
- Verify and adjust calibration, if applicable;
- Confirm that the unit is cleared of votes;
- Confirm that it is configured for the current election; and
- Confirm that physical security devices are in working order (locks, seals, etc.)

¹³ Tex. Elec. Code § 129.021.

¹⁴ Tex. Elec. Code § 129.022.

Logic and Accuracy (L&A) Testing¹⁵

The general custodian of election records creates a testing board of at least two people, making every effort to ensure it includes at least one person from each political party that holds a primary election.¹⁶ This testing board conducts the L&A testing for the county. L&A testing is statutorily required to be conducted no later than 48 hours prior to voting beginning on a voting system.¹⁷ L&A testing must be open to the public and notice of the test must be published on the county's website, or the bulletin board used for posting notice of the commissioner's court meetings, only if the county does not maintain a website.¹⁸

The general custodian of election records must allow for the testing board to cast votes in a way that allows them to verify that tabulating equipment accurately counts ballots. All devices used in testing will have the public counter set to zero and verified by the testing board.

The general custodian of election records must adopt procedures for testing that:

- (1) direct the testing board to cast votes;
- (2) verify that each contest position, as well as each precinct and ballot style, on the ballot can be voted and is accurately counted;
- (3) include overvotes and undervotes for each race, if applicable to the system being tested;
- (4) include write-in votes, when applicable to the election;
- (5) include provisional votes, if applicable to the system being tested;
- (6) calculate the expected results from the test ballots;
- (7) ensure that each voting machine has any public counter reset to zero and presented to the testing board for verification before testing;
- (8) require that, for each feature of the system that allows disabled voters to cast a ballot, at least one ballot be cast and verified by a two-person testing board team using that feature; and

¹⁵ Tex. Elec. Code § 129.023.

¹⁶ Tex. Elec. Code § 129.023 (a).

¹⁷ Tex. Elec. Code § 129.023 (b).

¹⁸ *Id.*

(9) require that, when all votes are cast, the general custodian of election records and the testing board observe the tabulation of all ballots and compare the actual results to the expected results. Results of the L&A testing must be predetermined for comparison after the votes are tallied. This testing is completed three times--twice before the election is conducted and once immediately after. Once the testing board and general custodian have verified the tests were successful, the voting equipment may be used for the election.

A test is successful if the actual results are identical to the expected results.¹⁹ Logic and accuracy testing must be conducted three times, once before the election, once before results are tabulated, and once after results are tabulated.²⁰

Voting Systems Approved in Texas

ES&S

Election Systems and Software (ES&S) is one of two approved voting systems in the state of Texas.²¹ ES&S serves customers in 40 states and the District of Columbia. In 2020, both Dallas and Collin counties used ES&S voting equipment.

The following is a summary of the hardware that the vendor, ES&S, provides for elections in Texas counties and discusses proprietary ES&S software that both voters and election workers use on ES&S devices.

Hardware Used at the Polling Location

ExpressPoll – electronic pollbook

The ExpressPoll provides poll workers with an interface designed to reduce check-in and verification waiting time for voters and increase the accuracy of ballots issued.

The ExpressPoll has physical security features to protect all aspects of the device, as well as role-based security that can assign several different user roles.

All data used in the system is strongly encrypted. This includes the data stored and saved on the device as well as any data that is transmitted to other devices or to the host server.

¹⁹ Tex. Elec. Code § 129.023 (d).

²⁰ Tex. Elec. Code § 129.023.

²¹ Sam Taylor, *SOS 101 Voting Systems in Texas*, (Sept. 23, 2022), <https://www.sos.state.tx.us/about/newsreleases/2022/092322.shtml>.

The voter information is logged and recorded on the USB flash drive in the machine. There are also two to three internal memory hard drives for disaster recovery backup.

For best practices, election workers should name their polls to organize their election media by polling place. This method of organization shows what has been processed and what is yet to be processed.



Figure 2-1: ES&S ExpressPoll

ExpressVote – Universal Voting System

The paper-based ExpressVote Universal Voting System uses touch-screen technology that produces a paper record for tabulation. The ExpressVote handles the entire marking process, eliminating unclear marks and the need for interpretation of the voter's intent.

The ExpressVote uses physical system access controls including lockable doors, tamper-evident seals and access codes. These security safeguards cannot be bypassed or deactivated, and will alert election officials of unauthorized access while the unit is in storage, transport, preparation and operation.

The ExpressVote produces a paper vote summary card that provides voters with the opportunity to review their selections and verify that their ballot was recorded accurately before submitting the ballot for tabulation. The vote summary card also serves as an audit trail for election officials.

The ExpressVote generates a detailed audit log of all actions and events that have occurred on the unit, which can be printed at any time. Every action and event, including access attempts, access of system functions and errors, is logged and timestamped.

The ExpressVote only accepts certified and approved USB flash drives containing encrypted data signed with the correct, Federal Information Processing Standards (FIPS)-compliant, security keys. As such, once an election official installs election programming, it is not possible for a separate device to interface with the ExpressVote in order to overwrite or change the election definition or system firmware.

All data generated during the voting process is encrypted and digitally signed. The ExpressVote also generates a signed data key, ensuring that--should unauthorized access of a unit occur--no other units can be affected through data transfer.



Figure 2-2: ES&S ExpressVote

DS200 – Precinct Scanner and Tabulator

The DS200 is both a ballot scanner and tabulator, combining digital imaging and paper-based voting. Inside of the DS200 is a USB drive which houses both Cast Vote Records (CVRs) and ballot images. The DS200 uses system access controls including lockable doors, tamper-evident seals and access codes. These security safeguards cannot be bypassed or deactivated and will alert election officials of any unauthorized access while the unit is in storage, transport, preparation and operation.



Figure 2-3: DS200 Ballot Scanner and Vote Tabulator

The DS200 generates a detailed audit log of all actions and events that have occurred on the unit, which can be printed at any time. Every action and event, including access attempts, access of system functions and errors, is logged and timestamped. The DS200 only accepts certified and approved USB flash drives that contain encrypted data sealed with the correct, FIPS-compliant, signed data key. The tabulator has places for seals on all latches and doors.



Figure 2-4: Voter Inserting Ballot into DS200

The DS200 is equipped with an emergency ballot bin in the event the tabulator is unable to scan ballots. Voters may deposit their ballots in the bin, allowing those ballots to be run through a tabulator when the ballots are returned to the central counting or accumulation station.

The side panel is used to turn on the machine. All of the machines are plugged in but have a battery as a backup. Each machine stands alone, is not connected to another nearby machine and none of the machines are connected to the internet.

Vote results are stored on the proprietary USB thumb drive in the tabulator. The tabulator checks for the USB's electronic vendor number upon insertion into the machine. If the tabulator cannot assess the vendor number, then the machine rejects the USB.

DS450 – High-throughput Scanner and Tabulator

The DS450 is a scanner and vote tabulator that is capable of sorting 72 double-sided ballots per minute. The DS450 is used to scan ballots by mail and can sort between unreadable, printed (regular), and written ballots into different bins. Additionally, in partial manual recounts, the DS450 can be used to sort the ballots. Some vote center counties have mixed ballot styles and the DS450 is capable of sorting out those differences.



Figure 2-5: DS450 Central Scanner and Tabulator

USB Flash Drives

USB flash drives serve three functions:

- 1) Load election information into the voting machine
- 2) Collect and store selections
- 3) Transport results to the election office.

Ballot content is downloaded from the county election office's computer to the secured flash drive. While most jurisdictions carry out this process themselves, some choose to have a third party perform this task. This process is facilitated on a hardened computer with the configuration tested and verified by the EAC. The process of hardening a computer involves reducing the computer to a single function machine. The computer has now become an election tabulator, does not use the internet, and only allows authorized users to access it. This configuration ensures that the election management software on the hardened computer cannot receive any election results or ballot images using unauthorized USB flash drives.

The voting machines are pulled from their secured storage to be loaded with the USBs and tested before they are sent to their polling location. Each piece of equipment is loaded with a unique encryption key which ensures that only the information specific to that election may be loaded on to that machine. Encryption keys change with each new election.

The USB flash drives inserted into the voting machines are physically secured using multiple locks and seals and are delivered to the polling locations with these protections already in place. The USBs are not accessed during the election and are

sealed to ensure that there is no tampering. If there is any evidence of tampering, the machines are taken out of service.

After the polls close, election reports are printed, the USB flash drives are removed from the equipment, serial numbers are logged, and the USB flash drives are placed in locked and sealed bags along with copies of the printed reports and are returned to the election office.

After the election, the USB flash drives are inserted into a hardened²² computer to retrieve the election results. All ES&S tabulation equipment uses industrial-grade USB flash drives made in the US by a US-based company that also supplies the same type of USBs to the military and NASA.

After the election, election officials can reformat a USB to its known factory state to ensure that the USB is clean and ready for use in the next election.

Electionware/Software

Each election is programmed using Electionware—an ES&S proprietary software. All of the coding is done in the United States. Every line of source code is independently reviewed by the Election Assistance Commission (EAC). Electionware election management software allows jurisdictions of all sizes to manage their elections through the software’s accessible, user-friendly interface.

Electionware enables election staff to create secure election information databases, format ballots, program voting and scanning equipment, consolidate tabulator results, and generate election night reports.²³

Election Management/Software

Electionware accommodates a variety of election functions, including early and overseas voting, ADA compliance, ballot adjudication, election-night reporting, and auditing. Electionware allows for authorized teams to work in the same software simultaneously, and manage approximately 10,000 ballot styles. The database for multiple equipment types provides election-wide uniformity and compliance, which minimizes human error.

²² Hardening is a method to secure a computer system’s software as well as its firmware and other system elements to reduce vulnerabilities and a potential compromise of the entire system.

²³ Election Management Software Electionware, [essvote.com](https://www.essvote.com), <https://www.essvote.com/products/electionware/> (last visited Dec. 12, 2022).

Electionware has protections in place to ensure that election management software will not receive any election information that has been altered in any way. Login credentials are always required for user authentication.

Ballot Review

The information stored on a USB has images, original cast vote records (CVRs), and modified CVRs. This information cannot be deleted unless the whole election is deleted. This information can be exported into a zip file.

Types of Reports Generated

Media status reports are created and provide information on the type of election equipment, device serial number, media serial number, media load time, and total number of ballots on the ExpressVote machine. Media status reports show what media has already been read and what media sticks have been received, versus those which are still outstanding.

Ballot statistic summary reports show the number of processed ballots by mail.

Audit logs are maintained by Electionware and include a list of all actions and events that have occurred on the unit, including log-in attempts, election definition, ballot preparation and results processing. This includes a record of all user actions, with username and timestamps.

Hart Intercivic

In 2020 Tarrant County and Harris County both used Hart Intercivic voting systems. Harris County used Hart's legacy system. Tarrant County used Hart's Verity system.

Hart Legacy System



Figure 2-6: Hart eSlate

The eSlate system used in Harris County in 2020 is a fully electronic voting system.²⁴ When the voter arrived to their appropriate polling place they were checked in at the Judges Booth Controller (JBC) and given a unique access code. This access code is anonymous and corresponds with the correct ballot style the voter requires. They insert their unique access code into the Direct Recording Electronic (DRE) voting machine and it is verified by the JBC that assigned it. Since the DRE machines are not online, the JBCs communicated with the DRE machines by cord.

Once the voter inputted their unique code and it was verified, they navigated the digital screen with a wheel dial or buttons on the device. After the voter has completed their selections and has confirmed their votes and cast their ballot, their selections are recorded directly into the JBC's Mobile Ballot Box (MBB) memory card. From here, after the polls close the poll workers use the JBC that is attached to that row of DRE machines to tally the votes cast, as individual DRE machines do not have the capability to tabulate votes.

Legacy System Software

During the election process, counties using Hart's legacy voting equipment also use several different software applications provided by Hart for different stages of the election process. Hart uses its Ballot Origination Software System (BOSS) to create ballot styles and write the election data file to MBBs. After voting has completed, the Rally application serves as the intermediary accumulating the cast vote records (CVRs) for transfer to the computer running the Tally system. Tally is used to tabulate the CVRs. Together these three software applications work in unison to store, gather, and then produce data from elections.²⁵

Ballot Now

Ballot Now is an application that manages paper ballots for an election by allowing election officials to print, scan, and resolve ballots. This is primarily for mail ballots. Ballot Now does not tabulate votes. When all the CVRs are scanned and complete, Ballot Now writes the CVRs to MBBs, which then are read into the Tally application to be tabulated.

²⁴ *Hart InterCivic eSlate*, verifiedvoting.org, <https://verifiedvoting.org/election-system/hart-intercivic-eslate/> (last visited Dec. 12, 2022).

²⁵ There are additional Hart software applications that are part of the elections process, however, these three are the primary software applications used from election origination through tabulation.

Rally and Tally

Rally is the software that stores and transfers CVRs from remote satellite stations to a Tally PC at the central counting station. Rally reads CVRs from voted MBBs and transfers are initiated when the Tally PC contacts Rally stations. Rally does not tabulate, rather, it reads the CVR data and provides verifiable secure transfers. Rally includes a real-time audit log and MBB processing reports.²⁶

Tally is a software application that reads, stores and tabulates electronic CVRs. Tally tabulates the CVRs from the MBBs. Hart configured Tally to tabulate specific election and contest data by creating a tabulation database based upon the BOSS database.

Tally can produce a variety of official reports and data exports in several formats such as PDF or XML. Whenever an operator has an "action" while Tally is running, that is reported to a real-time audit log.

SERVO

The System for Election Record Verification and Operations (SERVO) is an eSlate application. This application is used for polling place equipment CVR backups, recovery, recount, and resetting.

<i>128 Megabyte ATA Format MBB Capacities:</i>	
<i>eSlate Subsystem</i>	<i>CVR Capacity of One MBB^a</i>
JBC	10,000 (Access Code range of 0000-9999)
Ballot Now	65,000
eScan	20,000
SERVO	65,000

a. All values are conservative estimates based on small CVR log size and multi-page ballots.

Figure 2-7: SERVO Data Screenshot

SERVO is used to:²⁷

- Prepare each JBC to accept an MBB for the election (Program Key)
- Prepare each eScan to accept an MBB for the election (Program Key)
- Create an Event for storing an election's CVRs audit logs

²⁶ See Hart Intercivic, Rally Training Manual 1 (2006).

²⁷ Hart InterCivic, Support Procedures Training Manual 275 (2006).

- Create Recovery MBB(s)
- Create Recount MBB(s)

Since the 2020 General Election Harris County has transitioned out their eSlate or 'Legacy system,' and now uses the updated Verity system.²⁸

Hart Verity System

Tarrant county's Commissioner's Court opted in 2019 to upgrade their voting system to the Hart hybrid voting system: Verity.²⁹

Verity Duo

Tarrant County indicated that they chose the Duo to add a layer of security by introducing a paper trail for each voter's ballot.

This is where the functionality of Tarrant County's and Harris County's Hart systems used in 2020 diverge. As opposed to the eSlate machines used in Harris County, the Verity Duo used in Tarrant³⁰ prints a paper ballot of the voter's choices made on the digital monitor, giving voters the opportunity to physically review their selections before submitting the ballot into a scanner.



Figure 2-8: Verity Duo

²⁸ *Voting Systems by County*, [sos.state.tx.us](https://www.sos.state.tx.us/elections/forms/sysexam/voting-sys-bycounty.pdf) (Feb. 18, 2022), <https://www.sos.state.tx.us/elections/forms/sysexam/voting-sys-bycounty.pdf>

²⁹ Heider Garcia, *Election Security Hart Voting System* (Sept. 7, 2022) <https://www.tarrantcounty.com/en/elections/election-security.html>; Verity system includes both a ballot-marking device and a scanner.

³⁰ *Tarrant County Elections, Voter Process*, Youtube (Feb. 22, 2020), <https://www.youtube.com/watch?v=3qfcqH0vFpo>

Much like the eSlate/JBC configuration, the Duo machines still required to be daisy chained to a Verity Controller. The Verity Controller served the same purpose as the JBC. Rather than an MBB in the JBC that stores the scans, it is a flash drive-type device called vDrive.

When a voter arrived at their polling place they were checked in through the controller and assigned a unique access code that they take to the Duo machine. The Duo is a digital touch screen monitor. The voter made their selections using the touch screen as opposed to the wheel dial and buttons used in the legacy system.

As stated above, this device prints the voter's ballot out, prompting the voter to review the paper ballot and then feed the paper ballot into a separate scanner.³¹

Verity Scan

Verity Scan stores CVR records on the removable media device and on the unit itself. A third redundancy is the printed paper record.

A voter marks their ballot either by machine or hand and feeds it directly into Verity Scan. The Verity Scanner is equipped with green landing lights, on screen directions, and guides that instruct the voter where to insert the ballot. A voter is able to feed their ballot into the Verity Scanner in multiple different ways such as face up or face down.

If a ballot jam occurs, the ballot track can be cleared and the device indicates in an alert message letting you know the ballot scanned. Verity Scan is an accessible machine for every voter as it sits at wheelchair accessible height.

³¹ *Verity Duo Instruction Poster*, tarrantcounty.com, <https://www.tarrantcounty.com/content/dam/main/elections/OPS/Verity-Duo-Instruction-Poster.pdf> (last visited Dec. 12, 2022).



Figure 2-9: Verity Scan

Hart Verity Software

Verity Data

Verity Data allows an election worker to import and manage election and jurisdiction data, enter translations, and record audio. Verity Data allows election workers to choose ballot templates, preview ballots, and export the election data to Verity Build.

Verity Build

In Verity Build, a user can proof a ballot data and ballot layout, configure the settings for the election, print ballots, write vDrives, and write Verity Keys. Ballot data and layout are managed in Verity Data.

Verity Central

In Verity Central, an election worker can scan voted paper ballots using your Verity Central scanner, review and resolve ballots, and write the cast vote records to a vDrive in preparation for Verity Count vote tabulation.

Verity Count

Verity count allows a user to create tasks to manage election events such as reading and tabulating vDrives, resolving write-in votes, printing reports, and exporting data. For Verity Count to work in an election, the user must import the signed election using the Election management application. Audit logs can also be created.

Security

Key Takeaways

- Only one county – Collin – had a contingency plan in place that involved contacting the Texas Secretary of State’s office in the event of an emergency or disaster.
- No county had fully completed the election security toolkit made available by the Texas SOS.
- Two counties – Dallas and Harris – did not have or did not provide any emergency response or contingency plans.
- One county– Dallas – requested changes that would allow them to more carefully control who had access to key areas of the election administration office. That request was denied by the County.

Physical Security

Security of the polling location, central count, and the ballots themselves—either physical or electronic—is of utmost importance. Counties should follow strict procedures on security and maintain robust records demonstrating compliance. The four counties’ physical security performance leading up to and following the 2020 General Election was adequate, but we recommend that they each fully implement all elements of the Secretary of State’s Election Security Toolkit.

Security of Ballots

From the time a presiding judge receives the official ballots for an election until the precinct returns for that election have been certified, the presiding judge shall take the precautions necessary to prevent any access to the ballots, ballot boxes, and envelopes used for provisional ballots in a manner that is not authorized by law. The ballots, ballot boxes, and envelopes used for provisional ballots at a polling place must be in plain view of at least one election officer from the time the polls open for voting until the precinct returns have been certified. The presiding judge commits an

offense if the judge fails to prevent a person from handling a ballot box containing marked ballots or provisional ballots in an unauthorized manner.³²

Voting stations must be arranged in a manner that ensures the voting area is in view of the election officers, poll watchers, and persons waiting to cast a ballot but that is separated from the persons who are waiting to vote.³³ When setting up the voting station, an election officer shall open and examine the ballot boxes and remove any contents from the boxes.³⁴ The ballot box to be used by the voters to deposit marked ballots must be locked. The ballot box³⁵ and the box used for the deposit of provisional ballots must be placed where they will be in plain view of the election officers, watchers, and persons waiting to vote.³⁶

Electronic Information Storage Mediums and Voting System Security

The county's general custodian of election records is tasked with generating and maintaining plans and procedures to ensure the security of voting systems and electronic media. The general custodian of election records must:

- Create and maintain an inventory of all electronic information storage media;
- Develop a procedure for tracking the custody of each electronic information storage medium from its storage location, through election coding and the election process, to its final post-election disposition and return to storage. This procedure requires at least two individuals to perform a check and verification check whenever a transfer of custody of an electronic information storage medium occurs;
- Establish a secured location for storing electronic information storage media when not in use and for storing voting system equipment after election parameters are loaded;

³² Tex. Elec. Code § 61.005.

³³ Tex. Elec. Code § 62.004.

³⁴ Tex. Elec. Code § 62.005.

³⁵ A ballot box must be made of a sturdy material, suitably designed for its intended use, and have a lock and key. Tex. Elec. Code § 51.034.

³⁶ Tex. Elec. Code § 62.006.

- Store election information storage mediums in the presence of an election official or in a secured location once the medium has been coded for an election; and
- Create a recovery plan to be followed if a breach in security procedures is indicated that includes immediately notifying the Secretary of State.³⁷

In addition, the general custodian of election records must adopt procedures for securely storing and transporting voting system equipment.³⁸ For example, the general custodian of election records must adopt procedures that:

- Include provisions for locations outside the direct control of the general custodian of election records, including overnight storage at a polling location;
- Require at least two individuals to perform a check and verification check whenever a transfer of custody of the voting equipment occurs;
- Create a recovery plan to be followed if a breach in security procedures is indicated that includes immediately notifying the Secretary of State;
- Secure access control keys or passwords to voting system equipment and require the use of access control keys or passwords to be witnessed by at least one individual authorized to use that information³⁹; and
- Provide a training plan for relevant election officials, staff, and temporary workers that addresses these procedures.

Role of Election Workers

Assembly

The election judge and the assigned election clerks are responsible for making sure that the polling place is secure and ready to receive voters on election day.⁴⁰ If the polling place is left unattended at any time after the preparations for voting begin,

³⁷ See Tex. Elec. Code § 129.051 (f).

³⁸ Tex. Elec. Code § 129.052.

³⁹ The use of an access control key or password must be documented and witnessed in a log dedicated for that purpose that is retained until the political subdivision disposes of the equipment. Tex. Elec. Code § 129.053.

⁴⁰ Tex. Elec. Code § 62.001.

the presiding judge shall take appropriate steps to provide for the security of the polling place.

Identification

While on duty in the area, an election judge, an election clerk, a state or federal election inspector, a certified peace officer, or a special peace officer appointed for the polling place by the presiding judge shall wear a tag or official badge that indicates the person's name and title or position.⁴¹

Powers

Early voting clerks and the presiding judge of each polling place, as appropriate, have the authority of a district judge while serving in that capacity. This authority enables the early voting clerk or the presiding judge, as appropriate, to use his or her discretion to ensure the safety and efficiency of the early voting and election day polling place and the surrounding 100-foot area.⁴²

Persons Allowed in the Polling Location

The only people authorized to be present in the polling place during voting are:

- an election judge or clerk;
- a poll watcher;
- the Secretary of State;
- a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with the Election Code;
- an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies;
- a state inspector;
- a person admitted to vote;

⁴¹ Tex. Elec. Code § 61.010 (b).

⁴² Keith Ingram, *Certain Activities in Vicinity of Polling Places*, Election Advisory No. 2014-21, (Oct. 13, 2014) <https://www.sos.state.tx.us/elections/laws/advisory2014-21-activities-vicinity-polling-places.shtml>.

- a child under 18 years of age who is accompanying a parent who has been admitted to vote;
- a person providing assistance to a voter pursuant to the Election Code;
- a person accompanying a voter who has a disability;
- a special peace officer appointed by the presiding judge;
- the county chair of a political party conducting a primary election;
- a voting system technician;
- the county election officer, as necessary to perform tasks related to the administration of the election; or
- a person whose presence has been authorized by the presiding judge in accordance with the Election Code.⁴³

Security Cameras

If a building is being used as a polling place and has security cameras installed, Secretary of State advises the cameras be turned off during the hours that voting is being conducted if possible. If it is not possible, it is important to ensure the cameras do not film the voting areas. Ideally, the camera should not view the voting equipment at all.⁴⁴

The Use of Certain Devices

It is also prohibited for any person to use a wireless communication device within 100 feet of a voting station.⁴⁵ Additionally, it is prohibited for an individual to use a mechanical or electronic means of recording sound or images within 100 feet of a voting station. An election judge of a polling location has the authority to require individuals to deactivate such a device and to require persons who do not comply with this requirement to leave the polling location.⁴⁶ These prohibitions do not apply to an election officer conducting the officer's official duties; the use of election

⁴³ Tex. Elec. Code § 61.001.

⁴⁴ Keith Ingram, *Certain Activities in Vicinity of Polling Places*, Election Advisory No. 2020-30, (Oct. 3 2020) <https://www.sos.state.tx.us/elections/laws/advisory2020-30.shtml>. The SOS also generally advises that if the location is equipped with sound recording and it is not possible to turn off that feature during the hours of voting, that another polling location be selected.

⁴⁵ Tex. Elec. Code § 61.014.

⁴⁶ Tex. Elec. Code § 61.014 (c).

equipment necessary for the conduct of the election; or a person who is employed at the location in which a polling place is located while the person is acting in the course of the person's employment.⁴⁷

Contingency Plans

The Secretary of State has adopted rules defining classes of protected election data and established best practices for identifying and reducing risk in the electronic use and transmission of election data and the security of election systems.⁴⁸ Election security best practices are intended to provide guidance on how to address cyberattacks and other disaster risks in the election process.

The Secretary of State has promulgated an Election Security Best Practices Guide that explains the various plans and goals of the plans.⁴⁹ The Secretary of State has also created an Election Security Toolkit that is available to the counties and has conducted training regarding the toolkit to allow the counties to modify and implement the plans as fits their particular jurisdiction. The following plans have been outlined in the Secretary of State Election Security Best Practices Guide:

An authorized election written information security program (WISP) should be established to outline a set of prevention and response plans in the event of a cyberattack.⁵⁰ Part of WISP involves also creating an election information security policy (EISP), which establishes protocols that protect election-related data from cyber threat and other disasters.⁵¹

As part of WISP, the Secretary of State also recommends that election departments create an incident response plan that documents the specific steps to take in case of

⁴⁷ Tex. Elec. Code § 61.014 (d).

⁴⁸ If the Secretary of State becomes aware of a breach of cybersecurity that impacts election data, the secretary shall immediately notify the members of the standing committees of each house of the legislature with jurisdiction over elections. See Tex. Elec. Code § 279.002.

⁴⁹ *Election Security Best Practices Guide*, Texas Secretary of State Elections Division, (April 2020), <https://www.sos.state.tx.us/elections/forms/election-security-best-practices.pdf>.

⁵⁰ A county election officer shall annually request training on cybersecurity from the secretary of state. The secretary of state shall pay the costs associated with the training with available state funds. A county election officer shall request an assessment of the cybersecurity of the county's election system from a provider of cybersecurity assessments if the secretary of state recommends an assessment and the necessary funds are available. If a county election officer becomes aware of a breach of cybersecurity that impacts election data, the officer shall immediately notify the secretary of state. To the extent that state funds are available for the purpose, a county election officer shall implement cybersecurity measures to ensure that all devices with access to election data comply to the highest extent possible. See Tex. Elec. Code § 279.003.

⁵¹ *Election Security Best Practices Guide*, Texas Secretary of State Elections Division, (April 2020), <https://www.sos.state.tx.us/elections/forms/election-security-best-practices.pdf>.

a cyberattack incident. An incident response plan should include an incident containment process that minimizes the scale and scope of damage and should address issues such as malware, ransomware, denial of service, intrusion, information access, compromised data, insider threats, compromised accounts, loss of election systems, social engineering attack, or a data breach.

The Secretary of State suggests creating a continuity of operations plan (COOP) that considers how a cyberattack or other disaster would disrupt an election and explain fail-safes, backup processes and systems to keep critical functions operating if such an incident occurs.⁵²

An election system security plan also provides explicit written protocols that safeguard election data on equipment from cyber threats and other disasters. This type of plan should define security controls that encompass the full scope of how election and IT systems support elections; include the complete range of election processes from registering voters to reporting results; outline how election equipment and systems are secured and stored; and include how voters interact with systems.⁵³

The Secretary of State recommends that elections offices create a vendor risk management policy or a set of guidelines that ensure that third-party vendors are not introducing exploitable security gaps in their products. An ideal policy should request that vendors provide a copy of their EISP to evaluate the vendor's security measures. Vendors should also allow periodic evaluation to promote transparency on how they protect information and systems. Using this policy, elections departments should also be able to document how the vendor will support the organization during execution of the COOP.

The Four Counties

Collin County

In Collin County, only individuals with badge access are able to access certain areas within the Elections Department. Collin County's facilities department is responsible for programming and coding badges, which controls who has badge entry access. Collin County's system keeps a log of all entries to certain areas including the date, time,

⁵² The general custodian of election records shall create a contingency plan for addressing direct recording electronic voting machine failure. This plan must include the timely notification of the secretary of state. See Tex. Elec. Code § 129.056.

⁵³ *Election Security Best Practices Guide*, Texas Secretary of State Elections Division, (April 2020), <https://www.sos.state.tx.us/elections/forms/election-security-best-practices.pdf>.

location, event description, and individual involved. Collin County provided this log for review. An event marked “forced” entry appeared in the report. “Forced” could appear if the door was held or the door has a push bar and the door was pushed from the bar and opened. The report only contained the single instance of a “forced” entry and it appears that a cleaning staff member attempted to gain access to the secure area and was denied.

Collin County provided FAD with their continuity of operations plan to review during an on-site visit to Collin County. The plan adequately set out procedures to follow in the event of an emergency and contained a protocol that included notifying the Secretary of State in the event of an emergency or disaster. Collin County noted they did not have any of the other plans from the Election Security Toolkit in place, but had been contracting with a vendor to do so.

Dallas County

During the 2020 General Election period, Dallas County normally operated with approximately 40-50 members of regular staff. In addition, they maintained between 700-800 temporary workers to assist with the election. Access to certain areas of the elections’ facility was restricted based on the category of workers through the use of badges. In 2020, the Elections Department requested that the County provide additional categories of workers in order to more carefully control who had access to certain areas. This request was denied and they were forced to use limited categories. This limitation resulted in the Elections Department moving forward with less categories than it believed was necessary given the sensitivity and nature of their operation. FAD was provided a copy of the door access matrix in use for the 2020 General Election which included categories of workers, restricted hours of access, and restrictions on locations to which workers had access.

Dallas County did not have any of the Secretary of State-recommended Election Security plans in place for 2020. They did internally discuss risks associated with outsourcing services to third parties and worked to reduce them. They dealt with and responded to cybersecurity threats without a plan, and they discussed the possibility of emergencies and how to handle an emergency if it occurred. Dallas County provided materials with checklists and risks to be aware of from national resources that they reviewed, but no formal written plan for Dallas County was in place in 2020. Dallas County also provided documentation regarding certain voting system security measures in place in 2020 by virtue of their voting equipment vendor, ES&S. Dallas County hoped to create a position for one individual who could address all of the security matters for the Elections Department in the future.

Dallas County has since contracted with a vendor to assist them with developing a security and emergency response plan.

Harris County

Harris County advised they did not believe they had a continuity of operations or emergency response plan in 2020 and would check on whether any of these plans existed. Harris County indicated the county had protections in place against cybersecurity threats. Harris County never provided this information.

Harris County has since contracted with a vendor to create a security plan and is in the process of exploring their options in creating a more robust security plan.

Tarrant County

Tarrant County maintains a checklist that assists them with ensuring only those with proper access may view certain documents and have access to certain areas. They were proactive about reviewing their records to ensure departed employees or staff do not retain access to restricted areas or information. In Tarrant County, only individuals whose job activities require access to certain areas have access and all visitors in the building must be escorted by someone with access.

Tarrant County had both a continuity of operations plan and emergency response plan that was provided for FAD to review during an on-site visit. The plan included information regarding what to do in certain emergency situations and noted that the Secretary of State was among those who could postpone or delay an election. These plans did not, however, include that the Secretary of State must be notified in the event of an emergency or disaster. Tarrant County did not have any of the other plans in place from the Elections Security Toolkit, but continue updating their security protocols.

Voter Registration

Key Takeaways

- A review of 2020 vote history records found that voters who cast ballots listed non-residential, commercial mailbox locations as their residence addresses:
- In Collin County, 35 voters listed commercial mailbox locations as their residential address.
- In Dallas County, 329 voters listed commercial mailbox locations as their residential address.
- In Harris County, 687 voters listed commercial mailbox locations as their residential address.
- In Tarrant County, 320 voters listed commercial mailbox locations as their residential address.

Eligibility

In order to be eligible to vote in Texas, an individual must be a qualified voter on the day he or she offers to vote, be a resident of the territory covered by the election or measure on which the person desires to vote, and satisfy all other legal requirements for voting in that particular election.⁵⁴ A qualified voter must be both a resident of Texas and a registered voter.⁵⁵

A person who desires to register to vote must submit an application for registration to the voter registrar in their county of residence.⁵⁶ The application for registration must include:

- the applicant's first name, middle name, if any, last name, and former name, if any;

⁵⁴ Tex. Elec. Code § 11.001.

⁵⁵ Tex. Elec. Code § 11.002 (5); Tex. Elec. Code § 11.002 (6).

⁵⁶ Tex. Elec. Code § 13.002.

- the month, day, and year of the applicant's birth;
- a statement that the applicant is a United States citizen;
- a statement that the applicant is a resident of the county;
- a statement that the applicant has not been determined by a final judgment of a court exercising probate jurisdiction to be:
 - totally mentally incapacitated; or
 - partially mentally incapacitated without the right to vote;
- a statement that the applicant has not been finally convicted of a felony or that the applicant is a felon eligible for registration under Section 13.001;
- the applicant's residence address or, if the residence has no address, the address at which the applicant receives mail and a concise description of the location of the applicant's residence;
- the following information:
 - the applicant's Texas driver's license number or the number of a personal identification card issued by the Department of Public Safety;
 - if the applicant has not been issued a number, the last four digits of the applicant's social security number; or
 - a statement by the applicant that the applicant has not been issued a number
- if the application is made by an agent, a statement of the agent's relationship to the applicant; and
- the city and county in which the applicant formerly resided.

Once the application is submitted in its entirety, the county registrar reviews it to determine if it meets the legal requirements set out in the Election Code. A county registrar is required to make the eligibility determination by the 7th day after the application is submitted.

If an application does not meet the requirements and is rejected, the registrar must deliver written notice, with reason, of the rejection no later than the second day after

the determination.⁵⁷ If the rejection occurs in the presence of the applicant, the registrar can inform the applicant of the reason orally, and give them the opportunity to correct and re-apply. If the applicant re-applies, they must submit the new application before the 10th day after the rejection notice is delivered.

Upon approval, the voter will receive a unique voter registration number (known as VUID) assigned by the Secretary of State and a registration certificate from their county voter registrar.⁵⁸

Voter Confidentiality

In general, there is certain personal identification information provided on registration applications that is confidential for all voters, including partial social security numbers, driver's license or state-issued ID numbers, and telephone numbers.

Applicants in any of the following categories are eligible to have their address omitted⁵⁹ from the Official List of Registered Voters⁶⁰;

- Federal judges, including a federal bankruptcy judge;
- Marshals of the United States Marshals Service;
- United States Attorneys,
- State judges and any family member⁶¹ of the judge or official; or
- Peace officers, including Special Investigators and Prosecutors.

There is also an Alternate Address program that allows these same qualified individuals to use the address of their work place if they choose.⁶² This does, however, change the precinct of where they are eligible to vote from their precinct of residence.

In addition, the Attorney General's office has an address confidentiality program that provides a substitute post office box address for victims of family violence, sexual

⁵⁷ Tex. Elec. Code § 13.073.

⁵⁸ Tex. Elec. Code § 13.141.

⁵⁹ Tex. Elec. Code § 13.0021.

⁶⁰ Tex. Transportation Code § 521.121.

⁶¹ Family member as defined under § 31.006 of the Finance Code.

⁶² *Address Confidentiality*, [sos.texas.gov](https://www.sos.state.tx.us/elections/laws/address-confidentiality.shtml), (Nov. 2021)

<https://www.sos.state.tx.us/elections/laws/address-confidentiality.shtml>.

assault, human trafficking, or stalking.⁶³ Voters qualified in this program are not registered through the county's voter registration system and no personal identification information of the voter appears on any form other than the Confidential Voter Registration Form and Early Voting Ballot Application.⁶⁴

Voter Registration Effective Date, Cancellations, and Lists

When the voter's registration application is approved, their registration becomes effective on the 30th day after the application is submitted, or when the applicant turns 18, whichever date is later.⁶⁵ Registration is effective until cancelled under Chapter 16 of Texas Election Code. Grounds for cancellation under Chapter 16 include:

- notice under Section 13.072(b), 15.021, or 18.0681(d) or a response under Section 15.053 that the voter's residence is outside the county;
- an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);
- an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;
- notice under Section 112.012 that the voter has applied for a limited ballot in another county;
- notice from a voter registration official in another state that the voter has registered to vote outside this state;
- notice from the early voting clerk under Section 101.053 that a federal postcard application submitted by an applicant states a voting residence address located outside the registrar's county; or
- notice from the secretary of state that the voter has registered to vote in another county, as determined by the voter's driver's license number or

⁶³ *Address Confidentiality Program*, [texasattorneygeneral.gov, https://www.texasattorneygeneral.gov/crime-victims/services-crime-victims/address-confidentiality-program](https://www.texasattorneygeneral.gov/crime-victims/services-crime-victims/address-confidentiality-program) (last visited Dec. 12, 2022).

⁶⁴ Tex. Elec. Code § 13.004 (5); Tex. Elec. Code § 13.004 (7).

⁶⁵ Tex. Elec. Code § 13.143.

personal identification card number issued by the Department of Public Safety or social security number.

(b) The registrar shall cancel a voter's registration immediately if the registrar:

- determines from information received under Section 16.001(c) that the voter is deceased;
- has personal knowledge that the voter is deceased;
- receives from a person related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to the voter a sworn statement by that person indicating that the voter is deceased; or
- receives notice from the secretary of state under Section 18.068 that the voter is deceased.⁶⁶

Registration renewal certifications are sent to qualified voters between November 15th and December 5th of each odd-numbered year. Renewal certificates are not eligible to be forwarded, so if the voter has moved and the certificate is returned to the voter registrar, the voter is placed on the suspense list.⁶⁷ If the registrar sends a written notice requesting confirmation of a voter's address, they are automatically placed on the suspense list until confirmation is received, and the voter is either reinstated or removed from the voter rolls.⁶⁸

Cancellation of voter registration takes immediate effect and the county registrar must deliver written notice to the voter of their cancellation no later than the 30th day after cancellation.⁶⁹

Any removal of voters from the voter rolls must be completed no later than 90 days⁷⁰ before a federal primary or general election in compliance with the National Voter Registration Act of 1993 (NVRA). A registrar is, however, permitted to remove a voter from the rolls if the voter is voluntarily cancelling their registration, is deceased, finally convicted of a felony or determined to be mentally incapacitated for purposes of voting.

⁶⁶ Tex. Elec. Code § 16.031.

⁶⁷ Tex. Elec. Code § 15.081.

⁶⁸ Tex. Elec. Code § 15.051.

⁶⁹ Tex. Elec. Code § 16.036.

⁷⁰ 52 U.S.C. § 20507 (c)(2)(a).

Voters Found to be Registered at Commercial Mailbox Locations

FAD attempted to determine how many voters were registered at non-residential, commercial addresses. Due the complexity involved in that endeavor, FAD limited its inquiry to voters registered at commercial mailbox locations located through www.ups.com.

FAD created a list of all towns and cities for each county, and then used UPS.com to compile a list of addresses for each UPS location in each town and city. The listed addresses were then consolidated in one spreadsheet (deleting duplicate addresses). FAD used the Vote History report for each county and filtered it by residence address to find which voters were registered at a commercial mailbox location. Some UPS addresses are connected to an apartment complex making it unclear whether the voter would be registered at a commercial mailbox location or the apartments.

Collin County

A total of 35 voters were registered at 16 commercial mailbox locations with physical addresses (not P.O. boxes) or subsidiaries throughout Collin County. None of the commercial mailbox locations in Collin County with vote history information were connected to an apartment complex.

CENTER	TYPE	ADDRESS	Number of Voters Registered at Address
The UPS Store®		906 W MCDERMOTT DR, STE 116, ALLEN, TX, 75013-5426	4
The UPS Store®		2300 MCDERMOTT RD, 200, PLANO, TX, 75025-7017	2
The UPS Store®		4100 ELDORADO PKWY, 100, MCKINNEY, TX, 75070-4530	2
Authorized Shipping Outlet	THE MAILING POINT	3000 CUSTER RD, 270, PLANO, TX, 75075-4427	1
The UPS Store®		11625 CUSTER RD, 110, FRISCO, TX, 75035-8784	3
Authorized Shipping Outlet	MR. PARCEL	3941 LEGACY DR, 204, PLANO, TX, 75023-8331	1
The UPS Store®		2024 W 15TH ST, F, PLANO, TX, 75075-7364	1
The UPS Store®		2750 S PRESTON RD, 116, CELINA, TX, 75009-3807	1
The UPS Store®		8745 GARY BURNS DR, 160, FRISCO, TX, 75034-2551	3
The UPS Store®		809 WOODBRIDGE PKWY, 500, WYLIE, TX, 75098-7151	2
The UPS Store®		5729 LEBANON RD, 144, FRISCO, TX, 75034-7259	1
Authorized Shipping Outlet	GOEN POSTAL	9201 WARREN PKWY, 200, FRISCO, TX, 75035-6242	4
The UPS Store®		1900 PRESTON RD, 267, PLANO, TX, 75093-8366	2
The UPS Store®		3308 PRESTON RD, 350, PLANO, TX, 75093-7471	2
Authorized Shipping Outlet	MR. PARCEL	18484 PRESTON RD, #102, DALLAS, TX, 75252-5474	2
The UPS Store®		18208 PRESTON RD, D-9, DALLAS, TX, 75252-6011	4
TOTAL VOTERS:			35

Figure 4-1: Number of Voters Registered at Commercial Mailbox Locations in Collin County

Dallas County

A total of 329 Voters are registered at 47 commercial mailbox locations throughout the county. These are physical addresses, not PO Boxes. None of the locations in Dallas County with vote history information are tied to an apartment complex.

CENTER	TYPE	ADDRESS	Number of Voters Registered at Address		
The UPS Store®		3145 BELT LINE RD STE 111, ADDISON, TX, 75002-1906	4		
The UPS Store®		2810 E TRIGGTT MELL RD,309, CARROLLTON, TX, 75006-2383	9		
The UPS Store®		14962 PRELSON RD-604, DALLAS, TX, 75254-9181	4		
The UPS Store®		17875 MIDWAY RD,101, DALLAS, TX, 75244-4188	4		
Authorized Shipping Outlet	ENGLE POSTAL CENTER	1885 ALPHA RD SITE 183, DALLAS, TX, 75249-1123	11		
The UPS Store®		2145 N JOSEY LN,116, CARROLLTON, TX, 75006-2854	3		
Authorized Shipping Outlet	PARCEL UNITS	17370 COFF RD,C, DALLAS, TX, 75248-4485	4		
The UPS Store®		101 S COIT RD,16, RICHARDSON, TX, 75080-8740	4		
Authorized Shipping Outlet	POUCHET 13021	11816 INWOOD RD, DALLAS, TX, 75244-8811	2		
The UPS Store®		11706 PRESTON RD,606, DALLAS, TX, 75250-2789	0		
The UPS Store®		819 W ARAPAHO RD,348, RICHARDSON, TX, 75080-9040	3		
The UPS Store®		1111 N TOWN EAST BLVD,108, MESQUITE, TX, 75150-4141	8		
The UPS Store®		7524 GARSTON AVE,124, DALLAS, TX, 75214-8199	7		
The UPS Store®		9540 GARLAND RD,181, DALLAS, TX, 75218-3471	2		
The UPS Store®		1117 N AKARD ST, DALLAS, TX, 75201-2001	1		
The UPS Store®		5786 E MOCKINGBIRD LN,114, DALLAS, TX, 75209-3481	7		
Authorized Shipping Outlet	ENGLE POSTAL CENTER	1887 ALLEN ST, DALLAS, TX, 75284-4982	31		
Authorized Shipping Outlet	ENGLE POSTAL CENTER	8839 MCKINSEY AVE STE 115, DALLAS, TX, 75286-1488	8		
Authorized Shipping Outlet	SHIP CENTER	8838 MOCKINGBIRD LN, DALLAS, TX, 75205-2123	10		
The UPS Store®		828 S MACARTHUR BLVD,REAR STE 101, COPPELL, TX, 75019-4218	18		
The UPS Store®		7750 N MACARTHUR BLVD,118, IRVING, TX, 75061-3581	6		
The UPS Store®		108 N DENTON TWP RD,138, COPPELL, TX, 75005-2145	4		
Authorized Shipping Outlet	PROUDER EXPRESS MAIL	1670 N HAMPTON RD,4108, DESOTO, TX, 75114-2388	8		
The UPS Store®		1488 N RIVERFRONT BLVD, DALLAS, TX, 75207-3917	3		
The UPS Store®		2141 BECKETT BLVD,130, IRVING, TX, 75063-8111	2		
Authorized Shipping Outlet	MAIL STOP AND MORE	4020 N MACARTHUR BLVD,111, IRVING, TX, 75039-8412	11		
Authorized Shipping Outlet	ENGLE POSTAL CTR VALLEY RANCH	101 LAS COLINAS BLVD E,118, IRVING, TX, 75039-8217	26	Located in The Shores at Las Colinas Apartments	385 E Las Colinas Blvd
The UPS Store®		1624 CEDAR SPRINGS RD, DALLAS, TX, 75218-4118	9		
The UPS Store®		6848 LEMAY AVE,100, DALLAS, TX, 75218-1401	7		
The UPS Store®		75 HIGHLAND PARK VLD,100, DALLAS, TX, 75205-1718	9		
Authorized Shipping Outlet	OTHER PLAZA PORTAL	5419 WESTMINSTER AVE, DALLAS, TX, 75205-1387	18		
The UPS Store®		5080 W LOVERS LN,116, DALLAS, TX, 75289-4381	1		
The UPS Store®		8019 GREENVILLE AVE, DALLAS, TX, 75286-1919	10		
The UPS Store®		845 E FM (181) #3, CEDAR HILL, TX, 75104-6046	1		
The UPS Store®		5435 N GARLAND AVE, GARLAND, TX, 75040-2783	2		
Authorized Shipping Outlet	MAIL -	5136 LAKEVIEW PKWY, STE B, ROWLETT, TX, 75088-4848	4		
The UPS Store®		2250 HIGHWAY 76,750, SACHSE, TX, 75048-0382	4		
The UPS Store®		9090 SKILLMAN ST,181-A, DALLAS, TX, 75243-8278	2		
The UPS Store®		908 AUSTELLA RD,200, RICHARDSON, TX, 75081-5126	4		
The UPS Store®		224 W CAMPBELL RD, RICHARDSON, TX, 75080-3512	3		
Authorized Shipping Outlet	POSTAL DEPOT	1130 N GALLOWAY AVE, STE 104, MESQUITE, TX, 75150-4367	1		
The UPS Store®		10429 N CENTRAL EXPY,109-B, DALLAS, TX, 75251-2111	4		
Authorized Shipping Outlet	PARCEL CENTER	1790 E DAVIS ST, MESQUITE, TX, 75149-8729	2		
The UPS Store®		1847 W NORTHWEST HWY,118, DALLAS, TX, 75220-1866	2		
The UPS Store®		8125 LUTHER LN, DALLAS, TX, 75225-6252	4		
Authorized Shipping Outlet	PAR MAIL 15441	2144 W BUCKINGHAM RD,750, GARLAND, TX, 75845-3911	4		
The UPS Store®		2177 BUCKINGHAM RD, RICHARDSON, TX, 75081-1454	1		
		TOTAL VOTERS	329		

Figure 4-2: Number of Voters Registered at Commercial Mailbox Locations in Dallas County

Harris County

A total of 687 Voters are registered at 70 commercial mailbox locations throughout the county. These are physical addresses, not PO Boxes. There are 164 voters registered at 2 locations in Harris County that are tied to apartment complexes.

CENTER	TYPE	ADDRESS	Number of Voters Registered at Address - Sheet 1	Number of Voters Registered at Address - Sheet 2	Number of Voters Registered at Address - Sheet 3	Number of Voters Registered at Address - 3 Sheets Total	
The UPS Store		3120 CROFTER ST FLOOR 8, DREER PARK, TX, 77064-8487	1	1	0	2	
Authorized Shipping Outlet	PORTHET TX11E	8772 FAIRMONT PKWY, PASADENA, TX, 77065-4881	0	0	2	2	
The UPS Store		8642 FAIRMONT PKWY LB, PASADENA, TX, 77065-4539	0	0	0	0	
The UPS Store		3184 W WALLBYLLE RD, HOUSTON, TX, 77048-4808	1	0	2	3	
The UPS Store		11420 FM 2106 RD A, CROSBY, TX, 77111-4179	0	0	1	1	
The UPS Store		2427 WAT ARKA BLVD, HOUSTON, TX, 77058-5118	1	4	8	13	
The UPS Store		3125 CLEAR LAKE CTR BLVD, HOUSTON, TX, 77042-8138	0	1	1	2	
The UPS Store		295 W BAY AREA BLVD, WHEATSTER, TX, 77588-4128	1	2	4	7	
The UPS Store		11286 FLOCCA ST DR, HOUSTON, TX, 77068-1181	1	0	1	2	
Authorized Shipping Outlet	SOULTY	399 OCEAN PKY S.E. 2, LEAKEE CITY, TX, 77755-5886	0	0	0	0	
Authorized Shipping Outlet	BAY AREA PORTAL	31117M STEER, WHEATSTER, TX, 77588-4187	2	2	0	4	Public Storage Building - 777
Authorized Shipping Outlet	PORTHET TX11E	11732 N LAKI HOUSTON PKWY A, HOUSTON, TX, 77064-8489	0	0	0	0	
The UPS Store		14271 R SASH HOUSTON PKWY N 200, HOUSTON, TX, 77064-7888	1	1	0	2	
The UPS Store		2675 OULF PKY S.E. LEAKEE CITY, TX, 77754-6188	0	0	0	0	
Authorized Shipping Outlet	MAIL AND COPY	3118 W WILLOWBROOK BLVD, HOUSTON, TX, 77021-2118	1	4	2	7	
The UPS Store		3888 ROCKWOOD AVE, HOUSTON, TX, 77058-7422	2	3	4	9	
The UPS Store		8020 CHEMUNY ROCK RD G, HOUSTON, TX, 77066-2188	1	3	2	6	
The UPS Store		2148 ROCK BLVD, HOUSTON, TX, 77005-5800	4	2	7	13	
The UPS Store		2429 BRIDGESSETT ST, HOUSTON, TX, 77062-5415	0	0	18	18	Apartment Complex across the street
Authorized Shipping Outlet	PACK-2-REND	4114 WOODRIDGE ST, HOUSTON, TX, 77027-8888	0	0	1	1	1000 Element St
The UPS Store		3889 WOODRIDGE RD AL, HOUSTON, TX, 77027-8881	1	11	18	30	Apartment Complex behind the street
Authorized Shipping Outlet	MAILBOX AND COPY	8645 WOODRIDGE RD, HOUSTON, TX, 77065-5881	0	0	1	1	3888 Avenue Dr
The UPS Store		3282 WOODRIDGE RD, HOUSTON, TX, 77065-5882	2	3	21	26	
The UPS Store		1197 PONY CREEK BLVD, HOUSTON, TX, 77064-8881	2	4	13	19	
Authorized Shipping Outlet	PORTAL STORE	3848 FOUNTAIN VIEW DR, HOUSTON, TX, 77057-4388	0	3	7	10	
The UPS Store		4413 S VOGEL RD, HOUSTON, TX, 77077-1888	1	3	2	6	
The UPS Store		3127 MESQUITAL DR, HOUSTON, TX, 77081-8020	7	10	13	28	
The UPS Store		1392 W ACORN DR, HOUSTON, TX, 77069-1888	8	14	11	33	
Authorized Shipping Outlet	PORTAL + COPY CENTER 411	3889 WOODRIDGE RD, HOUSTON, TX, 77065-5882	1	4	4	9	
The UPS Store		3428 WOODRIDGE RD, HOUSTON, TX, 77065-5886	1	0	11	12	
Authorized Shipping Outlet	PORTHET TX21E	4413 WOODRIDGE RD, HOUSTON, TX, 77065-5881	4	4	7	15	
Authorized Shipping Outlet	SPRINT MAIL & PARCEL	11447M 1980 RD E, HUMBLE, TX, 77068-1177	2	4	2	8	
The UPS Store		3801 FRY RD E, HUMBLE, TX, 77068-2188	0	2	2	4	
The UPS Store		4480 OLD SPANISH TRAIL, HOUSTON, TX, 77021-2417	1	3	0	4	
The UPS Store		4142 KINGWOOD DR, KINGWOOD, TX, 77345-1608	0	3	4	7	
Authorized Shipping Outlet	PORTHET TX11H	4121 KINGWOOD DR, KINGWOOD, TX, 77345-1788	0	1	4	5	
Authorized Shipping Outlet	MAIL AND COPY	3087 ROCKWELL AVE, HOUSTON, TX, 77028-1481	0	4	4	8	
Authorized Shipping Outlet	PORTAL STORE 411E11	2265 HOUSTONPARK DR, HOUSTON, TX, 77128-1744	2	2	10	14	
Authorized Shipping Outlet	WFLB COPY	8625 MARKET DR, HOUSTON, TX, 77038-2881	0	0	0	0	
The UPS Store		3428 FM 1980 BYPASS RD W, HUMBLE, TX, 77068-6888	1	0	2	3	
The UPS Store		328 KINGWOOD DR, KINGWOOD, TX, 77345-1615	0	0	0	0	
The UPS Store		8114 KENNEDY AVE, HOUSTON, TX, 77061-2181	3	6	7	16	
The UPS Store		1848 FM 1980 RD W 44, HOUSTON, TX, 77060-0960	1	2	8	11	
Authorized Shipping Outlet	MAIL BOXES ONLY	13218 JONES RD STE D, HOUSTON, TX, 77076-5288	2	1	4	7	
The UPS Store		3117 AT CTR HWY 67, HOUSTON, TX, 77076-5022	2	4	7	13	
Authorized Shipping Outlet	PORTHET TX21E	154 VINTAGE PARK BLVD STE A, HOUSTON, TX, 77030-1888	2	2	1	5	
The UPS Store		8127 MOORE RD, HOUSTON, TX, 77060-4811	2	11	8	21	
Authorized Shipping Outlet	PORTAL STORE/PRINT CENTER	8129 MOORE AVE, HOUSTON, TX, 77064-1121	1	3	2	6	
The UPS Store		8611 MOORE AVE, HOUSTON, TX, 77064-1281	1	1	0	2	
The UPS Store		4474 W SPANISH HOUSTON, TX, 77066-8888	1	2	18	21	
The UPS Store		4711 STELLA LOCK RD, HOUSTON, TX, 77067-4282	1	1	2	4	
Authorized Shipping Outlet	PORTAL + COPY CENTER 4 1E	8113 FRY RD STE 15E, CYPRESS, TX, 77433-3178	0	1	0	1	
The UPS Store		17143 SPRING CYPRESS RD, CYPRESS, TX, 77429-1888	2	1	3	6	
The UPS Store		8113 FRY RD STE 15E, CYPRESS, TX, 77433-3181	1	1	4	6	
Authorized Shipping Outlet	PORTHET TX11E	12128 BARBER CYPRESS RD STE 608, CYPRESS, TX, 77438-6338	0	0	2	2	
Authorized Shipping Outlet	SPRINGPORT PORTAL STORE	1099 BARBER CYPRESS RD STE 300, CYPRESS, TX, 77433-5248	1	1	2	4	
The UPS Store		2488 FM 2001 ROAD, HOUSTON, TX, 77057-5158	1	1	7	9	
Authorized Shipping Outlet	MAIL BOX ONLY	11121 LOUETTA RD, CYPRESS, TX, 77438-5188	1	2	5	8	
Authorized Shipping Outlet	PORTAL STORE ONLY	8817 FRY RD STE 15E, CYPRESS, TX, 77433-3184	1	3	4	8	
Authorized Shipping Outlet	MAIL STORE	11710 GRAND RD, CYPRESS, TX, 77438-5771	0	0	0	0	
The UPS Store		12728 WOODRIDGE FANON RD 186, EATY, TX, 77488-2119	1	2	0	3	
Authorized Shipping Outlet	PORTAL STORE ONLY	2405 W F C CENTER BLVD, HOUSTON, TX, 77048-5849	0	2	3	5	
The UPS Store		7843 KATY PKY, HOUSTON, TX, 77024-2824	1	2	4	7	
Authorized Shipping Outlet	CENTRO SPRING TX STORAGE	21128 ALDEN WESTFIELD RD SPRING, TX, 77175-5811	0	0	2	2	
The UPS Store		46 CYPRESS CREEK PKWY, HOUSTON, TX, 77066-5100	2	8	14	24	
The UPS Store		3612 CHAMPION FOREST DR, SPRING, TX, 77176-4718	0	0	0	0	
The UPS Store		6848 FM 2628 RD, SPRING, TX, 77176-2417	2	1	7	10	
The UPS Store		7111 LOCKETTA RD, SPRING, TX, 77183-6175	2	0	2	4	
The UPS Store		4058 LOCKETTA RD, SPRING, TX, 77183-4400	2	0	13	15	
The UPS Store		2119 FM 2600 RD 186, SPRING, TX, 77183-1871	0	0	0	0	
Authorized Shipping Outlet	PORTAL STORE #1701	2182 SPRING STILLMEADOW RD 149, SPRING, TX, 77188-2208	0	0	2	2	
The UPS Store		387 S MARION RD, EATY, TX, 77435-1417	1	0	0	1	
The UPS Store		1782 FRY RD, EATY, TX, 77438-2188	1	0	2	3	
Authorized Shipping Outlet	SPR & FRY RD 11E 11E - 4M	3115 FRY RD STE A, EATY, TX, 77438-2188	4	0	2	6	
The UPS Store		24128 KUTZERSHANG RD 1118, COCKBURN, TX, 77017-3121	0	1	2	3	
The UPS Store		2640 KUTZERSHANG RD 1118, COCKBURN, TX, 77017-3244	0	1	2	3	
		TOTAL VOTERS	122	219	346	687	

Figure 4-3: Number of Voters Registered at Commercial Mailbox Locations in Harris County

CENTER	TYPE	ADDRESS	Number of Voters Registered at Address - Sheet 1	Number of Voters Registered at Address - Sheet 2	Number of Voters Registered at Address - Sheet 3	Number of Voters Registered at Address - 3 Sheets Total	
The UPS Store		1110 OLD SPANISH TRAIL, HOUSTON, TX, 77061-1811	6	18	18	42	Apartment Complex
The UPS Store		861 ROCKFORD ST, HOUSTON, TX, 77061-4888	6	11	11	28	Parking Garage and Apartment Complex Above
		TOTAL VOTERS	12	29	29	70	

Figure 4-4: Number of Voters Registered at Commercial Mail Locations in Harris County That Share an Address with an Apartment Complex

Tarrant County

A total of 320 Voters are registered at 36 commercial mailbox locations throughout the county.⁷¹ These are physical addresses, not PO Boxes. None of the commercial mailbox locations with vote history information in Tarrant County are tied to an apartment complex.

CENTER	TYPE	ADDRESS	Number of Voters Registered at Address
The UPS Store®		3540 E BROAD ST, 120, MANSFIELD, TX, 76063-5633	10
The UPS Store®		8528 DAVIS BLVD, 134, NORTH RICHLAND HILLS, TX, 76182-8302	7
The UPS Store®		6060 AZLE AVE, 700, FORT WORTH, TX, 76135-2614	1
The UPS Store®		1209 N SAGINAW BLVD, G, SAGINAW, TX, 76179-1180	3
Authorized Shipping Outlet	SAGINAW SHIPPING STATION	1029 N SAGINAW BLVD, F10, SAGINAW, TX, 76179-1100	3
The UPS Store®		8901 TEJAMA RIDGE PKWY, 127, FORT WORTH, TX, 76177-2032	5
The UPS Store®		6387 CAMP BOWIE BLVD, B, FORT WORTH, TX, 76116-5486	14
The UPS Store®		8553 N BEACH ST, FORT WORTH, TX, 76244-4919	24
Authorized Shipping Outlet	POST & PARCEL	4364 WESTERN CENTER BLVD, FORT WORTH, TX, 76137-2043	9
Authorized Shipping Outlet	GOING PARCEL	7420 N BEACH ST, 212, FORT WORTH, TX, 76137-2545	1
The UPS Store®		209 W 2ND ST, FORT WORTH, TX, 76102-3021	12
The UPS Store®		2850 S HULEN ST, FORT WORTH, TX, 76109-1514	11
The UPS Store®		5801 GOLDEN TRIANGLE BLVD, 103, FORT WORTH, TX, 76244-4111	3
The UPS Store®		1527 W STATE HIGHWAY 114, 500, GRAPEVINE, TX, 76051-4671	10
The UPS Store®		2606 E SOUTHLAKE BLVD, 120, SOUTHLAKE, TX, 76092-8045	5
Authorized Shipping Outlet	MAIL & COPY SERVICES	401 N CARROLL AVE, SOUTHLAKE, TX, 76092-6407	10
Authorized Shipping Outlet	PACK N MAIL	2150 W NORTHWEST HWY, 114, GRAPEVINE, TX, 76051-7849	9
The UPS Store®		1540 KELLER PKWY, 108, KELLER, TX, 76248-1660	8
The UPS Store®		3501 SYCAMORE SCHOOL RD, 125, FORT WORTH, TX, 76133-7827	1
The UPS Store®		6080 S HULEN ST, 360, FORT WORTH, TX, 76132-4810	8
Authorized Shipping Outlet	FT WORTH SHIP AND PACK	6340 LAKE WORTH BLVD, FORT WORTH, TX, 76135-3602	23
Authorized Shipping Outlet	CLASS MAIL & BUSINESS CENTER	8101 BOAT CLUB RD, STE 240, FORT WORTH, TX, 76179-5531	7
The UPS Store®		1169 N BURLESON BLVD, 107, BURLESON, TX, 76028-8458	9
TOTAL VOTERS			320

Figure 4-5: Number of Voters Registered at Commercial Mailbox Locations in Tarrant County

⁷¹ FAD reviewed a list of 42 voters provided by the Citizens for Elections Integrity in Texas (CEITX) identified as being registered at invalid or commercial addresses. FAD identified 32 voters from this list that appeared to be registered at commercial or invalid addresses when they voted in the 2020 General Election. This list has been referred to the Texas Attorney General’s office for further review. The other 10 voters appeared to have typographical errors in their registration address or had been registered at proper residential addresses during the 2020 General Election.

Training

Key Takeaways

- Overall, the four counties provided adequate training materials for election workers that addressed the statutory requirements in the Texas Election Code.
- Harris County created training materials for drive-through voting in October 2020, but it is not clear those procedures were followed in implementing the practice.

Election Officials

Election judges and clerks are required to complete training in election law and procedure.⁷² The Secretary of State has developed standardized training materials and curriculum that are available online.⁷³ The Secretary of State website contains additional information and resources for training election officials and workers. The website includes specific documents and videos on each topic regarding the conduct of elections and how to operate a polling location.⁷⁴

⁷² Election judges are required to complete training based on the standardized training program and materials developed and provided by the Texas Secretary of State. Election clerks are required to complete training regarding the acceptance and handling of identification presented by a voter. See Tex. Elec. Code § 32.114.

⁷³ *Texas Election Training Portal*, pollworkertraining.sos.texas.gov, <https://pollworkertraining.sos.texas.gov/> (last visited Dec. 12, 2022) <https://pollworkertraining.sos.texas.gov/>; Office of The Texas Secretary of State, Handbook for Election Judges and Clerks Qualifying Voters on Election Day (2022); Tex. Elec. Code § 32.111; Tex. Elec. Code § 32.114.

⁷⁴ See *Training and Education and Resources*, [sos.state.tx.us](https://www.sos.state.tx.us/elections/laws/education-resources.shtml), <https://www.sos.state.tx.us/elections/laws/education-resources.shtml> (last visited Dec. 12, 2022).



Figure 5-1: Secretary of State Election Worker Training Materials Webpage

FAD reviewed training materials provided by the four counties on three stages of the election process. The first stage was training on topics a poll worker must know prior to opening the polls. Next was training on how to run the election while the polls are open. The last stage was training on how to properly close down a polling location. The Texas Election Code and Texas Administrative Code each have requirements that must be met within these three stages of the election process. FAD reviewed the training materials provided by the four counties to verify whether the materials addressed the requirements of the Texas Election Code and the Texas Administrative Code.

Prior to Opening Polls

Verify Seal Numbers on Equipment

A seal shall be provided for each ballot box and the authority responsible for distributing election supplies must prepare records of serial numbers of seals and preserve them for the period for preserving precinct election records.⁷⁵

Arrange Voting Station

The voting area should be in view of election officers, watchers, and persons waiting to vote.⁷⁶ Only one entrance should allow access to the voting area.⁷⁷ The voting area must be adequately lighted.⁷⁸ Each voting station should have an indelible marking

⁷⁵ Tex. Elec. Code § 127.064.

⁷⁶ Tex. Elec. Code § 62.004 (1).

⁷⁷ Tex. Elec. Code § 62.004 (2).

⁷⁸ Tex. Elec. Code § 62.004 (3).

instrument, which is an instrument that makes marks that cannot be easily removed or erased.⁷⁹

Examine ballot boxes, ballots, and placement of ballot boxes

An election officer must open and examine the ballot boxes and remove any contents from the boxes.⁸⁰ Ballot boxes, including those for depositing provisional ballots, must be locked and placed in plain view of election officers, watchers, and persons waiting to vote.⁸¹ An election officer must unseal the ballot package, remove the ballots, and examine them to determine that they are properly numbered and printed.⁸² Any unnumbered or otherwise defective ballot must be placed in ballot box number 4.⁸³

Placement of Required Forms and Supplies

Each table used to accept and qualify voters must have the following: (1) a list of registered voters, including supplemental and correction lists, or a revised original list;⁸⁴ (2) a registration omissions list;⁸⁵ (3) a combination form;⁸⁶ (4) a poll list;⁸⁷ (5) a signature roster;⁸⁸ (6) blank affidavits (Voter with Required Documentation Who is Not on List, Affidavit of Voter Without Required Identification, Voter's Similar Name Affidavit);⁸⁹ (7) a list for tracking provisional voters;⁹⁰ (8) reasonable impediment declarations;⁹¹ (9) provisional ballot affidavit envelopes;⁹² (10) Notice to Provisional Voter for Voter Voting Provisionally Due To Lack Of Acceptable Identification;⁹³ (11) secrecy envelopes for provisional ballots;⁹⁴ (12) statements of resident⁹⁵; (13) a

⁷⁹ Tex. Elec. Code § 62.015.

⁸⁰ Tex. Elec. Code § 62.005.

⁸¹ Tex. Elec. Code § 62.006.

⁸² Tex. Elec. Code § 62.007 (a).

⁸³ Tex. Elec. Code § 62.007 (b).

⁸⁴ Tex. Elec. Code §§ 18.001, 18.002, 18.003.

⁸⁵ Tex. Elec. Code § 63.005.

⁸⁶ Tex. Elec. Code § 63.004.

⁸⁷ Tex. Elec. Code § 63.003.

⁸⁸ Tex. Elec. Code § 63.002.

⁸⁹ Tex. Elec. Code § 63.006.

⁹⁰ Tex. Admin. Code. § 81.173 (b)(14)(B).

⁹¹ Tex. Elec. Code § 63.001 (i)

⁹² Tex. Elec. Code § 63.011.

⁹³ Tex. Admin. Code § 81.173 (b)(13).

⁹⁴ Tex. Admin. Code § 81.173 (b)(10).

⁹⁵ Tex. Elec. Code § 63.0011.

Register of Spoiled Ballots;⁹⁶ and (14) Request To Cancel Application To Vote By Mail forms.⁹⁷

Signage (English and Spanish)

Distance markers must be placed 100 feet in each direction from all entrances through which voters may enter the polling location.⁹⁸ A Voter Information Poster and other instruction posters shall be placed in each voting station and in one or more locations in the polling place where they can be read by persons waiting to vote.⁹⁹ A Public Notice of Voters' Rights, a sample ballot, a Voter Complaint Poster, and a Notice of Acceptable Identification must also be posted in the polling place.¹⁰⁰

Confirmation of Zero Tapes

Immediately before opening the polls for voting on the first day of early voting and on election day, the presiding election judge shall confirm that each voting machine has any public counter reset to zero and shall print the tape that shows the counter was set to zero for each candidate on the ballot.¹⁰¹

Oaths

The presiding judge and each election clerk, alternate judge, and early voting clerk must take an oath administered by the presiding judge. The presiding judge and election clerks present at the polling place before the polls open shall repeat the oath, "I swear (or affirm) that I will not in any manner request or seek to persuade or induce any voter to vote for or against any candidate or measure to be voted on, and that I will faithfully perform my duty as an officer of the election and guard the purity of the election."¹⁰² Following administration of the oath, each election officer shall be issued a form of identification, prescribed by the Secretary of State, to be displayed by the officer during the officer's hours of service at the polling place.¹⁰³

⁹⁶ Tex. Elec. Code § 64.007 (c).

⁹⁷ Tex. Elec. Code § 84.032.

⁹⁸ Tex. Elec. Code § 62.010.

⁹⁹ Tex. Elec. Code § 62.011.

¹⁰⁰ Tex. Elec. Code §§ 62.0112, 62.0115, 62.012, 62.016.

¹⁰¹ Tex. Elec. Code § 61.002 (a) (effective December 2, 2021); Tex. Admin. Code § 81.52 (h)(1). Prior to the enactment of Senate Bill 1, there was no requirement in the Texas Election Code that a "zero" tape be printed. The Texas Administrative Code contained a requirement for precinct ballot scanners in the polling place, however, there was no requirement that applied to DREs. Tex. Elec. Code § 61.002, Tex. Admin. Code § 81.52 (h)(1).

¹⁰² Tex. Elec. Code § 62.003.

¹⁰³ Tex. Elec. Code § 62.003 (c).

Operating Polls

Identification

An election judge, an election clerk, a state or federal election inspector, a certified peace officer, or a special peace officer appointed for the polling place by the presiding judge shall wear a tag or official badge that indicates the person's name and title or position while on duty.¹⁰⁴ On accepting a watcher for service, the election officer shall provide the watcher with a form of identification, prescribed by the Secretary of State, to be displayed by the watcher during the watcher's hours of service at the polling place.¹⁰⁵

Removal of Written Communication

An election officer shall periodically check each voting station and other areas of the polling place for sample ballots or other written communications used by voters that were left or discarded in the polling place.¹⁰⁶

Security of Voting Equipment

Ensure that the uniquely identified tamper-resistant or tamper-evident seal is still intact.¹⁰⁷

Handling Provisional Ballots

After executing the provisional voter affidavit, the voter shall be given a provisional ballot for the election.¹⁰⁸ An election officer shall record the number of the ballot on the space provided on the affidavit.¹⁰⁹ An election officer shall enter "provisional vote" on the poll list beside the name of each voter who is accepted for provisional voting under Section 63.011 of the Election Code.¹¹⁰

¹⁰⁴ Tex. Elec. Code § 61.010 (b).

¹⁰⁵ Tex. Elec. Code § 33.051.

¹⁰⁶ Tex. Elec. Code § 61.011.

¹⁰⁷ Tex. Elec. Code § 125.005.

¹⁰⁸ Tex. Elec. Code § 63.011 (c).

¹⁰⁹ Tex. Elec. Code § 63.011 (c).

¹¹⁰ Tex. Elec. Code § 63.011 (d).

Handling Spoiled Ballots

An election officer shall maintain a register of spoiled ballots at the polling place.¹¹¹ An election officer shall enter on the register the name of each voter who returns a spoiled ballot and the spoiled ballot's number.¹¹²

Assistance Procedures

Upon a voter's request for assistance in marking the ballot, two election officers shall provide the assistance.¹¹³ If a voter is assisted by election officers in the general election for state and county officers, each officer must be aligned with a different political party unless there are not two or more election officers serving the polling place who are aligned with different parties.¹¹⁴ If assistance is provided by a person of the voter's choice, an election officer shall enter the person's name and address on the poll list beside the voter's name.¹¹⁵

Curbside Voting

If a voter is physically unable to enter the polling place without personal assistance or likelihood of injuring the voter's health, on the voter's request, an election officer shall deliver a ballot to the voter at the polling place entrance or curb.¹¹⁶

Closing Polls

Immediately after closing the polls for voting on election day, the presiding election judge or alternate election judge shall print the tape to show the number of votes cast for each candidate or ballot measure for each voting machine.¹¹⁷ Each election judge or alternate election judge present shall sign a tape printed under this procedure.¹¹⁸

Overall Findings

The four counties provided copies of attendance rosters for their own trainings and/or the Secretary of State's training. The counties also provided their training manuals, copies of their forms, scripts, or videos from trainings they conducted for their

¹¹¹ Tex. Elec. Code § 64.007 (c).

¹¹² Tex. Elec. Code § 64.007 (c).

¹¹³ Tex. Elec. Code § 64.032.

¹¹⁴ Tex. Elec. Code § 64.032 (b).

¹¹⁵ Tex. Elec. Code § 64.032 (d).

¹¹⁶ Tex. Elec. Code § 64.009 (a).

¹¹⁷ Tex. Elec. Code § 61.002 (c).

¹¹⁸ Tex. Elec. Code § 61.002 (d).

election workers. FAD observed that through this combination of training materials, all of the areas assessed were addressed in varying degrees of detail by the counties. The best training materials were those that reiterated the standards promulgated by the Secretary of State and included visual diagrams, checklists, or videos for election workers to fully understand proper procedures.

Finding – Harris County Training on Drive-through Voting

Harris County provided training materials regarding drive-through voting that appeared to have been generated as early as October 2, 2020. These materials included procedures to be followed during the drive-through voting experience. Each tent at the drive-through voting location was to be equipped with a table, chair, ePollbook, JBC, and DAU. The election workers were instructed that although there was only one voting machine (DAU) per voting station, the DAU had to be assigned to the JBC each morning.

The procedures outlined that the DAU—disabled access unit—was a special eSlate designed for voters with disabilities and to be used for curbside voting. The DAU unit would be used for drive-through voting. According to the training provided: the DAU would sit on a table, be disconnected from the cable connecting it to the JBC, taken to the car, and reconnected after the voter had voted. More specifically, Harris County trained their election workers that:

1. Once the voter has completed their ballot, they will press the red “Cast Ballot” button. A message will read “Reconnect to voting system to record the vote.” Take the DAU back inside to the voting area and **gently** reconnect the short cable on the DAU to the long cable of the previous eSlate. If you have to force the connection, it means you don’t have the pins lined up and will likely damage the pins if you don’t adjust the position. When the pins are lined up, you should be able to gently but firmly press the cables together. Once connected, the DAU screen should display the message, “Your vote has been recorded. Thank you for voting. You may now leave the booth.”¹¹⁹

¹¹⁹ DTV_all_Nov2020.

Best Practices

While every county has to train their employees on the processes of the election that are highlighted in the Election Code, there are some best practices. Several training specifics were unique to the individual counties.

Collin County

Collin County provided training materials that addressed every aspect of the election, and they also provided helpful videos that broke down parts of these trainings.¹²⁰ The videos that Collin County provides to its poll workers add an extra layer of instructions regarding the election process. The videos cover training such as Early Voting and Election Day set up and closing of polling locations, as well as procedures on dealing with Provisional Voting and Spoiled Ballots.

Dallas County

Dallas County had multiple presentations and election manuals that described how workers must be trained on the procedures, accompanied by helpful visual aids. These showed not only what poll workers must do, but also familiarized the workers with what their tasks would look like. Dallas County included pictures of the applicable forms, machines, or machine screens to demonstrate to the poll worker what they would look like as the worker progressed through the procedures.

After Voter is checked in follow the steps below

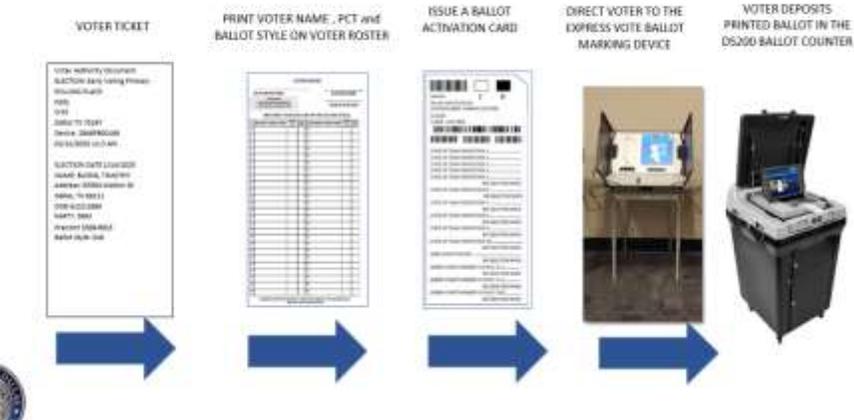


Figure 5-2: Dallas County Voter Check-in Flow Chart

¹²⁰ See Links to PollWorker Training Videos.

Harris County

Harris County was the only county to provide instructions to its poll workers on what to do in case of an emergency. The training instructs its poll workers who to call and how to prepare in case there is a need to evacuate the polling location. This section also informed election judges what they needed to have on them at all times.

Emergencies in the Polling Place

Be Prepared
Once preparations for voting have begun, the Presiding Judge is responsible for the security of the polling location and must secure the location if it is left unattended. (TEC, 62.005) Preparation is key:

- ▶ Keep county-issued cell phones charged and important phone numbers within easy access.
- ▶ Ensure you have easy access to the full physical address of the polling location in case you need to share it with emergency personnel.
- ▶ Review location's evacuation plan with all election workers.
- ▶ If a Peace Officer or off-duty Police Officer is on staff at your location, ensure that you know who they are and how to contact them; they are trained for emergency situations.

In the event of an emergency, please call 911

- ▶ Calmly assess the situation and determine the best course of action.
- ▶ Follow instructions of law enforcement and contact the Elections Division immediately.

Emergency Evacuation
The Presiding Judge should review the evacuation plans for their polling location and inform all election workers where to proceed in the case of an evacuation.

- If an evacuation is necessary, the first priority is to get everyone out of the building in a safe and calm manner.
- Immediately contact the Elections Help Desk as to notify them of the emergency and for assistance with properly removing the JBCs, which you need to take with you.

Judges should have ready and with them at all times:

- Charged county-issued cell phones;
- Important phone numbers:
 - ◉ Judges' line (713-755-1677)
 - ◉ All contact numbers for location, and
 - ◉ All election workers
- Full physical address of polling location

Figure 5-3: Harris County Emergency Training

Tarrant County

Much like Collin County, Tarrant County also provided videos on how to set up equipment and instructions on how to close a polling location. Tarrant County also maintained a log of all the Secretary of State training attendees and records of whether or not they passed the training.

Voting in Person

Key Takeaways

- Harris County could not produce chain of custody records for at least 14 mobile ballot boxes (MBBs) which, combined, contained a total of 184,999 ballots.
- Harris County was not able to provide documentation for the creation of 17 MBBs accounting for 124,630 ballots cast.
- The electronic pollbook records from at least 26 Early Voting locations and 8 Election Day polling locations in Harris County did not match the Tally Audit Log for those locations.
- A system integration error with Dallas County's electronic pollbooks caused at least 188 voters to be misidentified as having checked in at multiple polling places.
- Dallas County failed to include ballots from one voting location in its final tabulation.

General Process of Voting in Person

When a voter arrives at a polling location to cast their ballot in person, the voter must first be processed for voting.¹²¹ In order to be processed for voting, the voter must provide an acceptable form of photo identification. The acceptable forms of photo identification are:

- 1) Texas Driver License;
- 2) Texas Election Identification Certificate;

¹²¹ Tex. Elec. Code § 85.031 ("For each person entitled to vote an early voting ballot by personal appearance, the early voting clerk shall follow the procedure for accepting a regular voter on election day, with the modifications necessary for the conduct of early voting.").

- 3) Texas Personal Identification Card;
- 4) Texas Handgun License issued by DPS;
- 5) United States Military Identification Card containing the person's photograph;
- 6) United States Citizenship Certificate containing the person's photograph; or
- 7) United States Passport (book or card).¹²²

For voters between 18 and 69 years of age, the identification provided must not have expired more than four years prior to the date on which it is presented at the polling place. Voters who are 70 or above may provide any of the listed acceptable forms of identification expired for any length of time if the identification is otherwise valid. If a voter does not possess and cannot reasonably obtain an acceptable form of photo identification, they must supply a supporting form of identification¹²³ and complete a Reasonable Impediment Declaration (RID).¹²⁴

A RID requires the voter to state why they cannot obtain reasonably and provide an acceptable form of photo ID. These statutorily prescribed reasons are:

- 1) lack of transportation;
- 2) lack of birth certificate or other documents needed to obtain one of the forms of prescribed photo identification;
- 3) work schedule;
- 4) lost or stolen identification;
- 5) disability or illness;
- 6) family responsibilities; and

¹²² Tex. Elec. Code § 63.0101 (a); *Identification Requirements for Voting*, VoteTexas.gov, votetexas.gov/voting/need-id.html (last visited Dec. 11, 2022).

¹²³ Tex. Elec. Code § 63.0101 (b)

¹²⁴ Tex. Elec. Code § 63.001 (i), *Reasonable Impediment Declaration*, sos.state.tx.us <https://www.sos.state.tx.us/elections/forms/pol-sub/reasonable-impediment-declaration.pdf> (last visited Dec. 12, 2022).

- 7) the required form of photo identification has been applied for but not received.¹²⁵

If a voter possesses an acceptable form of photo identification, but does not bring it to the polling place, they may vote provisionally. The voter has six days to present a valid form of identification to the county voter registrar for the ballot to be counted, or it will be rejected.¹²⁶

Accepting a Voter

A voter who is accepted for voting must sign the signature roster before voting.¹²⁷ If the voter cannot sign the voter's name, an election officer shall enter the voter's name with a notation of the reason for the voter's inability to sign the roster.

After the voter signs the signature roster, an election officer shall enter each accepted voter's name on the poll list required to be maintained at the polling location.¹²⁸ The voters' names shall be entered on the poll list in the same order in which they appear on the signature roster.¹²⁹

A form that combines the poll list, the signature roster, or any other form used in connection with the acceptance of voters or with the OLRV may be used.¹³⁰ A combination form of this nature may be in the form of an electronic device approved by the SOS.¹³¹

Similar Name Data from the Four Counties

After a voter supplies their acceptable form of photo or supporting identification, the election worker will compare it to the Official List of Registered Voters (OLRV)¹³² to verify whether the voter appears on the OLRV.¹³³ Before a voter may be accepted for

¹²⁵ Tex. Elec. Code § 63.001 (i)(3). A person is subject to prosecution for perjury if they include a false statement or false information on the RID. See Tex. Elec. Code §§ 63.001(i), 63.0013; Tex. Pen. Code Ch. 37.

¹²⁶ Tex. Elec. Code §§ 63.001 (g), 63.011.

¹²⁷ A signature roster shall be maintained by an election officer at the polling place. The signature roster may be in the form of an electronic device approved by the secretary of state provided it is capable of capturing a voter's signature next to the voter's name on the device. Tex. Elec. Code § 63.002.

¹²⁸ Tex. Elec. Code § 63.003. The poll list may be in the form of an electronic device approved by the secretary of state. *Id.* at (d).

¹²⁹ Tex. Elec. Code § 63.003.

¹³⁰ Tex. Elec. Code § 63.004.

¹³¹ Tex. Elec. Code § 63.004 (e).

¹³² The OLRV may be in the form of an electronic device. SOS has prescribed specific requirements and standards for the certification of an electronic device to accept voters. See Tex. Elec. Code §31.014.

¹³³ If a voter is accepted for voting but their name does not appear on the OLRV, the election officer shall report the voter's name, residence address, and voter registration number (if known) and a

voting, an election officer shall ask the voter if the voter’s residence address on the OLRV is current and whether the voter resides within the county.¹³⁴ If the voter’s address is not current, the voter may vote, if otherwise eligible, provided they reside in the applicable territory or political subdivision and execute a Statement of Residence (SOR).¹³⁵ The SOR includes a statement that the voter satisfies the applicable residence requirements, all the information a person would be required to include in an application to register to vote, and the date the form was submitted to the election officer.

Upon verifying the voter’s identity, that the voter appears on the OLRV, and confirming the voter resides within the county, the voter may be accepted for voting. A voter’s name as it appears on their identifying information and on the OLRV do not have to be identical or exact matches in order for the voter to cast a regular ballot. If the voter’s name is determined to be substantially similar according to the standards promulgated by the Secretary of State, the voter may cast a regular ballot if the voter submits an affidavit affirming they are the person on the list of registered voters.¹³⁶

County	Method of Recording Data	# Voters Who Voted Using Similar Name
Collin County	Handwritten poll lists	Undetermined
Dallas County	Electronically recorded ¹³⁷	1,022
Harris County	Electronically recorded ¹³⁸	10,897
Tarrant County	Electronically recorded ¹³⁹	1,234

Figure 6-1: Method of Voter Recordkeeping by County

notation of the section of the Texas Election Code under which the voter was accepted to vote. Tex. Elec. Code § 63.005 (Registration Omissions List).

¹³⁴ Tex. Elec. Code § 63.0011.

¹³⁵ Tex. Elec. Code § 63.011.

¹³⁶ Tex. Elec. Code § 63.001 (c); *see also* 1 TAC § 81.71 (Substantially Similar Name Standards and Identity Verification).

¹³⁷ Similar Name-06-16-2022-12-28-39-PM.

¹³⁸ 1120_SimilarNameAffidavit.

¹³⁹ 1120_Similar_Name_Checkins.

Upon verifying the voter's identity, that the voter appears on the OLRV, and confirming the voter resides within the county, the voter may be accepted for voting. A voter's name as it appears on their identifying information and on the OLRV do not have to be identical or exact matches in order for the voter to cast a regular ballot. If the voter's name is determined to be substantially similar according to the standards promulgated by the SOS, the voter may cast a regular ballot if the voter submits an affidavit affirming they are the person on the list of registered voters.¹⁴⁰

Assisting a Voter

A voter may receive assistance with marking and/or reading the ballot. There are some limitations on who may assist a voter. A voter may be assisted by any person the voter chooses, provided the assistant is not the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs.¹⁴¹ If a voter requests assistance but has not brought an assistant with them, two election officers shall provide assistance to the voter.¹⁴² If the voter is being assisted by election officers in the general election for state and county officers, each of the election officers assisting must be aligned with a different political party unless there are not two or more election officers serving at the polling location with such party alignment.¹⁴³ If assistance is provided by a person of the voter's choice, an election officer must enter the assistant's name and address on the poll list besides the voter's name.¹⁴⁴ A person, other than an election officer, selected to provide assistance must take an oath swearing or affirming that the assistant will not suggest to the voter how they should vote, and will prepare the ballot as the voter directs. The assistant also swears or affirms they did not pressure or coerce the voter into choosing that assistant and that the assistant will not communicate to any other person how the voter voted.¹⁴⁵

The Four Counties and Assistance to Voters

Collin County documented voter assistants during the 2020 General Election using a handwritten form at each polling location. Due to the volume and form of these records, a complete analysis of the number of assistants or whether an assistant helped multiple voters during the election was not practicable. Collin County's digitization of records and organization of these records, however, made it possible

¹⁴⁰ Tex. Elec. Code § 63.001 (c); see also 1 TAC § 81.71 (Substantially Similar Name Standards and Identity Verification).

¹⁴¹ Tex. Elec. Code § 64.032 (c).

¹⁴² *Id.* at (a).

¹⁴³ *Id.* at (b).

¹⁴⁴ Tex. Elec. Code § 64.032.

¹⁴⁵ Tex. Elec. Code § 64.034.

to locate the poll list with the assistant’s information and that same assistant’s oath to check whether proper procedures were being followed. Records indicated that Collin County followed the requirements of the Election Code by keeping a written log of the assistant’s name and address and requiring assistants to fill out the oath paperwork.

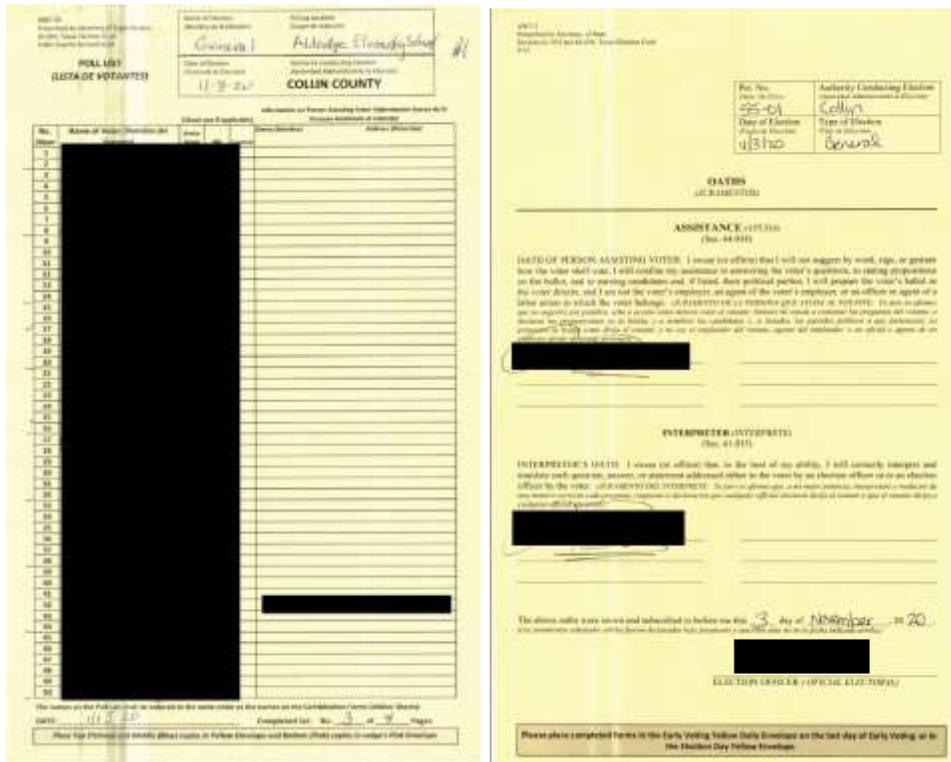


Figure 6-2: Page from poll list at Aldridge Elementary School in Collin County and corresponding oath for that assistant.

Dallas, Harris, and Tarrant Counties all had comprehensive electronic records containing information regarding assistants.

Dallas County’s data includes the voter ID, a copy of the assistant signature, timestamp, address of the assistant and the name of the voter. Dallas County had a total of 4,335 people assist someone with voting based on the documentation provided.

Harris County’s data includes the name of the voter, the name of the assistant, the voter ID of both assistant and voter as well as the address and the date of birth of the person who was aiding the voter. Harris County also provided scanned copies of the signed Oaths of Assistance to demonstrate that the Texas Election Code was followed. Harris County had a total of 9,126 voters who were assisted.

Type of Election Tipo de Elección Hầu Chọn Bầu Cử 選舉類型	General	Poll Code Código de Lugar de Votación Mã Số Địa Điểm Bầu Cử 投票所代碼	[REDACTED]
Date of Election Fecha de la Elección Ngày Bầu Cử 選舉日期	[REDACTED]	Authenticating Election Autoridad Adicionalmente la Elección Cơ Quan Thẩm Quyền Thêm Vào Bầu Cử 主理選舉機構	[REDACTED]

OATHS [JURAMENTOS][TUYÊN THỆ] 誓詞

ASSISTANCE (AYUDA) [NGƯỜI TRỢ GIÚP] 協助投票

OATH OF PERSON ASSISTING VOTER: I swear [or affirm] that I will not suggest by word, sign, or gesture how the voter shall vote; I will confine my assistance to answering the voter's questions, to stating propositions in the ballot, and to naming candidates and, if listed, their political parties; I will prepare the voter's ballot as the voter directs; and I am not the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs.

JURAMENTO DE LA PERSONA QUE AYUDA AL VOTANTE: yo juro (o afirmo) que no sugeriré por palabra, señal o acción cómo deberá votar el votante; limitaré mi ayuda a contestar las preguntas del votante, a declarar las proposiciones en la boleta, y a nombrar los candidatos y, si listados, los partidos políticos a que pertenecen; y yo prepararé la boleta como dirige el votante. "Yo prepararé la boleta del votante como el votante dirige; yo no soy el empleador del votante, un agente del empleador del votante, o un funcionario de un agente de un sindicato al que pertenece el votante."

[TUYÊN THỆ CỦA NGƯỜI GIÚP CỬ TRÍ: Tôi xin thề (hoặc xác nhận) rằng tôi sẽ không gợi ý bằng lời nói, dấu hiệu hoặc cử chỉ về việc cử tri bỏ phiếu ra sao; tôi sẽ chỉ giúp giải đáp các thắc mắc của cử tri, đọc các đề nghị để ghi vào phiếu, và đọc tên các ứng cử viên và các đảng chính trị của các ứng cử viên đó nếu có; tôi sẽ điền lá phiếu của cử tri theo như chỉ dẫn của cử tri, và tôi không phải là chủ nhân của cử tri, agent đại diện chủ nhân của cử tri, hoặc một viên chức hoặc đại diện của người đoàn lao động của cử tri."

選民協助人誓詞: 本人宣誓 (或保證) 本人不會透過言語、手勢或動作建議選民應該如何投票; 本人所提供的協助將只用於回答選民的問候、宣讀候選人名單及其所屬政黨(若有列出); 本人將依照選民的指示處理其選票; 同時本人並非選民僱主、選民僱主的代理人、或選民所屬工會代理人的職員。

Figure 6-3: Example of an Oath of Assistance form from Harris County

Tarrant County’s data recorded the voter, their VUID, the person assisting them, and their precinct code. Tarrant’s data tracked which poll worker checked in the voter and the voter’s assistant. Tarrant County had a total of 1,709 voters who needed assistance in the 2020 General Election.

TARRANT COUNTY, TEXAS
Joint General and Special Election - 11/03/2020
Voter Requesting Assistance

Voter ID: Precinct Code: Precinct: Voter Name: Assistant:	[Redacted]	Voter Signature: [Redacted]	Assistant's Signature: [Redacted]
Assistance Type: Checked in at:	[Redacted]	By:	[Redacted]

Figure 6-4: Example of an electronic record from the pollbook demonstrating a voter requesting assistance in Tarrant County

Marking the Ballot

After the voter has been processed and accepted for voting, the voter may proceed to mark and cast their ballot.¹⁴⁶ Depending on the system used by the county, a voter can execute a paper ballot by filling in their selections, take a ballot to a ballot marking device,¹⁴⁷ or cast their ballot on a Direct Recording Electronic device (DRE). The four counties each used either a ballot marking device or a DRE for this process; none of the four counties used hand-marked paper ballots.

Spoiled Ballots

If a voter mismarks, damages, or otherwise spoils the ballot in the process of voting, the voter can receive a new ballot by returning the spoiled ballot to an election officer.¹⁴⁸ A voter is not entitled to receive more than three ballots.¹⁴⁹ An election officer shall maintain a register of spoiled ballots at the polling place that includes the name of each voter who returns a spoiled ballot and the spoiled ballot's number.¹⁵⁰

Spoiled Ballot Data from the Four Counties

Collin County

Collin County recorded spoiled ballots by using a handwritten log for each polling location. Collin County's documentation included the name of the voter, number of ballots spoiled, and on some occasions the reason for the ballot being spoiled.

¹⁴⁶ Tex. Elec. Code § 64.001.

¹⁴⁷ A ballot marking device prompts a voter to make selections on a screen, marking and printing their ballot for them, rather than storing their vote on a disk or flash drive.

¹⁴⁸ Tex. Elec. Code § 64.007.

¹⁴⁹ Tex. Elec. Code § 64.007 (b).

¹⁵⁰ Tex. Elec. Code § 64.007 (c).

Records provided indicate that no voter exceeded three spoiled ballots. In total, Collin County recorded 6,440 spoiled ballots.

REGISTER OF SPOILED BALLOTS
(REGISTRO DE BOLETAS DAÑADAS)

County Name (Nombre del Condado) Collin	Language (Idioma) English / Español
Date of Election (Fecha de la Elección) Nov 3	Authority Controlling Election (Autoridad que Controla la Elección) Collin County Elections

Full Marked: Place the voter's registered label from the ballot in the bottom box. Place this register and the spoiled ballots in the white ballot box envelope and place the white envelope inside the yellow envelope.

SPOILED NEW PACKET
 113

SPOILED

Total Number of Spoiled Ballots Entered (Total Boletas): _____

I, the undersigned, Presiding Judge of the election named herein, do hereby certify that the above and foregoing is a true and correct register of spoiled ballots for the above mentioned election, to be kept on file for the purpose of a public account and to be preserved as a permanent record of the election.

Given under my hand, this 3 day of NOV 2020

 County Registrar for the Election

Figure 6-5: Example of Register of Spoiled Ballots from Collin County

Dallas County

Dallas County’s documentation regarding spoiled ballots was available from tapes from the pollbook or documents located in the polling location envelopes. FAD, therefore, did not calculate the total number of countywide spoiled ballots. FAD reviewed a sample of spoiled ballots for four voting locations. The records included names of the voters whose ballot was spoiled and the ballot marked to show it was spoiled. From the four locations, there was a total of 63 spoiled ballots. No voter exceeded three spoiled ballots based on the records provided.

SPOILED BALLOTS REPORT

ELECTION: 2020 General and Joint Election
 POLLING PLACE:

Total Reissued	3
Poll Worker Error	1
Technical Issue	0
Voter Spoiled Ballot	2
Reissued Provisional	0
Total Canceled	0

Figure 6-6: Example of a spoiled ballot report from Dallas County¹⁵¹

Harris County

Due to the use of DREs (which lack paper ballots), spoiled ballots were called “Cancelled Booths”. The data was not in a format that made a total number of Cancelled Booths reliably ascertainable. Many forms were not properly filled out and tapes were at times missing or unreliable. A few examples of some of the forms Harris County maintained regarding Cancelled Booths are included below.

¹⁵¹ See also, discussion regarding Nueva Vida Life Assembly below for an example of how Dallas County also physically marked the ballots as spoiled.

Election: November 3, 2020 General and Special Elections Date: 11-18-20
 Name: [Redacted] Poll Code: 0001
 Location: Crockett Elementary School

Manual Entry/Manual Removal

aPB Signatures: 233 Cast Votes: 233 Provisionals: 4 Difference: 0

Access Code	Write JBC Tape	Flak JBC Tape	Additional JBC Tape	Combined Totals
Issued	232	230		232
Voted	222	115		237
Expired	0	0		0
Cancelled	0	1		1

Notes:

1) List any Provisional voters that are on the aPB List of Voters AND need to be removed:

2) List any Voters that filled out a Provisional Ballot but were not issued a provisional ballot code or did not vote:

3) List any Voters from the cancel booth log that were not cleared on the aPB:

4) List any Voters that filled out a RD or SOR but were not checked in on the aPB:

5) Miscellaneous: List any voters that do not qualify for questions listed above:

Poll Code: 0001

EXPIRED CODES & CANCELLED BOOTH LOG

Directions for Expired ACCESS CODE or CANCELLED BOOTH: If an ACCESS CODE is printed but not used or if you cancel a booth use this log to record the Access Code number, time, name of the voter and the reason the code was expired or cancelled. Keep the Access Code Slips and file them in this envelope.

Expired Access Code #	Time	Voter Name (Print Name)	Checked In	Reason Expired	Expired	Cancelled	Other	Other	Other
4824	11:15	[Redacted]							



JBC RECONCILIATION LOG ELECTION DAY (One form per JBC)

Ballot & Seal Certificate / Register of Official Ballots

ELECTION TITLE: General DATE: 11-3-20
 HARRIS COUNTY, TEXAS

(SIGNATURE OF JUDGE): X [Redacted] POLL CODE: 000

OPEN POLLS
 Sign this form, enter the Start of Day Public Count from the PUB COUNT on the JBC screen (Bottom right hand corner of JBC screen)

RED SEAL ON JBC (Located on right side of JBC)	105403
START OF DAY PUBLIC COUNT (Located on the bottom right hand corner of JBC screen - PUB)	000000
JBC Serial No. [#] (Located on white sticker on top of JBC - near printer lid)	C04ECP

CLOSE POLLS
 Enter the End of Day Public Count from the PUB COUNT on the JBC screen (Bottom right hand corner of JBC screen)

END OF DAY PUBLIC COUNT (Located on the bottom right hand corner of JBC screen - PUB)	115
Number of Provisional Voters (Count the number of completed Provisional Affidavits)	4

ACCESS CODE SUMMARY
 Enter the number of Access Codes ISSUED, VOTED, EXPIRED and CANCELLED from the Access Code Summary

# of Access Codes ISSUED	116
# of Access Codes VOTED	115
# of Access Codes EXPIRED	0
# of Access Codes CANCELLED	1

COMMENTS:

BLUE COPY - Return in Inspection JBC BOX
 WHITE COPY - Return in White ENVELOPE 2 - TO COUNTY CLERK
 ORANGE COPY - Place in PINK ENVELOPE 3

Figure 6-7: Harris County Records of Cancelled Booths

Tarrant County

Tarrant County's data regarding spoiled ballots could be ascertained by reviewing the scanned Register of Official Ballots forms signed by the judges and tapes from voting locations. The form and volume of these records were such that it was not practicable to calculate the total number of spoiled ballots for the 2020 General Election.

REGISTER OF OFFICIAL BALLOTS
This is one of the most important forms to be completed by the Election Judge. Fill in each line below.

Record these counts BEFORE the polls open:

A	Start of day Controller 'Ballots' Count- Located at the Bottom of the <u>Controller</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero	0		A
B	Start of day <u>Box 1 and 2</u> 'Ballots' Count- Located at the Bottom of the <u>Box</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero	0	0	B
C	Start of day <u>Box 3 and 4</u> 'Ballots' Count- Located at the Bottom of the <u>Box</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero	0		C
D	Start of day <u>Box 5 and 6</u> 'Ballots' Count- Located at the Bottom of the <u>Box</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero			D
E	Start of day <u>Box 7 and 8</u> 'Ballots' Count- Located at the Bottom of the <u>Box</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero			E
F	Start of day <u>Box 9 and 10</u> 'Ballots' Count- Located at the Bottom of the <u>Box</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero			F
G	Start of day <u>Box 11 and 12</u> 'Ballots' Count- Located at the Bottom of the <u>Box</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero			G
H	Start of day Scan 'Ballots' Count- Located at the Bottom of the <u>Scan</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero	0		H

Record these counts IMMEDIATELY AFTER the polls close:

1	End of Day Scan 'Ballots' Count- Located at the Bottom of the <u>Scan</u> Screen	180		1
2	Number of un-scanned ballots in the Emergency Bin	0		2
3	Quantity of Ballot stock received from Elections Office	400 + 200	BLANK 31	3
4	Number of Spoiled Ballots	3		4
5	Quantity of <u>un-used</u> Blank Ballot stock	41		5
6	Number of Thrown Out Ballots (Voter printed but did not run through the Scan before leaving. Ballot is considered abandoned.)	0		6
7	Number of Voted Ballots (should be equal to lines 1 + 2)	180		7
8	Total number of ballots/stock accounted for should equal Line 3 (add lines 4+ 5 + 6 + 7)			8
9	End of Day Controller 'Ballots' Count- Located at the Bottom of the <u>Controller</u> Screen	157		9
10	Number of 'Total Codes Issued' found on the Access Code Summary Report	191		10
11	Number of 'Total Codes Printed' found on the Access Code Summary Report	157		11
12	Number of 'Total Codes Expired' found on the Access Code Summary Report	3		12
13	Number of 'Total Codes Spoiled' found on the Access Code Summary Report	1		13
14	Number of voters checked in on the <u>Electronic Pollbook</u>	157		14

Figure 6-8: Example of a Register of Official Ballot Form from Tarrant County

Casting a Vote

After a voter has finished marking their ballot using a ballot marking device, the voter casts their ballot. The voter takes the marked ballot to a precinct ballot counter or scanner. As the ballots are scanned, the cast vote records are stored electronically on the electronic storage medium contained inside, and the paper ballot goes into a compartment containing a ballot box. If the voter used a DRE, the voter casts their ballot directly on the DRE and the cast vote records are stored electronically.

Countywide Polling Place Program – Vote Centers

Generally, a person is required to cast their ballot in the precinct in which they reside when voting in person on Election Day.¹⁵² But there is an exception if the county participates in the Countywide Polling Place Program (“CWPP”).¹⁵³ In 2005, the legislature required the Secretary of State to implement a pilot program that would evaluate the use of countywide polling places for the general election for state and county officers.¹⁵⁴ Countywide polling places provide greater flexibility for voters by allowing them to cast a ballot at any approved location within the county on election day, rather than limiting voters to the polling location in their home precinct.¹⁵⁵ The pilot program authorized in 2005 expired in 2007, and the 2005 bill required the Secretary of State to file a report with the Legislature regarding the pilot program prior to the expiration of the program.¹⁵⁶ In 2007, the legislature again required the Secretary of State to implement a program to allow each commissioners court participating in the program to eliminate county election precincts and establish countywide polling places for certain elections.¹⁵⁷ The program authorized in 2007 expired in 2009, and the 2007 bill similarly required the Secretary of State to file a

¹⁵² Tex. Elec. Code § 11.003.

¹⁵³ Tex. Elec. Code § 43.007.

¹⁵⁴ Act of June 17, 2005, 79th Leg. Sess., ch. 512 (effective Sept. 1, 2005—Jan. 2, 2007) (current version at Tex. Elec. Code § 43.007).

¹⁵⁵ The National Conference of State Legislatures recognizes that countywide polling places provide “an alternative to traditional, neighborhood-based precincts. When a jurisdiction opts to use vote centers, voters may cast their ballots on Election Day at any vote center in the jurisdiction, regardless of their residential address.” *Vote Centers*, National Conference of State Legislatures, available at: *Vote Centers*, ncs.org, <https://www.ncsl.org/research/elections-and-campaigns/vote-centers.aspx> (last visited Dec. 12, 2022).

¹⁵⁶ *Id.*; Robert Stein & Gregory Vonnahme, *Election Day Voting Centers: An analysis of Voter Participation in Larimer, Colorado*, H.B. 758 (2005)

¹⁵⁷ Act of June 15, 2007, 80th Leg., ch. 1401 (effective June 15, 2007—June 1, 2009) (current version at Tex. Elec. Code § 43.007).

report with the Legislature prior to the expiration of the program.¹⁵⁸ In 2009, the legislature authorized the mandated use of countywide polling places.¹⁵⁹

Each countywide polling place must allow the voter to vote in the same elections the voter would be entitled to vote in if the voter voted in the precinct in which he or she resides.¹⁶⁰ In essence, the whereabouts of the polling location itself in a CWPP county has no effect on the items that appear on a voter's ballot. For example, a voter who resides in precinct 1001 but votes at a vote center located in precinct 4000 will see the general races and measures applicable to the entire nation, state, county, and those races or measures specific to *their home precinct* on their ballot. A voter from precinct 1001 who votes at a location in precinct 4000 *will not see* the specific races or measures applicable to a voter who resides in precinct 4000, only those races or measures applicable to his home precinct—1001.

A county must adopt a methodology for determining where each polling place will be located.¹⁶¹ In order to assess factors such as transportation availability, population size, and building suitability to ensure compliance with the Voting Rights Act, the Secretary of State "strongly encourages counties to form voter center advisory committees to obtain feedback on voting locations."¹⁶²

A county must establish a plan to provide notice to voters of changes made to the locations of polling places.¹⁶³ The plan must require that at each polling place used in the previous general election for state and county officers—that is not being used as a countywide polling place—notice of the nearest countywide polling place shall be posted.¹⁶⁴ Moreover, each countywide polling place must post a notice of the four nearest countywide polling place locations by driving distance.¹⁶⁵ Additionally, if a court order extends voting hours at a polling location past 7:00 p.m. in a CWPP

¹⁵⁸ Report to the 81st Legislature on House Bill 3105, relating to the Countywide Polling Place Pilot Program.

¹⁵⁹ Act of June 19, 2009, 81st Leg., ch. 606 (effective Sept. 1, 2009) (current version at Tex. Elec. Code § 43.007)

¹⁶⁰ Tex. Elec. Code § 43.007 (e).

¹⁶¹ Tex. Elec. Code § 43.007 (f).

¹⁶² See Keith Ingram, *2020 Opportunities to Use Countywide Polling Places and Countywide Polling Place Program FAQs*, Election Advisory No. 2019-30, (Nov. 26, 2019) <https://www.sos.texas.gov/elections/laws/advisory2019-30.shtml>.

¹⁶³ In adopting its methodology for determining where each polling place will be located and in creating its plan to provide notice to voters of changes to polling locations, the county is required to solicit input from organizations or persons located within the county who represent minority voters. See Tex. Elec. Code § 43.007 (h).

¹⁶⁴ Tex. Elec. Code § 43.007 (g).

¹⁶⁵ Tex. Elec. Code § 43.007 (o).

county, all polling places in that county shall remain open as dictated by the court order.¹⁶⁶

Each county that previously participated in the CWPP is authorized to continue participation in the program for future elections if the commissioners court of the county approves participation in the program and the Secretary of State determines the county's participation in the program was successful.¹⁶⁷ A county may apply for "successful" status with the Secretary of State and continue to use countywide election precinct polling places thereafter.¹⁶⁸ The county must provide a copy of the order or resolution by the commissioners court approving continued participation in the CWPP, a letter requesting successful designation, the recording or transcript of the public hearing held pursuant to the statute, and information for how the county will account for possible population growth and the number of polling places available for future elections.¹⁶⁹ These materials, in addition to reports on the county's use of the program, voter turnout data, and any complaints supplemented with evidence regarding the county's use of countywide precincts are reviewed by the SOS in making its determination to designate a county as "successful."¹⁷⁰ A county's "successful" designation may be withdrawn, however, if circumstances establish the county's program does not comply with §43.007 of the Texas Election Code.¹⁷¹

Collin, Dallas, Harris, and Tarrant counties were all approved for participation in the CWPP for the 2020 November General Election.¹⁷² Accordingly, voters in these counties could cast a ballot at any polling location within the county, and were not required to vote within their home precinct on Election Day.

¹⁶⁶ Tex. Elec. Code § 43.007 (p).

¹⁶⁷ Tex. Elec. Code § 43.007 (k).

¹⁶⁸ Keith Ingram, 2020 *Opportunities to Use Countywide Polling Places and Countywide Polling Place Program FAQs*, Election Advisory No. 2019-30, (Nov. 26, 2019) <https://www.sos.texas.gov/elections/laws/advisory2019-30.shtml>.

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² Collin County was designated as having successful participation in the CWPP in 2013 and Dallas, Harris, and Tarrant counties were designated as having successful participation in the CWPP in 2019. See Counties Approved to Use the Countywide Polling Place Program (CWPP) for the May 24, 2022 Primary Runoff Election, *available at, Counties Approved to Use the Countywide Polling Place Program (CWPP) for the November 8, 2022 General Election*, [sos.texas.gov, https://www.sos.texas.gov/elections/laws/countywide-polling-place-program.shtml](https://www.sos.texas.gov/elections/laws/countywide-polling-place-program.shtml) (last visited Dec. 12, 2022).

Precinct Ballot Scanners and Return of Materials back to the Election Authorities

Early Voting

At the close of each day's voting during the Early Voting period, the precinct counter's doors must be locked and sealed.¹⁷³ The precinct counter must be unplugged and secured for the evening. Prior to voting on each day of the Early Voting period, the precinct counter must be plugged back in and a tape run to indicate the counter has not been disturbed since the previous day's voting and then voting may continue.¹⁷⁴ At the close of each day during early voting, the presiding judge at the polling location shall print a report showing the total number of ballots cast on the precinct ballot counter for that day.¹⁷⁵

A precinct ballot counter used during early voting in person must have a real-time audit log.¹⁷⁶ At the end of the Early Voting period, the precinct counter must be locked, sealed, and secured by the Early Voting Clerk until Election Day.¹⁷⁷ The precinct ballot counter, electronic storage media, voted ballots, and election records must be secured and delivered to the general custodian of election records.¹⁷⁸ At the time for tabulation, the seal must be inspected and the audit log reviewed to verify no unauthorized access or tampering has occurred.¹⁷⁹ If the seal is intact and the log appears in order, the seal should be broken and the ballots removed to a separate container.¹⁸⁰ The polls are closed on the counter and a "totals" report is printed from the scanner.¹⁸¹ At this point, the electronic storage media is removed from the precinct ballot counter and transferred for accumulation of the ballots.¹⁸²

¹⁷³ 1 TAC § 81.52 (h)(2).

¹⁷⁴ 1 TAC § 81.52 (h)(3).

¹⁷⁵ Keith Ingram, *Updates to Voting System Procedures – Precinct Ballot Counters and Central Accumulators*, Election Advisory No. 2017-17, (Oct. 20, 2017) <https://www.sos.state.tx.us/elections/laws/advisory2017-17.shtml>; While it is recommended that this report be printed at the end of each day of early voting to verify the total number of ballots cast, this is not legally required. The printing of "totals" or "results" tapes— which would show the number of ballots cast for a particular candidate or measure—on each day of Early Voting is legally prohibited. See Tex. Elec. Code § 87.0241.

¹⁷⁶ 1 TAC § 81.52 (h).

¹⁷⁷ 1 TAC § 81.52 (h)(4).

¹⁷⁸ Keith Ingram, *Updates to Voting System Procedures – Precinct Ballot Counters and Central Accumulators*, Election Advisory No. 2017-17, (Oct. 20, 2017) <https://www.sos.state.tx.us/elections/laws/advisory2017-17.shtml>.

¹⁷⁹ 1 TAC § 81.52 (h)(5).

¹⁸⁰ 1 TAC § 81.52 (h)(6).

¹⁸¹ *Id.*

¹⁸² *Id.*

Election Day

After the polls close or the last voter has voted, whichever is later, the presiding judge must secure the precinct ballot counter to prevent the deposit of any additional ballots into the counter.¹⁸³ The judge must close or suspend the polls and print three copies of the results tape or results report from the precinct ballot counter.¹⁸⁴ The precinct ballot counter must be locked and sealed for delivery to the central counting or central accumulation station.¹⁸⁵ The voted ballots and precinct election records must be placed in a secure transfer case.¹⁸⁶ The secured precinct ballot counter and secure transfer case containing these records must then be delivered to the presiding judge of the central counting or central accumulation station.¹⁸⁷ If the precinct ballot counter cannot be removed from the polling place, the election judge must remove the electronic storage media and return the electronic storage media, voted ballots, and precinct election records in a secure transfer case to the presiding judge of the central counting station.¹⁸⁸

Rally Stations or Regional Sites

Some counties in Texas use auxiliary locations for the drop off of certain election equipment and records on election night due to the size of the county and the feasibility of returning the records to one central location in a timely manner. In 2020, Dallas and Tarrant Counties used such a system for the delivery of certain election equipment and records on election night to obtain the totals for unofficial results, commonly referred to as 'Rally Stations' or 'Regional Sites.'

¹⁸³ Tex. Elec. Code § 127.066; Keith Ingram, *Updates to Voting System Procedures – Precinct Ballot Counters and Central Accumulators*, Election Advisory No. 2017-17, (Oct. 20, 2017) <https://www.sos.state.tx.us/elections/laws/advisory2017-17.shtml>.

¹⁸⁴ Tex. Elec. Code § 61.002 (c) ("Immediately after closing the polls for voting on election day, the presiding election judge or alternate election judge shall print the tape to show the number of votes cast for each candidate or ballot measure for each voting machine.").

¹⁸⁵ Keith Ingram, *Updates to Voting System Procedures – Precinct Ballot Counters and Central Accumulators*, Election Advisory No. 2017-17, (Oct. 20, 2017) <https://www.sos.state.tx.us/elections/laws/advisory2017-17.shtml>.

¹⁸⁶ *Id.*

¹⁸⁷ Tex. Elec. Code § 127.066; Keith Ingram, *Updates to Voting System Procedures – Precinct Ballot Counters and Central Accumulators*, Election Advisory No. 2017-17, (Oct. 20, 2017) <https://www.sos.state.tx.us/elections/laws/advisory2017-17.shtml>.

¹⁸⁸ *Id.*

Central Counting Station or Central Accumulation Station

On election night, optical scan ballots that are not counted manually or by an automatic precinct tabulator are tabulated by a high-speed scanner at the central counting station (CCS).¹⁸⁹ Results from automatic precinct tabulators and DREs are accumulated for reporting at the central accumulation station (CAS).¹⁹⁰ Counties often use both a CCS and CAS. For example, a county may use a CCS to process BBMs, but a CAS to process ballots from early voting and election day voting.

Both terms refer to the same place, and the personnel assisting with either the CCS or CAS can serve in both capacities.¹⁹¹ Other than situations that are governed by different provisions of the Texas Election Code regarding automatic precinct tabulators or DREs, the provisions in Chapter 127 of the Election Code regarding the CCS also apply to the CAS.¹⁹²

If the voting system is designed to have ballots counted at a central location, the authority adopting electronic voting systems for use in an election may establish one or more central counting stations.¹⁹³ That same authority must also appoint a manager of the station¹⁹⁴, and a tabulation supervisor¹⁹⁵ (who may appoint one or more assistants).¹⁹⁶ Additionally, the authority appointing the presiding judges to serve in an election shall appoint a presiding judge of each central counting station operating in the election.¹⁹⁷ The manager, the presiding judge, and the alternate presiding judge may appoint clerks to serve at the central counting station.¹⁹⁸

¹⁸⁹ Keith Ingram, *Central Counting and Central Accumulation Station Procedures*, Election Advisory No. 2014-18, (Oct. 7, 2014) <https://www.sos.state.tx.us/elections/laws/advisory-2014-18-central-counting-and-accumulation.shtml>.

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² *Id.*; see also Tex. Elec. Code §§ 127.001; 129.001 (b).

¹⁹³ Tex. Elec. Code § 127.001.

¹⁹⁴ The manager is in charge of the overall administration of the central counting station and the general supervision of the personnel working at the station. See Tex. Elec. Code § 127.002.

¹⁹⁵ The tabulation supervisor is in charge of the operation of the automatic tabulating equipment at the counting station. See Tex. Elec. Code § 127.003.

¹⁹⁶ An assistant shall assist the tabulation supervisor in the operation of the automatic tabulating equipment as directed by the tabulation supervisor. See Tex. Elec. Code § 127.004.

¹⁹⁷ The presiding judge shall maintain order at the counting station and has the same authority as a precinct presiding judge in that respect and in the administration of oaths. The presiding judge may confer with and advise the manager or tabulation supervisor on any activity at the counting station. See Tex. Elec. Code § 127.005.

¹⁹⁸ A clerk appointed by the manager serves under the manager and shall perform the functions directed by the manager. See Tex. Elec. Code § 127.006.

The appointed central count manager shall establish and implement a written plan for the orderly operation of the central counting station. The required plan must address the process for comparing the number of voters who signed in with the number of ballots cast. The plan required under this section must be available to the public on request not later than 5 p.m. on the fifth day before the date of the election.¹⁹⁹

The Four Counties' Central Counting Station Plans

Collin County

Collin County's six-page central count plan includes the location, procedures for processing BBM and early voting in person, reconciliation and ballot board duties, names of central count personnel, and oaths.²⁰⁰

The plan reminds staff of the dates when the county can begin counting ballots, when the ballot board will close early voting machines, and when the vote total media sticks containing ballots will be uploaded to the server.

The plan details the level of security of the building in which the counting takes place. It notes that none of the equipment is ever attached to an outside network. The voting system software provides an audit trail of every action taken from the beginning of election creation to final tally of election results. The plan notes the date of the equipment's L&A testing and that prior to releasing election results, the poll lists/signature sheets/ballot and seal reports are audited to verify that the number of voters match the number of ballots cast at each voting location.

Dallas County

Similar to Collin County, Dallas County's central count plan contains brief descriptions of each position at the station and the names of the staff serving in those roles.²⁰¹ It mentions the requirement to administer the oath²⁰², as well as the entitlement of poll

¹⁹⁹ Tex. Elec. Code § 127.007.

²⁰⁰ Collin County Central Counting Station Plan, November 3, 2020.

²⁰¹ Dallas Central Counting Station Plan

²⁰² Tex. Elec. Code § 127.0015.

watchers to be present during the time the central counting station (CCS) has convened.²⁰³

The Dallas County plan outlines how the DS200 USB drives are transmitted, and how the CCS communicates with all active regional sites on verifying which vote center ballots have and have not been received.

The Dallas County CCS conducts an audit of all ballots. Since the results are being transmitted to the central counting station, the CCS is responsible for comparing the results transmitted with the results tape printed at the precinct and delivered to the CCS.

Dallas includes CCS procedures on machine testing prior to early voting and election day. This includes L&A testing on DS200, ExpressVote 850 Machine, a mock test on DS200, a regional site transmission test, and testing tabulating equipment. The plan also includes a central count accumulator that tabulates and consolidates the vote totals for multiple precincts and a list of materials that are to be retained for the 22-month period after the election.

Harris County

Of the four counties, Harris County has the most extensive CCS plan.²⁰⁴ Similar to the other three, the plan includes the summaries of the roles of each of the personnel required to be present at the CCS, the procedure for convening, the oaths, and the intake of ballots, electronic media and supplies. The plan also includes directions for handling the duplication of ballots, how to conduct the printing of precinct returns, the delivery of materials to the general custodian, and the acknowledgement of poll watchers to be present while the CCS is convening.

The Harris County plan differs slightly from the other counties' CCS plans in that it includes more extensive instructions and visual guides on tabulation procedures, reconciliation procedures, and how to resolve voter intent. The Harris CCS plan has step-by-step directions on how to use the software for opening and scanning postal ballots, resolving ballots, recording ballots, closing the MBB, and printing reports.

²⁰³ A watcher serving at a central counting station may be present at any time the station is open for the purpose of processing or preparing to process election results and until the election officers complete their duties at the station. A watcher may not leave during voting hours on election day without the presiding judge's permission if the counting of ballots at the central counting station has begun. See Tex. Elec. Code § 33.055.

²⁰⁴ Central Count Station Plan - Nov 2020 General and Special Elections – POSTING.pdf

The county's plan has instructions on how to move paper poll book information on to a spreadsheet. Meticulous instructions on reconciliation are included toward the end of the packet and serve as a template for each polling place in the county.

Tarrant County

Tarrant County's CCS plan begins with the purpose, location, and the outlined roles of each of the personnel at the CCS.²⁰⁵ Like the other counties, Tarrant County's plan includes the general procedures for convening as well as the oaths necessary for those participating in the CCS. The plan reviews the chain of custody procedures for ballots, electronic media and other supplies.

Tarrant County's CCS plan discusses how to resolve voter intent by duplicating damaged ballots and having the CSS scan them. The plan also includes tabulation procedures and the three different ways to conduct reconciliation. Printing precinct returns and reporting the results to the Secretary of State are also outlined in the plan.

Similar to the other counties' plans, the Tarrant County plan acknowledges the right of poll watchers to be present during the time the CCS has convened. Lastly, the plan mentions how to deliver the materials to the general custodian of election records.

Discrepancy Logs and Reconciliation

One of FAD's goals was to reconcile data regarding the number of voters who checked in to vote and the number of ballots cast as reflected in the canvass. While this sounds simple, this process is complicated by the fact that all four counties use county-wide voting. Most post-election reports regarding ballots cast are by precinct, not by polling location. Conversely, most post-election reports regarding check-ins are by polling location, not precinct. Some counties kept electronic records regarding check-ins versus ballots cast at the polling location level; some did not. FAD endeavored to reconcile the number of voters who checked in and the number of ballots cast at the polling location level and the precinct level. The process involved varied by county according to the records available and the responsiveness of the counties. This effort at reconciliation revealed issues with communication between voting equipment, issues with recording keeping, and issues with maintaining the proper chain of custody.

²⁰⁵ Tarrant County Central Count Station Plan, September 15, 2019.

Initial Letter Response from the Four Counties Regarding Locations with Discrepancies

The initial letter sent by the Secretary of State to the four counties requested a list of Early Voting or Election Day polling locations that had a discrepancy of one percent or more between the number of voters who checked in to the number of ballots cast at that location.²⁰⁶

Collin County

Collin County stated they had no locations that had a 1% discrepancy between the number of voters who checked in to the number of ballots cast at that location. FAD verified this in its reconciliation.

Dallas County

On December 21, 2021, Dallas County initially responded that further research was required to determine whether any responsive material was available. Dallas County subsequently provided a list of locations which had a discrepancy of 1% or more between the number of voters who checked in to the numbers of ballots cast at that location.²⁰⁷

A snapshot of a portion of that list is provided below:

²⁰⁶ See Letter from John B. Scott, Secretary of State, to Bruce Sherbert, Michael Scarpello, Isabel Longoria, & Heider Garcia, Election Administrators (Dec. 10, 2021) (on file with the Texas Secretary of State).

²⁰⁷ 30 – Locations with Discrepancies. The 30 leading this filename does not relate to the number of locations with discrepancies contained in the report. Dallas County utilized a numbering system to assist with keeping track of documents requested pursuant to the audit and provided by Dallas County to FAD.

Poll Code	Polling Place/Connect	Check-ins	Provisional CI	Standard CI	Ballots Cast	Difference	ABS Diff	Percent Deviation
W/A	ROUND TABLE CURBSIDE	26	0	26	-	-26	26	100.00%
W/A	NUVEA YIDA LIFE ASSEMBLY	156	2	154	-	-154	154	98.72%
W/A	ED-ELECTIONS OFFICE	225	7	218	-	-218	218	96.89%
W/A	EV-ELECTIONS OFFICE	104	4	100	-	-100	100	96.15%
V4086	GRAUWYLER PARK REC CENTER	252	9	243	456	213	213	84.52%
V4621	THOMAS HALEY ELEM SCHOOL	354	4	350	499	149	149	42.09%
V4622	W T HANES ELEM SCHOOL	486	25	461	294	-147	147	31.55%
V3058	H I HOLLAND ELEM SCHOOL @ USBDN	188	0	188	137	-51	51	27.13%
V2003	W T WHITE HIGH SCHOOL	146	3	143	119	-24	24	16.44%
V4094	PARK FOREST BRANCH LIBRARY	153	1	152	186	14	14	9.15%
V2710	LISTER ELEM SCHOOL	532	24	528	578	50	50	9.08%
V2006	HARRY C WITHERS ELEM SCHOOL	138	4	134	142	8	8	5.80%
V4623	A S JOHNSTON ELEM SCHOOL	229	3	226	214	-12	12	5.24%
V3070	TORMAE ALLEN REC CENTER	112	34	108	102	-6	6	4.55%
V4038	HARRELL BUDD ELEM SCHOOL	230	0	230	224	-6	6	2.61%
V4113	MOUNTAIN VIEW COLLEGE E BLDG	390	17	373	363	-10	10	2.56%
V2041	UNIVERSITY OF TEXAS-DALLAS, VISITOR CTR	151	12	139	142	3	3	1.99%
V2201	CENTRAL CHRISTIAN CHURCH	194	7	187	184	-3	3	1.55%
V3003	T W BROWNE MIDDLE SCHOOL	261	1	260	264	4	4	1.53%
V2708	BIG SPRINGS ELEM SCHOOL	454	27	427	422	-5	5	1.10%
E2402	EV-CARROLLTON SENIOR CENTER TEXAS ROOM	12,603	46	12,557	12,682	125	125	0.99%
V2805	NEWMAN SMITH HIGH SCHOOL	103	0	103	104	1	1	0.97%
V4610	L B BARTON ELEM SCHOOL	207	10	197	195	-2	2	0.97%
V2302	VIVIAN FIELD MIDDLE SCHOOL	311	22	289	286	-3	3	0.90%
V3038	THE WAY-TRUTH-LIFE CHRISTIAN CHURCH	108	0	108	107	-1	1	0.93%
V4029	EL CENTRO COLLEGE-WEST CAMPUS	488	25	463	439	-4	4	0.85%
V1079	S S CONNER ELEM SCHOOL	117	0	117	116	-1	1	0.80%
V4618	DAVID CROCKETT MIDDLE SCHOOL	119	5	114	115	1	1	0.84%
V2044	TEXAS A&M RESEARCH EXT CTR BLDG E	122	2	120	119	-1	1	0.82%
V4608	J O DAVIS ELEM SCHOOL	378	49	329	326	-3	3	0.79%
V1078	BAYLES ELEM SCHOOL	126	2	124	123	-1	1	0.79%
V3022	IRMA RANGEL-YOUNG WOMEN'S SCHOOL	127	6	121	120	-1	1	0.79%

Figure 6-9: Dallas County List of 1% or More Discrepancy in Reconciliation

In order to determine what issues may have contributed to this discrepancy, FAD scanned and reviewed documents from 24 polling locations that contained discrepancies between the number of voters checked in and the number of ballots cast.

An analysis of the records available from these locations revealed significant discrepancies between pollbook reporting and the number of ballots cast. There were also records missing entirely from certain polling locations.

Early Voting Locations

FAD obtained records for seven of the early voting locations²⁰⁸ in Dallas County from the spreadsheet from Figure 6-9:

Poll Code	Polling Place	Check-ins	Provisional Check-ins	Standard Check-ins	Ballots Cast	Difference	Percent Deviation
E2402	Carrollton Senior Center Texas Room	12,603	46	12,557	12,682	125	0.99%

²⁰⁸ Location names have been shortened for the purposes of this visual display.

Poll Code	Polling Place	Check-ins	Provisional Check-ins	Standard Check-ins	Ballots Cast	Difference	Percent Deviation
E1301	Florence Recreation Center	8,972	2	8,970	8,991	21	0.23%
E1096	Eastfield College Pleasant Grove	10,206	53	10,153	10,107	-46	0.45%
E2027	Our Redeemer Lutheran Church	27,655	36	27,619	27,629	19	0.07%
E2516	Richardson Civic Center	28,490	50	28,440	28,459	19	0.07%
E3617	Glenn Heights City Hall	3,997	40	3,957	3,973	16	0.40%
E4642	Irving Arts Center	11,469	23	11,446	11,478	32	0.28%

Figure 6-10: Specific Early Voting Locations Records

FAD attempted to review an additional two early voting locations but the location specific records were incomplete. One location, the Harry Stone Recreation Center, was missing envelopes and documents from the first week of early voting. The records available from this location only covered the period from October 17th through 30th. Another location, Richland College Garland Campus Main Lobby, had four boxes associated with it on the inventory log but only three could be located.

Among the records obtained for the seven “complete” locations, many records were missing, illegible, or incomplete. For example, FAD was only able to locate records from the ballot scanners for one of the seven locations: Our Redeemer Lutheran Church. While Dallas County had some excellent forms for reconciliation and daily tracking of data that would have proved useful in locating the source of the

discrepancies between check-ins and ballots cast, the forms were not complete and proper documentation was generally lacking.

FAD used the following points of data in an attempt to ascertain the reason for the discrepancies between check-ins and ballots cast for these locations:

- Daily Vote History from the electronic pollbook for the polling location;
- Daily Report Form completed by the Early Voting election officers and verified by the Ballot Board;
- Pollbook tape records;
- Handwritten Daily Voter Rosters;
- Tape printed from the precinct ballot scanner; and
- Records of ballots tabulated.

Dallas County also informed FAD that they experienced significant difficulties with their electronic pollbook in the 2020 General Election. In fact, Dallas County switched vendors for their electronic pollbook shortly before the election and expressed frustration with the lack of seamlessness between the voter registration system they used to populate their pollbook and the pollbook system itself. Among the issues described, Dallas County stated that at times the electronic pollbook failed to sync properly and expressed the belief that this likely contributed to the discrepancies between check-in and ballots cast data.

Findings – Early Voting Locations

Dallas County utilized a form during Early Voting that assisted with daily reconciliations and provided oversight by the EVBB. The Early Voting Daily Report Form is comprehensive, tracking the counts from the DS200s, electronic pollbooks, provisional voters, cancelled check-ins, the number of reasonable impediment voters, the number of similar name forms, the number of curbside voters, the number of spoiled ballots and the number of fleeing voters a polling location may have had during a day of Early Voting. The form also included a section with a checklist of items that needed to be returned and a section for both the polling location election officers and the EVBB to sign off that this had been filled out and reviewed. This form is a recommended best practice during Early Voting.

EARLY VOTING DAILY REPORT FORM

DeKalb County Elections Department

Election: General Joint
 Location: ORLC - D Date: 10/20/20
 Regular Report: Amended Report:

SECTION 1:

A	B	C	D
DS200 SERIAL #	OPENING PUBLIC COUNT	CLOSING PUBLIC COUNT	TODAYS TOTAL COUNT Subtract B from C (C-B)
DS0319320439	4200	5066	866
DS0319320757	3612	4263	651
DS0319310489	4677	5115	438
TOTALS:	12489	14444	1955
	+ ADD EMERGENCY BIN BALLOTS (IF ANY):		0
	+ ADD FLEEING VOTERS (IF ANY):		0
	TODAYS GRAND TOTAL COUNT:		1955

SECTION 2:

A	B	C	D
EXPRESSPOLL SERIAL #	OPENING COUNT	TODAYS TOTAL FROM TAPES/ROSTERS	TODAYS CLOSING COUNT (B+C)
0328	2619	421 ✓	3038
0334	2371	381 ✓	2752
0340	2150	314 ✓	2464
0348	1929	300 ✓	2279
0351	611	78 ✓	689
0352	323	30 ✓	353
0357	322	0	322
0358	1369	142 ✓	1511
0516	692	287 ✓	979
0523	4	3 ✓	7
TOTALS:	12493	1956	14449

Summary:

- Total number of Provisional Voters: 1
- Total number of Canceled Check-ins: 1
- Total number of Reasonable Impediment Forms: 6
- Total number of Similar Name Forms: 0
- Total number of Curbside voters: 47
- Total number of "Public Count" on DS200 (running total for election): 14444
- Total number of "Voter Needs Assistance": 7
- Total number of Spoiled Ballots: 3
- Total number of Fleeing Voters (checked in but failed to vote): 0

Early Voting Presiding Election Officer [Redacted] Early Voting Election Officer [Redacted]

REMARKS: Fleeing voters = 4 (1 = 10/16, 2 = 10/17, 1 = 10/18) Provisional = 1
 EPB 0344 = 1 on tape. Elia Stevens tape #83 notated canceled and subtracted from tape count. She voted and is on EPA352 tape
 Discrepancy = 1 tape / roster match. DS200 = 1 less than tape / roster. DS200 closing ct. is 5 less than tape / roster. 4 attributed to past fleeing voters. Can't identify why count is 1 off today.

Place completed forms in Blue (or Red) Carrier Envelope daily with the following:

- Early Voting Daily Report Form
- Configuration Report printed at start up from the DS200
- Voter Tickets
- Printed Ballot Totals per ExpressPoll
- Printed Vote Totals per ExpressPoll
- Printed Provisional List, if used this day
- Printed Reissued Ballot List per ExpressPoll, if used this day
- Printed Spoil Ballots List per ExpressPoll, if used this day
- Early Voting List of Provisional Voters
- Completed Reasonable Impediment Forms, if used this day
- Completed Statement of Residence, if used this day
- Completed Similar Name Forms, if used this day
- Completed Voter Registration Application, if used this day
- Returned Mail in Ballots with the Cancellation Form, if used this day
- Oath of Office Form – Only to be sent on the Last Day of Early Voting

Verified by Ballot Board: [Redacted] Date: 10/23/20

Figure 6-11: Early Voting Daily Report Form – Our Lady Redeemer Lutheran Church – 10/20/20

According to the data available regarding these locations, FAD was able to obtain the following figures regarding check-ins and ballots cast from various sources:

Poll Code	Voting Location	Electronic Pollbook	Daily Report Form: PB Check-ins	Pollbook Tape	Handwritten Daily Voter Roster	Provisional Check-in Roster	Daily Report Form: Provisionals	Daily Report Form: Closing Count (DS 200)	Precinct Ballot Scanner Tape	Tabulation
E2402	Carrollton Senior Ctr.	12603	12716	12526	12716	39	48	12682	N/A	12682
E1301	Florence Rec	8971	8996	8998	9002	2	2	8991	N/A	8991
E1303	Eastfield Coll (Pgrove)	10205	10230	10102	10020	27	18	N/A	N/A	10107
E2027	Our Redeemer Luth. Ch.	27644	27636	27120	27230	29	36	27629	27629	27629
E2516	Richardson Civic Ctr.	28484	28477	28256	28362	50	50	28459	N/A	28459
E3617	Glenn Hgts. Ch.	3997	3986	3996	3947	7	40	3973	N/A	3973
E4642	Irving Arts Ctr.	11463	11501	11119	11438	6	20	11484	N/A	11478

Figure 6-12: Check-in and Ballot Cast Data for Polling Locations with Discrepancies Greater than 1%

While there are discrepancies between check-ins and ballots cast, there were never more ballots cast than voters who checked in for these locations. Indeed, in five of the seven locations, the number of ballots expected based on the handwritten Daily Report of ballots cast according to the DS200 precinct ballot scanner matched what was ultimately tabulated. In the other two locations, the records did not provide sufficient information to explain the cause of the discrepancy between the number of voters who checked in and the number of ballots cast.

As exemplified by the more focused review of two locations to follow, the primary issue causing discrepancies between the number of individuals who checked in to vote and the number of ballots cast was related to the electronic pollbook.

Early Voting Locations

E2402 – Carrollton Senior Center Texas Room

One difficulty with this location was the lack of a full record on the number of provisional ballots cast. The data regarding provisional check-ins was based on the forms that were included in the packet, and for this location the daily check-in roster for provisionals on the last day of early voting was missing. As shown in the table above, there were multiple values reported regarding check-ins for this polling location. Polling location documents showed issues with at least one electronic pollbook (the pollbook ending in 0086).

For example, on October 14, 2020, the Daily Report Form and Daily Roster showed 207 voters checked in; however, the only complete pollbook tape was printed from pollbook 0086 and showed only 42 voters were issued ballots.

EARLY VOTING VOTER ROSTER

Carrollton Senior Center
EARLY VOTING LOCATION

2020 General and Joint
NAME/DATE OF ELECTION

INSTRUCTIONS
1. PRINT THE VOTER'S NAME LEGIBLY
2. PRINT PRECINCT AND BALLOT STYLE

0096 / 10/14/2020
EPB # / TODAY'S DATE

42 ON TAPE FROM THIS PAGE

THIS FORM IS TO BE USED ONLY BY THE ELECTION OFFICIAL

	CLERK PRINT VOTER'S NAME	PRECINCT BALLOT STYLE	SIMILAR NAME	CLERK PRINTS VOTER'S NAME	PRECINCT BALLOT STYLE	SIMILAR NAME
10/14 ✓		2408			2407	
✓		5636	150		5627	
✓		2404			2401	
✓		5628			5725	
✓		2402			2405	
✓		none seen			5627	
✓		2406			2406	
✓		5631			4231	
80/10 ✓		2407			2405	
✓		5635			5629	
7/10 ✓		2402			2409	
✓		5625			5635	
✓		2401			2406	
✓		5623			5631	
✓		2404			2406	
✓		5628			5631	
✓		2405			2406	
✓		5629			5631	
✓		2402			2406	
✓		5625			5631	
✓		2407			2405	
✓		5635			5629	
✓		2405			2410	
✓		5630			5635	
✓		2405			2406	
✓		5630			5631	
✓		2402			5631	
✓		5625			2401	
✓		2406			5623	
✓		5621			5623	
✓		2405			2401	
✓		5629			5623	
✓		2407			2502	
✓		5635			2543	
✓		2407			2502	
✓		5635			5643	
✓		2405			2502	
✓		5629			5643	
✓		2405			1101	
✓		5629			5865	
✓		2407			2405	
✓		5635			5629	
✓		2406			2405	
✓		5631			5629	
✓		2401			2407	
✓		5623			5635	
✓		2405			2407	
✓		5629			5625	
✓		2405			2406	
✓		5629			5631	
✓		2402			2404	
✓		5625			5625	

INSTRUCTIONS: PLACE INSIDE BLUE CARDED ENVELOPE
WHITE & YELLOW COPY GOES TO BALLOT BOARD, PINK COPY GOES TO PEO 125

Figure 6-13: Early Voting Roster—Carrollton Senior Center



Figure 6-14: Early Voting – Carrollton Senior Center– Voted List

There was an additional tape that appeared to be associated with a different pollbook. These tapes were faded and difficult to read. According to the notation on the tape, 42 voters from pollbook 0086 had printed on a tape associated with a different pollbook.²⁰⁹ None of the other voters on that tape appeared on the roster associated with pollbook 0086.

²⁰⁹ In FAD’s review of this tape and the roster for pollbook 0086, there were actually only 41 voters from the handwritten roster that appeared on this tape.



Figure 6-15: Early Voting – Carrollton Senior Center– Electronic Pollbook Tape

Ultimately, the electronic pollbook tape records did not reflect the same number of voters reflected on the handwritten records.

A similar issue occurred on October 15, 2020 with the pollbook 0086. The Daily Report Form and Daily Roster showed 167 voters checked in, but the only complete pollbook tape that printed from the pollbook associated with this roster (pollbook 0086) showed 133 voters were issued ballots.

EARLY VOTING DAILY REPORT FORM

Dallas County Elections Department

Election: General / Joint

Location: Carrollton Senior Center

Date: 10/15/2020

Regular Report:

Amended Report:

SECTION 1:

A DS200 SERIAL #	B OPENING PUBLIC COUNT	C CLOSING PUBLIC COUNT	D TODAYS TOTAL COUNT Subtract B from C (C-B)
0319330836	1490	2173	683
0319331878	1011	1469	458
TOTALS:	2501	3642 ✓	1141 1141
	+ ADD EMERGENCY BIN BALLOTS (IF ANY):		0
	+ ADD FLEEING VOTERS (IF ANY):		
	TODAYS GRAND TOTAL COUNT:		1141

SECTION 2:

A EXPRESSPOLL SERIAL #	B OPENING COUNT	C TODAYS TOTAL FROM TAPES/ROSTERS	D TODAYS CLOSING COUNT (B+C)
0104	434	253 ✓	687
0077	401 395	191 ✓	592 586
0080	496	215 ✓	711
0086	400 386	133 ✓ 167	533 553
0092	392	173 ✓	565
0098	406 405	147 ✓	553 552
TOTALS:	2529 2508 TP	1442 1446	3641 3654

Summary:

1. Total number of Provisional Voters: 0
2. Total number of Canceled Check-ins: 0
3. Total number of Reasonable Impediment Forms: 1
4. Total number of Similar Name Forms: 0
5. Total number of Curbside voters: 8
6. Total number of "Public Count" on DS200 (running total for election): 3642
7. Total number of "Voter Needs Assistance": 2
8. Total number of Spoiled Ballots: 1
9. Total number of Fleeing Voters (checked in but failed to vote):

Early Voting Presiding Election Officer

Early Voting Election Officer

Figure 6-16: Early Voting Daily Report Form – Carrollton Senior Center

The "remarks" section of the form elaborated as follows:

REMARKS:
We do not know what happened on 0086. Tapes are 133 but roster is 167.

Place completed forms in Blue (or Red) Carrier Envelope daily with the following:

- Early Voting Daily Report Form
- Configuration Report printed at start up from the DS200
- Voter Tickets
- Printed Ballot Totals per ExpressPoll
- Printed Vote Totals per ExpressPoll
- Printed Provisional List, if used this day
- Printed Reissued Ballot List per ExpressPoll, if used this day
- Printed Spoil Ballots List per ExpressPoll, if used this day
- Early Voting List of Provisional Voters
- Completed Reasonable Impediment Forms, if used this day
- Completed Statement of Residence, if used this day
- Completed Similar Name Forms, if used this day
- Completed Voter Registration Application, if used this day
- Returned Mail in Ballots with the Cancellation Form, if used this day
- Oath of Office Form – Only to be sent on the Last Day of Early Voting.

*CARROLLTON GC
10-15-20
1142?*

Verified by Ballot Board: [REDACTED] [REDACTED] Date: 10-27-20

Revised 06-26-2020

Figure 6-17: Early Voting Daily Report Form – Carrollton Senior Center – Remarks

Moreover, it appears there was an attempt to reconcile these numbers:

	A	B	C	D
1	Carrollton Senior Center			
2	Date:	10/15/2020		
3	Day:	Thursday		
4				
5	EPB	Tape	Roster	Provisional
6	0104	253	254	FREEMING VOTER
7	0074	191	191 ✓	
8	0080	215	215 ✓	
9	0086	133	167	
10	0092	173	173 ✓	
11	0098	147	147 ✓	
12	2084			
13				
14	TOTALS:	1,112	1,147 ✓	0

① 1 name on roster but not on tape

② Names on roster but not on tape 33
 On tape but not on rosters 18

Figure 6-18: Early Voting Daily Report Form – Carrollton Senior Center – Reconcile Notes

The notes associated with this attempt reflected a different problem entirely, namely that there were voters who had checked in that did not appear on the tape and voters who appeared on the tape, but not on the roster. This occurrence presented itself in other records at early voting locations as an issue related to what election workers termed the “Phantom Voter” issue, though it appears this particular location was not aware of the issue with sufficient ability to document what was occurring.

There was a one-vote discrepancy between the pollbook and handwritten roster at different points during the early voting timeframe at Carrollton, though more significant issues appeared with pollbook 0086. The discrepancy caused by the issues

with just the pollbook 0086 accounts for 198 voters who were not appearing on the tapes. Additionally, it appears the syncing issue described by Dallas County did materialize, as the electronic record generated by the pollbook was showed only 12,603 voters as having checked in. Records regarding the number of ballots tabulated from that location—12,682 ballots—match the number of ballots cast according to Dallas Countys’ initial discrepancy log. According to electronic records regarding provisional voters, there appear to have been 48 provisional voters at this location. This suggests there should have been records establishing 12,730 voters checked in at this location; however, FAD did not locate such records.

E4642 – Irving Arts Center

The data for Irving Arts Center regarding check-ins contained significant discrepancies, largely due to the absence of records. For example, while the Daily Report Form and Handwritten Daily Voter Roster reflected approximately 11,500 voters checked in during Early Voting, the available pollbook tape records only showed 11,119 voters. FAD is unable to account for the additional voters was due to tapes missing from the records. The records from October 13, 2020 are missing an entire tape from one of the pollbooks accounting for 176 voters. Similarly, the records from October 18, 2020, are missing the tape from that same pollbook, which accounts for 49 voters. On October 20, 2020, a tape from a different pollbook was missing – which would have accounted for 91 voters.

There were multiple instances of pollbook tapes missing or pollbook tapes printing fewer voters than expected based on the handwritten rosters. Additionally, there were multiple days for which the handwritten daily roster was missing. The most complete record that existed regarding check-ins for this location was the handwritten Daily Report Form which provided there were 11,507 voters who checked in at this location.

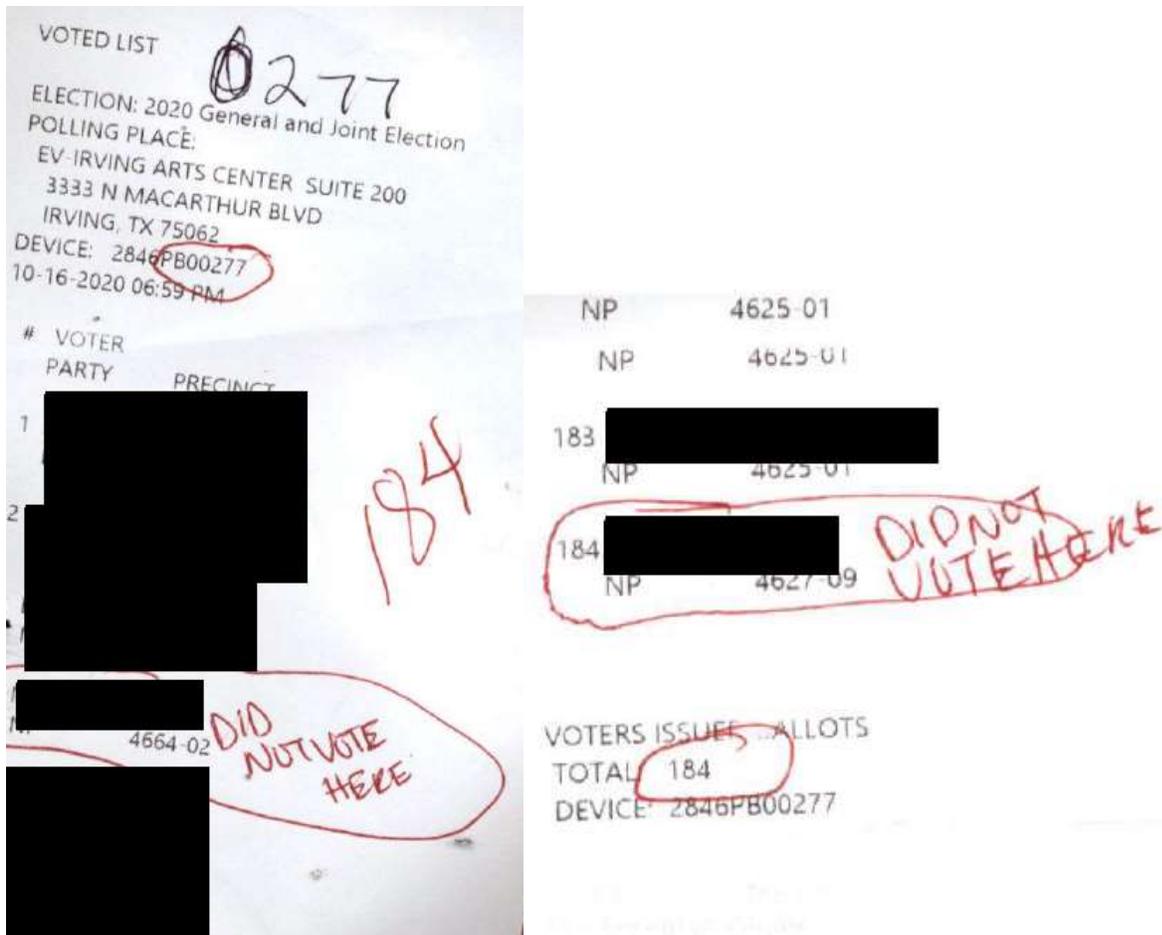


Figure 6-20: Identification of Names of Voters that Were Not Recorded as having Voted at that Location

The new, post-2020 administration in Dallas County indicated that they were not aware of this form or the reason for the discrepancies. A detailed search was done by Dallas County for any correspondence or record that might provide context regarding what had occurred.

Dallas County located some emails between members of their staff and ES&S reporting the problem. Dallas County believed the problem had been fixed at some point but could not remember when or how. Dallas County also believed this form was used to keep track of what was occurring so that the proper voters were getting recorded as having vote history, instead of the “phantom voters” being printed on the tapes. FAD interviewed ES&S about the issue. ES&S understood the issue to be related to a non-unique identifier having been used when the list of registered voters was uploaded to the pollbook. ES&S also expressed they believed the problem had been resolved at some point, but was unsure how or when. FAD also interviewed VOTEC, Dallas County’s VEMACS voter registration system vendor. VOTEC explained

that in preparing for an election, Dallas County uses the information from its voter registration system to export a list of registered voters for upload to the electronic pollbook. Periodically, the county will query the voter registration system to see if any changes or updates have been made that need to be made for the pollbook. VOTEC explained that after the export occurs, they have no insight into how the data is imported into the electronic pollbook. Voter records that are exported only contain two numerical unique identifiers: the driver's license number and the voter's VUID. VOTEC said they had heard of this occurring in other circumstances but were unsure of how or why. VOTEC said they reviewed their communications with Dallas County and there was no record of this issue that they were able to locate.

"Phantom Voter" lists appeared in the Early Voting records from Richardson Civic Center Parks Room and Glenn Heights City Hall. According to the "Phantom Voter" lists from Irving Arts Center and these other two locations, there were 188 voters affected by this issue. The "Phantom Voter" list does not appear to be a form that was used throughout the county; its use was limited to a handful of locations. The locations used this form to track when this occurred to ensure the voter who actually appeared and signed in on the handwritten roster was the voter who ultimately received credit for voting rather than the incorrect person logged in the electronic pollbook.

Beyond "phantom voters," with respect to Irving Arts Center, the number of voters captured by the electronic pollbook report again appeared to be inconsistent with the handwritten records at the polling location level. The discrepancy between the most complete record (Daily Report Form) regarding check-ins—11,501—and the number of ballots ultimately tabulated—11,478—was 23 ballots. There were two fleeing voters at this location, which would reduce the discrepancy to 21. According to an electronic record provided, there had been 23 provisional voters at this location. But according to the Daily Report Form, there had been 21 provisional voters. It appears that, according to the Daily Report Form, the discrepancy between check-ins and ballots cast may be due to the provisional voters who checked in, but whose ballot would be processed at a later time.

Though the Daily Report Form was the most complete record, it was also problematic because the data regarding check-ins in this form comes from the electronic pollbooks and handwritten rosters. The electronic pollbooks were producing unreliable records and for some days the handwritten rosters were missing entirely. It was not possible to fully reconcile the check-ins versus ballots cast at this location due to missing, incomplete, inconsistent, or unreliable records.

Election Day Locations

V1093 – Nueva Vida Life Assembly

The record Dallas County provided in response to the Secretary of State’s initial letter reflects Nueva Vida Life Assembly’s pollbook report showed 156 voters checked in to vote at that location. Of those 156 voters, two were provisional voters and 154 were regular voters. Dallas County’s record also indicated, however, there was *no record of ballots cast from this location*.

In analyzing the documents obtained from the polling location FAD observed:

FAD confirmed that according to the tape generated by the electronic pollbook for this location, 156 voters checked in and were issued ballots.

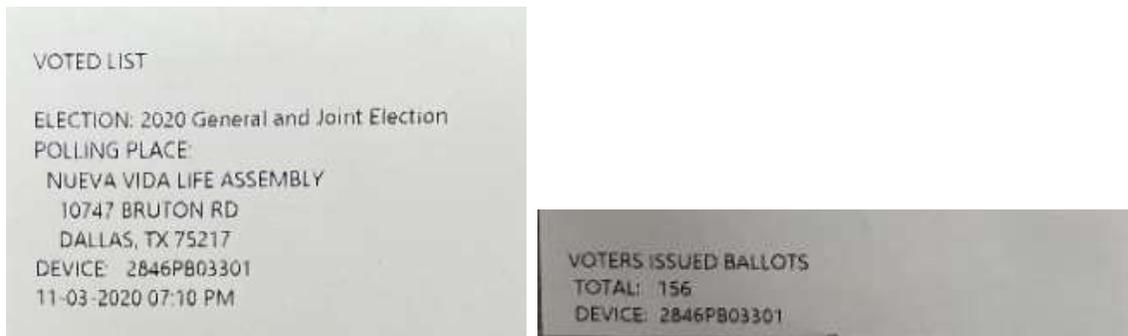


Figure 6-21: Electric Pollbook Tape- 156 Voters Checked In

Also, according to the electronic record produced from the pollbook, a total of 162 ballots were issued, five of which had to be reissued.

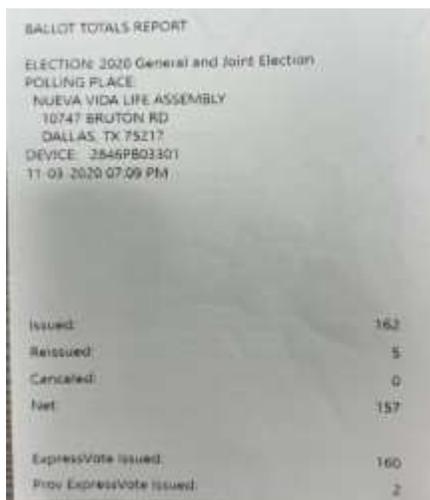


Figure 6-22: Electronic Pollbook – 162 Ballots Issued

According to the handwritten Election Day Voter Roster, 160 voters checked in to vote at this location.

ELECTION DAY VOTER ROSTER

ELECTION NAME: General Point (Presidential) ELECTION DATE: November 3, 2020
 VOTE CENTER NAME: V1093 Geneva Point New Life Assembly

THIS FORM IS TO BE USED ONLY BY THE ELECTION OFFICIAL.
 Instructions: The election official shall print the Voter's name

	CLERKS PRINT VOTER'S NAME	PCT. & BALLOT STYLE	BUSINESS NAME APPRO	NOT ON LIST	CLERKS PRINT VOTER'S NAME	PCT. & BALLOT STYLE	BUSINESS NAME APPRO	NOT ON LIST
1.		1033-5252		25		1043-5252		
2.		1043-5252		27		1043-5252		
3.		1043-5252		28		1043-5252		
4.		1043-5252		29		1043-5252		
5.		1043-5252		30		1043-5252		
6.		1043-5252		31		1043-5252		
7.		1043-5252		32		1043-5252		
8.		1043-5252		33		1043-5252		
9.		1043-5252		34		1043-5252		
10.		1043-5252		35		1043-5252		
11.		1043-5252		36		1043-5252		
12.		1043-5252		37		1043-5252		
13.		1043-5252		38		1043-5252		
14.		1043-5252		39		1043-5252		
15.		1043-5252		40		1043-5252		
16.		1043-5252		41		1043-5252		
17.		1043-5252		42		1043-5252		
18.		1043-5252		43		1043-5252		
19.		1043-5252		44		1043-5252		
20.		1043-5252		45		1043-5252		
21.		1043-5252		46		1043-5252		
22.		1043-5252		47		1043-5252		
23.		1043-5252		48		1043-5252		
24.		1043-5252		49		1043-5252		
25.		1043-5252		50		1043-5252		

DISTRIBUTION: WHITE COPY ENVELOPE #1 / YELLOW COPY ENVELOPE #2 / PINK COPY ENVELOPE #3
 BLUE COPY IN TRANSFER BOX WITH VOTED BALLOTS

Figure 6-23: One page of the roster is hereby included as an example.

According to the Official Ballot and Seal Certificate/Register of Official Ballots, 231 regular ballots and 2 provisional ballots were cast at this voting location. Additionally, there appear to have been 6 ballots that were spoiled.

OFFICIAL BALLOT AND SEAL CERTIFICATE/REGISTER OF OFFICIAL BALLOTS

Election Name: 2020 General and Joint Election

Date: November 3, 2020

Vote Center: V1093 - NUEVA VIDA LIFE ASSEMBLY

DS200 SN: _____

INSTRUCTIONS: This is THE most important form to be completed by the ELECTION JUDGE. Please fill in each of the lines below, sign the form, have each clerk and poll watcher (if present) sign the form, and then place this form into the designated Return Pouch. **OFFICIAL BALLOT REPORT**

1. Total Number of Ballots for this Vote Center (1000 + Supplemental Ballots)	4,000	REMINDER: Ballot Serial Numbers are now Issued by ePollBook
2. Number of Voted Ballots Counted from DS200 results tape (Ballots in the DS200 Blue Ballot Box delivered to the Elections Department)	231	
3. Number of Voted Provisional Ballots Sealed in Affidavit Envelopes stored in the Blue Provisional Ballot Bag delivered to Elections Department. (Should match Line 7)	2	Supplemental Ballots: (Record Quantity Delivered and include on Line 1)
4. Number of Spoiled Ballots (Ballots returned by voters for replacements; Recorded on "Register of Spoiled Ballots" form and placed in Green #4 envelope)	5	
5. Total Number of Ballots Accounted For (Lines 2 + 3 + 4)	239	
6. Total Number of ExpressVote Issued for this Location from EPB tape	231	
7. Total Number of Provisional ExpressVote Issued for this Location from EPB tape (The number should also match the names on the List of Provisional Voters)	2	
8. Total Number of Canceled Check-ins for this Location from EPB tape	1	
9. Number of Unused Ballots (Subtract Line 5 from Line 1)	332	
10. Number of Ballots on "Register of Spoiled Ballots"	6	
Reconciliation - Add Lines 6 + 7 + 10. If there is a difference of 4 or more from Line 5, Regional Site send to Central Count	239	

Figure 6-24: Register of Official Ballots/ Official Ballot and Seal Certificate

The spoiled ballots observed on location are consistent with what is reported on the Official Ballot and Seal Certificate/Register of Official Ballots.

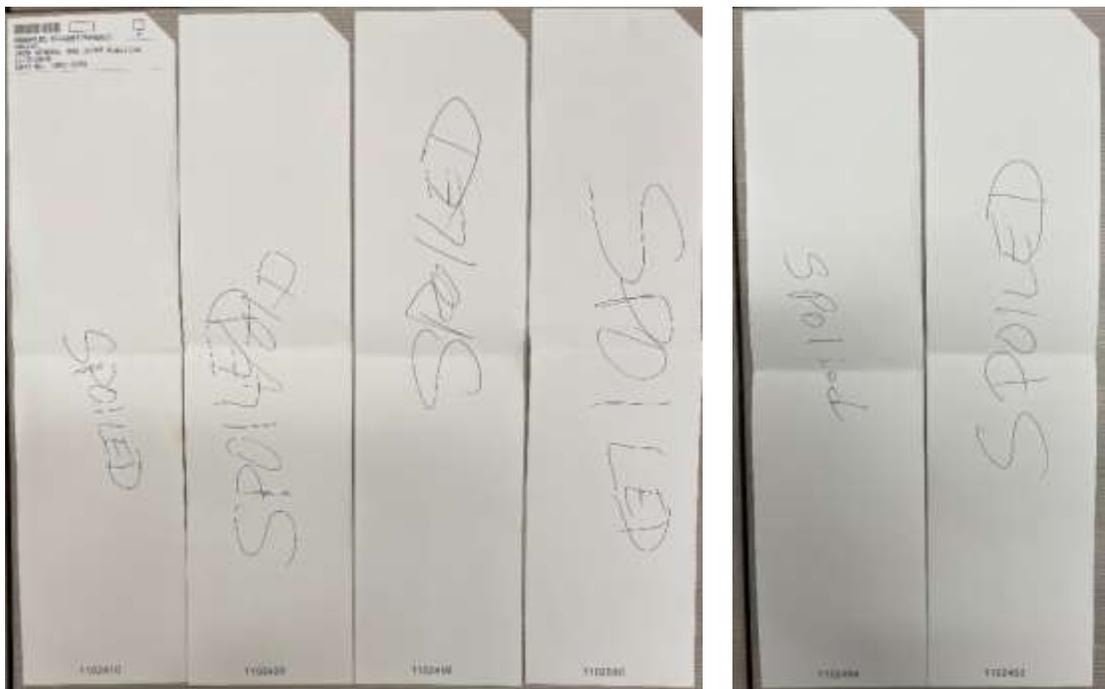


Figure 6-25: Ballots Marked Spoiled

The polling location envelopes did not contain tapes from the DS200 scanner assigned to that location. The original Ballot and Seal Certificate/Register of Official Ballots contained a copy of a zero tape printed before the polls opened with an illegible serial number:

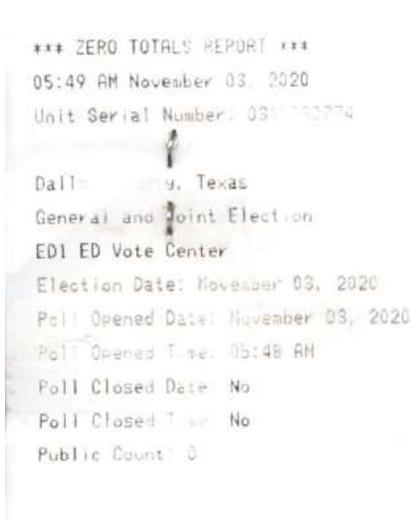


Figure 6-26: Zero Tape from Envelope with Register of Official Ballots/ Official Ballot and Seal Certificate

A second tape was attached to the Ballot and Seal Certificate/Register of Official Ballots for Nueva Vida Life Assembly:

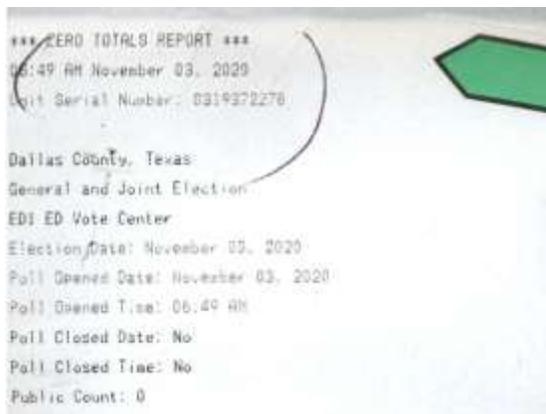


Figure 6-27: Additional Zero Tape

But this piece of equipment was assigned to a different location, Tisinger Elementary School:

VC#	Nico Label	LOCATION
V3315	194	TISINGER ELEM SCHOOL

Figure 6-28: Media ID Numbers Dallas County

Records reflect the electronic media associated with this location was tabulated and contained 221 ballots.

Election Audit Events Report				Dallas County General and Joint November 3, 2020
Event	Description	Timestamp	User Id	Module
Info	Starting Load of Results E:\	11/04/2020 02:25:08AM	Dalco2	Reporting
Info	Queuing for results processing: E:\	11/04/2020 02:25:07AM	Dalco2	Reporting
Info	Committing new Batch ED Vote Center: 194 ID 2,561 Number of Ballots 221	11/04/2020 02:25:03AM	Dalco1	Reporting

Figure 6-29: Dallas County Election Audit Events Report

Additional records from Dallas County confirm this was the number of ballots associated with Tisinger Elementary School.

OFFICIAL BALLOT AND SEAL CERTIFICATE/REGISTER OF OFFICIAL BALLOTS

Election Name: 2020 General and Joint Election Date: November 3, 2020

Vote Center: V3315 - TISINGER ELEM SCHOOL DS200 SN: _____

INSTRUCTIONS: This is THE most important form to be completed by the ELECTION JUDGE. Please fill in each of the lines below, sign the form, have each clerk and poll watcher (if present) sign the form, and then place this form into the designated Return Pouch. OFFICIAL BALLOT REPORT

1. Total Number of Ballots for this Vote Center (1000 + Supplemental Ballots)	1000	REMINDER: Ballot Serial Numbers are now issued by ePollBook
2. Number of Voted Ballots Counted from DS200 results tape (Ballots on the DS200 Blue Ballot Box delivered to the Elections Department)	221	
3. Number of Voted Provisional Ballots Sealed in Affidavit Envelopes stored in the Blue Provisional Ballot Bag delivered to Elections Department. (Should match Line 2)	19	Supplemental Ballots: (Record Quantity Delivered and include on Line 1)
4. Number of Spoiled Ballots (Ballots returned by voters for replacements, Recorded on "Register of Spoiled Ballots" form and placed in Green #4 envelope)	12	
5. Total Number of Ballots Accounted For (Lines 2 + 3 + 4)	252	
6. Total Number of ExpressVote Issued for this Location from EPB tape		
7. Total Number of Provisional ExpressVote Issued for this Location from EPB tape (The number should also match the names on the List of Provisional Voters)		
8. Total Number of Canceled Check-ins for this Location from EPB tape		
9. Number of Unused Ballots (Subtract Line 5 from Line 1)		
10. Number of Ballots on "Register of Spoiled Ballots"		
Reconciliation - Add Lines 6 + 7 + 10. If there is a difference of 4 or more from Line 5, Regional Site send to Central Count	748	

Figure 6-30: Official Ballot and Seal Certificate from Tisinger Elementary School

Therefore, it does not appear that the tape attached to the original Official Ballot and Seal Certificate/Register of Official Ballots corresponded to Nueva Vida Life Assembly, and instead corresponded to Tisinger Elementary.

FAD was unable to verify how many ballots were cast at Nueva Vida Life Assembly due to missing records. FAD was also unable to verify that the ballots from that location were ultimately tabulated as the audit log has no entry to the media stick assigned to this polling location.

VC#	Nico Label	LOCATION
V1093	171	NUEVA VIDA LIFE ASSEMBLY

Figure 6-31: Media ID Numbers Dallas County

Figure 6-32: Dallas County Election Audit Events Report

Dallas County provided a record confirming there was no match in the ballots cast report for this location.²¹⁰

Poll Code	Polling_Place Connect	Check-Ins	Ballots Cast	Difference
V1093	NUEVA VIDA LIFE ASSEMBLY		155	-

ABS Diff	PercentDeviation	Notes
155	100.00%	No match in ballots cast report

Figure 6-33: No Match Report Confirmation

²¹⁰ Dallas County's 30 – Election Audit Workbook – Issued vs. Counted.

V2003 – W.T. White High School & V2006 – Harry C. Withers Elementary School

The records Dallas County provided in response to the Secretary of State’s initial letter reflected the following discrepancies:

Poll Code	Polling Place	Check-ins	Provisional Check-ins	Standard Check-ins	Ballots Cast	Difference	Percent Deviation
V2003	W.T. White High School	146	3	143	119	-24	16.44%
V2006	Harry C. Withers Elem School	138	4	134	142	8	5.80%

Figure 6-34: V2003 and V2006 Vote Records

It appears that these locations had a misassigned DS200. In analyzing the documents obtained from the polling locations FAD observed:

V2003 – W.T. White High School

Poll Code	Polling Place	Check-ins	Provisional Check-ins	Standard Check-ins	Ballots Cast	Difference	Percent Deviation
V2003	W.T. White High School	146	3	143	119	-24	16.44%

Figure 6-35: V2003 Vote Records

According to the electronic pollbook tape at W.T. White High School, 142 voters checked in and were issued a ballot.

DEVICE: 2849P00553
11-09-2020 07:32 PM

#	VOTER	PARTY	PRECINCT
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

126	
127	
128	
129	
130	
131	
132	
133	
134	
135	
136	
137	
138	
139	
140	
141	
142	

VOTERS ISSUED BALLOTS
TOTAL: 142
DEVICE: 2849P00553

Figure 6-36: Electronic Pollbook For W.T. White High School

Consistent with the pollbook, the handwritten Election Day Voter Roster reported 142 voters checked in to vote at this location.

ELECTION DAY VOTER ROSTER Page 1

ELECTION NAME: GENERAL ELECTION DATE: 11-3-2020

VOTE CENTER NAME: WT WHITE HS EPB 0555

THIS FORM IS TO BE USED ONLY BY THE ELECTION OFFICIAL
 Instructions: The election official shall print the Voter's name V2003

CLERKS PRINT VOTER'S NAME	PCT. & BALLOT STYLE	SIMILAR NAME AFFID	NOT ON LIST	CLERKS PRINT VOTER'S NAME	PCT. & BALLOT STYLE	SIMILAR NAME AFFID	NOT ON LIST
	2003				2410		
	5437		26.		5639		
	2003				2003		
	5437		27.		5437		
	2003				2003		
	5437		28.		5437		
	2003				2003		
	5437		29.		5437		
	2003				2003		
	5437		30.		5437		
	2003				4001		
	5437		31.		6194		
	2003				2003		
	5437		32.		5437		
	2003				2003		
	5437		33.		5437		
	2004				2003		
	5437		34.		5437		
	2003				2003		
	5437		35.		5437		
	2003				2004		
	5437		36.		5437		
	2004				2003		
	5437		37.		5437		
	2004				2003		
	5437		38.		5437		
	2003				2003		
	5437		39.		5437		
	2003				2004		
	5437		40.		5437		
	2003				2003		
	5437		41.		5437		
	2004				2003		
	5437		42.		5437		
	2003				2003		
	5437		43.		5437		
	2003				2003		
	5437		44.		3437		
	2003				2305		
	5437		45.		5989		
	2003				2054		
	5437		46.		5512		
	2003				2054		
	5437		47.		5615		
	2003				2003		
	5437		48.		5417		
	2003				2003		
	5437		49.		5437		
	2002				2016		
	5437		50.		5437		

DISTRIBUTION: WHITE COPY ENVELOPE #1 / YELLOW COPY ENVELOPE #2/ PINK COPY ENVELOPE #3
 BLUE COPY IN TRANSFER BOX WITH VOTED BALLOTS

Figure 6-37: One page of the roster is hereby included as an example

The Provisional Combination Form reflects 4 voters checked in as provisional voters:

PROVISIONAL
COMBINATION FORM – Poll List, Signature Roster, Affidavits
(Forma de Combinación – Lista de Votantes, sus firmas y Declaraciones Juradas)

*AFFIDAVIT FOR VOTER NOT ON LIST. By indicating the spaces behind "Voter's Affidavit," I swear or affirm that I am not a resident of the precinct in which I am offering to vote or am otherwise entitled to vote in that precinct. (If I was a resident of the precinct in which I am offering to vote at the time the information on the voter's residence address was last provided to the voter registrar, I shall so indicate.) I provide false information or make registration in a precinct in which I do not reside, and (b) am voting only once in the election.
 *Declaración Jurada Para Votante No en Lista. Al marcar las casillas de arriba con un "X" declaro o afirmo que no soy residente del distrito electoral en el que ofrezco votar o que de otro modo tengo derecho a votar en ese distrito electoral. (Si yo fui residente del distrito electoral en el que ofrezco votar en el momento de la última información de información personal que me fue proporcionada al registrar, yo lo indicaré.) Yo proporciono información falsa o registro en un distrito electoral en el que no vivo, y (b) estoy votando una vez en esta elección.

SECTION 63.002. – The voter is unable to sign his name. The Election Official shall cover his name on the signature roster and shall make a notation of whether the voter is unable to sign because of physical disability, blindness, or illiteracy.

*X UNDER SUSPENSE COLUMN DENOTES THAT THE VOTER HAS POSSIBLY MOVED. THE PRESIDING JUDGE MUST HAVE THAT VOTER FILL OUT A STATEMENT OF RESIDENCE BEFORE VOTING.

Voter's Affidavit		VOTER SIGN BELOW (VOTAR FIRMARSE ABAJO)			
Number List out no.	Signature Name no. name				
1					1
2					2
3					3
4					4
5					5
6					6
7					7
8					8
9					9
10					10
11					11
12					12
13					13
14					14
15					15
16					16
17					17
18					18
19					19
20					20
21					21
22					22
23					23
24					24
25					25

PROVISIONAL
 63.011
 COMBINATION FORM – Poll List, Signature Roster, Affidavits
 Forma de Combinación – Lista de Votantes, sus firmas y Declaraciones Juradas

Direction, held on the _____ day of _____, 20____ at _____, _____, Texas

REP. DISTRICT NO. _____
 Precinct _____
 JURY _____

Signature of Voter _____
 Signature of Election Official _____

WHITE COPY – MOTHER COPY, BLUE COPY – PLACE IN PLASTIC SLEEVE LOCATED ON SIDE OF PROVISIONAL BALLOT BAG
 PINK COPY – ENVELOPE

Figure 6-38: Provisional Combination Form

The Official Ballot and Seal Certificate/Register of Official Ballots reflects 142 ballots were cast at this location and there were four provisional voters. The voting results report printed from the ballot scanner reflects 142 ballots were cast at this location.

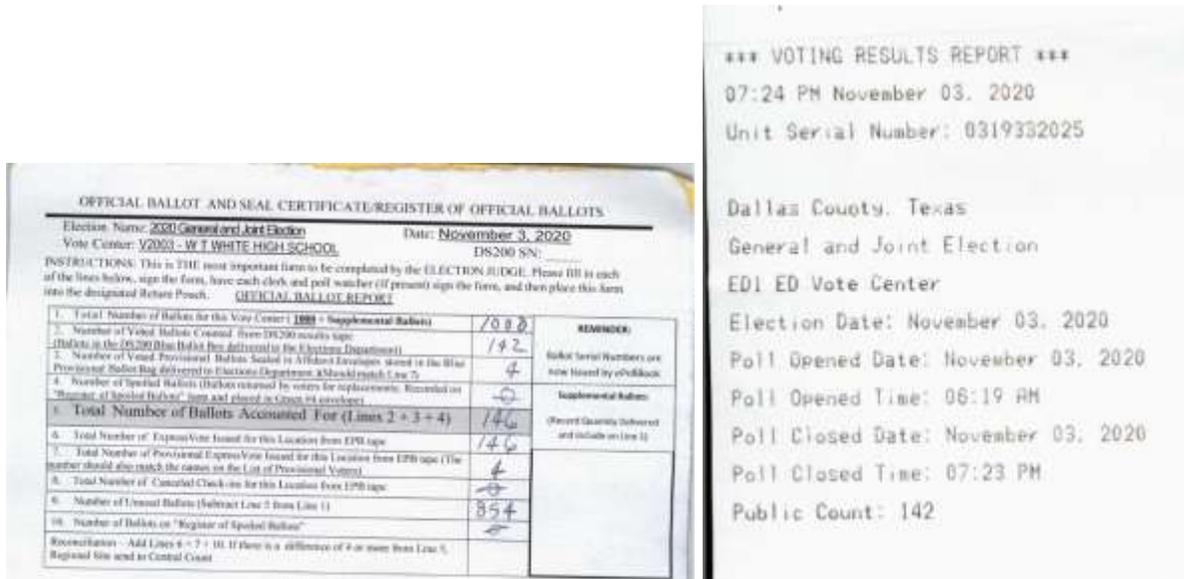


Figure 6-39: Official Ballot and Seal Certificate/Register of Official Ballots and Voting Results Tape for W.T. White High School

Records from Logic & Accuracy testing reflect that the DS200 that had been assigned to W.T. White High School was DS200 Serial Number 0319310248.

It appears the wrong DS200 scanner went to W.T. White High School, as the serial number on the tape printed for that location was 0319332025.

Dallas County DS200 Public L&A testing procedures

General & Joint Election –		November 3, 2020	Vote Center #: V2003
Vote Center Name: W T WHITE HIGH SCHOOL			
Tester 1: [REDACTED]	Tester 2: [REDACTED]	Tester 3: [REDACTED]	Tester 4: [REDACTED]
USB PRIMARY Asset # _____		USB BACKUP Asset # _____	USB L&A Asset # _____
Blue Seal for Door #6A: 0067374		Blue Seal for Door #6B: 0067373	
DS200 Serial #: 0319310248			
Test Date: 9/30/20			

Supplies: Test Deck packet, plastic bag containing 3 USBs/thumb drives, keys, Ink Pen

Figure 6-40: Dallas County DS200 Public L&A Testing Record – V2003

V2006 – Harry C. Withers Elementary School

The handwritten Election Day Voter Roster reflected 119 voters checked in.

ELECTION DAY VOTER ROSTER

ELECTION NAME: General/ Joint Nov 3, 2020 ELECTION DATE: Nov 3, 2020
 VOTE CENTER NAME: Withers V2006

THIS FORM IS TO BE USED ONLY BY THE ELECTION OFFICIAL
 Instructions: The election official shall print the Voter's name

CLERK'S PRINT VOTER'S NAME	POS. BALLOT TYPE	BALLOT NAME	REG. OR LIST	CLERK'S PRINT VOTER'S NAME	POS. BALLOT TYPE	BALLOT NAME	REG. OR LIST
[REDACTED]	001-01	001-01	26	[REDACTED]	001-01	001-01	26
[REDACTED]	001-01	001-01	27	[REDACTED]	001-01	001-01	27
[REDACTED]	001-01	001-01	28	[REDACTED]	001-01	001-01	28
[REDACTED]	001-01	001-01	29	[REDACTED]	001-01	001-01	29
[REDACTED]	001-01	001-01	30	[REDACTED]	001-01	001-01	30
[REDACTED]	001-01	001-01	31	[REDACTED]	001-01	001-01	31
[REDACTED]	001-01	001-01	32	[REDACTED]	001-01	001-01	32
[REDACTED]	001-01	001-01	33	[REDACTED]	001-01	001-01	33
[REDACTED]	001-01	001-01	34	[REDACTED]	001-01	001-01	34
[REDACTED]	001-01	001-01	35	[REDACTED]	001-01	001-01	35
[REDACTED]	001-01	001-01	36	[REDACTED]	001-01	001-01	36
[REDACTED]	001-01	001-01	37	[REDACTED]	001-01	001-01	37
[REDACTED]	001-01	001-01	38	[REDACTED]	001-01	001-01	38
[REDACTED]	001-01	001-01	39	[REDACTED]	001-01	001-01	39
[REDACTED]	001-01	001-01	40	[REDACTED]	001-01	001-01	40
[REDACTED]	001-01	001-01	41	[REDACTED]	001-01	001-01	41
[REDACTED]	001-01	001-01	42	[REDACTED]	001-01	001-01	42
[REDACTED]	001-01	001-01	43	[REDACTED]	001-01	001-01	43
[REDACTED]	001-01	001-01	44	[REDACTED]	001-01	001-01	44
[REDACTED]	001-01	001-01	45	[REDACTED]	001-01	001-01	45
[REDACTED]	001-01	001-01	46	[REDACTED]	001-01	001-01	46
[REDACTED]	001-01	001-01	47	[REDACTED]	001-01	001-01	47
[REDACTED]	001-01	001-01	48	[REDACTED]	001-01	001-01	48
[REDACTED]	001-01	001-01	49	[REDACTED]	001-01	001-01	49
[REDACTED]	001-01	001-01	50	[REDACTED]	001-01	001-01	50
[REDACTED]	001-01	001-01	51	[REDACTED]	001-01	001-01	51
[REDACTED]	001-01	001-01	52	[REDACTED]	001-01	001-01	52
[REDACTED]	001-01	001-01	53	[REDACTED]	001-01	001-01	53
[REDACTED]	001-01	001-01	54	[REDACTED]	001-01	001-01	54
[REDACTED]	001-01	001-01	55	[REDACTED]	001-01	001-01	55
[REDACTED]	001-01	001-01	56	[REDACTED]	001-01	001-01	56
[REDACTED]	001-01	001-01	57	[REDACTED]	001-01	001-01	57
[REDACTED]	001-01	001-01	58	[REDACTED]	001-01	001-01	58
[REDACTED]	001-01	001-01	59	[REDACTED]	001-01	001-01	59
[REDACTED]	001-01	001-01	60	[REDACTED]	001-01	001-01	60
[REDACTED]	001-01	001-01	61	[REDACTED]	001-01	001-01	61
[REDACTED]	001-01	001-01	62	[REDACTED]	001-01	001-01	62
[REDACTED]	001-01	001-01	63	[REDACTED]	001-01	001-01	63
[REDACTED]	001-01	001-01	64	[REDACTED]	001-01	001-01	64
[REDACTED]	001-01	001-01	65	[REDACTED]	001-01	001-01	65
[REDACTED]	001-01	001-01	66	[REDACTED]	001-01	001-01	66
[REDACTED]	001-01	001-01	67	[REDACTED]	001-01	001-01	67
[REDACTED]	001-01	001-01	68	[REDACTED]	001-01	001-01	68
[REDACTED]	001-01	001-01	69	[REDACTED]	001-01	001-01	69
[REDACTED]	001-01	001-01	70	[REDACTED]	001-01	001-01	70
[REDACTED]	001-01	001-01	71	[REDACTED]	001-01	001-01	71
[REDACTED]	001-01	001-01	72	[REDACTED]	001-01	001-01	72
[REDACTED]	001-01	001-01	73	[REDACTED]	001-01	001-01	73
[REDACTED]	001-01	001-01	74	[REDACTED]	001-01	001-01	74
[REDACTED]	001-01	001-01	75	[REDACTED]	001-01	001-01	75
[REDACTED]	001-01	001-01	76	[REDACTED]	001-01	001-01	76
[REDACTED]	001-01	001-01	77	[REDACTED]	001-01	001-01	77
[REDACTED]	001-01	001-01	78	[REDACTED]	001-01	001-01	78
[REDACTED]	001-01	001-01	79	[REDACTED]	001-01	001-01	79
[REDACTED]	001-01	001-01	80	[REDACTED]	001-01	001-01	80
[REDACTED]	001-01	001-01	81	[REDACTED]	001-01	001-01	81
[REDACTED]	001-01	001-01	82	[REDACTED]	001-01	001-01	82
[REDACTED]	001-01	001-01	83	[REDACTED]	001-01	001-01	83
[REDACTED]	001-01	001-01	84	[REDACTED]	001-01	001-01	84
[REDACTED]	001-01	001-01	85	[REDACTED]	001-01	001-01	85
[REDACTED]	001-01	001-01	86	[REDACTED]	001-01	001-01	86
[REDACTED]	001-01	001-01	87	[REDACTED]	001-01	001-01	87
[REDACTED]	001-01	001-01	88	[REDACTED]	001-01	001-01	88
[REDACTED]	001-01	001-01	89	[REDACTED]	001-01	001-01	89
[REDACTED]	001-01	001-01	90	[REDACTED]	001-01	001-01	90
[REDACTED]	001-01	001-01	91	[REDACTED]	001-01	001-01	91
[REDACTED]	001-01	001-01	92	[REDACTED]	001-01	001-01	92
[REDACTED]	001-01	001-01	93	[REDACTED]	001-01	001-01	93
[REDACTED]	001-01	001-01	94	[REDACTED]	001-01	001-01	94
[REDACTED]	001-01	001-01	95	[REDACTED]	001-01	001-01	95
[REDACTED]	001-01	001-01	96	[REDACTED]	001-01	001-01	96
[REDACTED]	001-01	001-01	97	[REDACTED]	001-01	001-01	97
[REDACTED]	001-01	001-01	98	[REDACTED]	001-01	001-01	98
[REDACTED]	001-01	001-01	99	[REDACTED]	001-01	001-01	99
[REDACTED]	001-01	001-01	100	[REDACTED]	001-01	001-01	100

DISTRIBUTION: WHITE COPY ENVELOPE #1 / YELLOW COPY ENVELOPE #2 / PINK COPY ENVELOPE #3
 BLUE COPY IN TRANSFER BOX WITH VOTER'S BALLOTS

Figure 6-41: One page of the roster is hereby included as an example.

The Official Ballot and Seal Certificate/Register of Official Ballots reflects 119 ballots were cast at this location and there were 2 provisional voters. The voting results report printed from the ballot scanner reflects 119 ballots were cast at this location.

OFFICIAL BALLOT AND SEAL CERTIFICATE/REGISTER OF OFFICIAL BALLOTS

Election Name: 2020 General and Joint Election Date: November 3, 2020
 Vote Center: V2006 - HARRY C WITHERS ELEM SCHOOL DS200 SN: _____

INSTRUCTIONS: This is THE most important form to be completed by the ELECTION JUDGE. Please fill in each of the lines below, sign the form, have each clerk and poll watcher (if present) sign the form, and then place this form into the designated Return Pouch. **OFFICIAL BALLOT REPORT**

1. Total Number of Ballots for this Vote Center (100 + Supplemental Ballots)			REMEMBER:
2. Number of Valid Ballots Counted from DS200 results tape (Ballots in the DS200 Blue Ballot Box, and voted in the Elections Department)	119		Ballot Serial Numbers are now issued by ePollbook
3. Number of Valid Provisional Ballots Sealed in Affidavit Envelopes Issued in the Blue Provisional Ballot Box delivered to Elections Department (See also remark Line 7)	2		
4. Number of Spoiled Ballots (Ballots returned by voters for replacements, recorded on "Register of Spoiled Ballots" form and placed in Item #4 envelope)	0		Supplemental Ballots:
5. Total Number of Ballots Accounted For (Lines 2 + 3 + 4)	121	65	Ballot Quantity Delivered and include on Line 1)
6. Total Number of ExpressVote Issued for this Location from EPB tape	127		
7. Total Number of Provisional ExpressVote Issued for this Location from EPB tape (The number should also match the number on the List of Provisional Voters)	2		
8. Total Number of Canceled Check-ins for this Location from EPB tape	0		
9. Number of Unused Ballots (Subtract Line 5 from Line 1)	579		
10. Number of Ballots on "Register of Spoiled Ballots"	0		
Reconciliation - Add Lines 6 + 7 = 10. If there is a difference of 4 or more from Line 5, Regional Site need to Contact Clerk	100		

*** VOTING RESULTS REPORT ***

07:38 PM November 03, 2020
 Unit Serial Number: 0319310248

Dallas County, Texas
 General and Joint Election
 ED1 ED Vote Center
 Election Date: November 03, 2020
 Poll Opened Date: November 03, 2020
 Poll Opened Time: 06:10 AM
 Poll Closed Date: November 03, 2020
 Poll Closed Time: 07:37 PM
 Public Count: 119

Figure 6-42: Official Ballot and Seal Certificate/Register of Official Ballots and Voting Results Tape for Harry C. Withers Elementary School

Records from Logic & Accuracy testing reflect that the DS200 that had been assigned to Withers Elementary was DS200 Serial Number DS0319332025.

Dallas County DS200 Public L&A testing procedures

General & Joint Election –	November 3, 2020	Vote Center #: V2006
Vote Center Name: HARRY C WITHERS ELEM SCHOOL		
Tester 1: [REDACTED]	Tester 2: _____	Test Date: 9/30/2020
Tester 3: _____	Tester 4: _____	DS200 Serial #: DS0319332025
USB PRIMARY Asset # _____	USB BACKUP Asset # _____	USB L&A Asset # _____
Blue Seal for Door #6A: _____	Blue Seal for Door #6B: _____	

Figure 6-43: Dallas County DS200 Public L&A Testing Record – V2006

It appears the wrong DS200 scanner went to Withers Elementary, as the serial number on the tape printed for that location was 0319310248.

Records from W.T. White reflect there were 142 voters and 142 ballots cast at that location. Records from Withers Elementary School reflect there were 119 regular voters and 119 ballots cast at that location. It is unclear what caused the discrepancy in the pollbook reporting data provided by Dallas County in their table. The discrepancy in the ballots cast summary, however, appears to be due to DS200 scanners for these two locations having been deployed to the wrong locations.

Null VUIDs

Dallas County’s Vote History Report for the 2020 General Election contained 99 voters that did not have a VUID, name, or date of birth listed. The only identification associated with these voters was the county-specific ID number that was created by the voter registration system, VEMACS. Since these records only contained the county-specific VEMACS number, FAD could not determine the identity of 88 of the 99 voters. Of the 99 total voters, Dallas County’s Vote History Report reflected 78 voters had credit for voting with a limited ballot.

Tarrant County

Tarrant County stated they had no locations with a discrepancy of 1% or more between the number of voters who checked in to the numbers of ballots cast at any of their Early Voting locations. Tarrant County stated that during Early Voting Lead Clerks called in at the end of every day to report the number of voters checked in on the electronic poll book and the number of ballots cast on the ballot scanner. The use of call-in reporting to obtain this information helps promote accuracy due to the fact

that the voting system is air-gapped. Daily communication and reconciliation during Early Voting is a recommended best practice in order to ensure any issues are caught with adequate time to resolve them and that any solutions implemented are documented.

Tarrant County utilized a Controller and Scan Reconciliation Log form to track and reconcile data on a daily basis for Early Voting locations. This form tracks the number of voters who checked in on the electronic pollbook, the number of ballots from the controller, and the number of ballots that had been scanned into the precinct ballot counter. Columns B and C show the start of day ballot count number on the controller and scanner respectively. Columns D and E record the end of day ballot count number on the controller and scanner. Column I shows the number of voters who checked in on the pollbook. Ideally, on the same day, Column D (ballots) minus Column I (voters checked in) should balance and equal zero. This will not always be the case for many reasons, primarily because of "fleeing voters," voters who check in with the pollbook and then leave without depositing their ballot in the scanner. This log is considered a best practice as it can assist with daily checks to ensure reconciliation and to verify no tampering has occurred with the equipment during multiple days of early voting.

Election Type: Joint General & Spec Elections
 Election Date: November 03, 2020
 Tarrant County, TX - Early Voting
 Location Code: WOODLAND VW
 Location Name: Villages of Woodland Springs

Controller and Scan Reconciliation Log

Day	Date	(A) EV Clerk Initials	(B) Start of Day Ballot Count on Controller	(C) Start of Day Ballot Count on Scan	(D) End of Day Ballot Count on Scan	(E) End of Day Ballot Count on Controller	(F) # of Codes Issued from Controller	(G) # of Codes Expired from Controller	(H) # of Codes Deactivated from Controller	(I) # of Voters Checked in on e- pollbook	(J) Difference
MON											
TUES	10/13/2020	CZ	8	8	852	852	853	1	0	851	
WED	10/14/2020	CZ	857	852	1346	1346	1350	1	0	1346	
THUR	10/15/2020	CZ	1553	1785	1541	1393	1545	2	0	1543	
FRI	10/16/2020	CZ	1546	1543	1688	1261	1688	0	0	1689	
SAT	10/17/2020	CZ	1688	1543	1688	1441	1441	0	0	1441	
SUN											
MON	10/19/2020	CZ	1441	1906	2489	2489	996	0	0	1900	
TUES	10/20/2020	CZ	1904	1904	3779	496	883	0	0	1926	
WED	10/21/2020	CZ	1865	1565	1700	1722	1722	0	0	1828	
THUR	10/22/2020	CZ	1697	1687	1700	1600	1629	0	0	1588	
FRI	10/23/2020	CZ	1487	1687	1600	1789	1799	0	0	1722	
SAT	10/24/2020	CZ	1722	1600	1722	1722	1802	0	0	1859	
SUN	10/25/2020	CZ	1499	1588	619	618	616	0	0	1271	
MON	10/26/2020	CZ	1269	1275	1276	1269	1276	0	0	1271	
TUES	10/27/2020	CZ	1271	1271	1257	1257	1235	0	0	1235	
WED	10/28/2020	CZ	1259	1261	1261	1261	1240	0	0	1259	
THURS	10/29/2020	CZ									
FRI	10/30/2020	CZ									

- Lead clerk needs to initial first column daily. (Column A)
- Enter the Start of Day Ballot Count (Column B and C) from the Ballot Count on the Controller and Scan Screens (bottom center of each machine).
- At the end of the day, enter the End of Day Ballot Count (Column D and E) from the same area.
- After you've printed the Access Code Summary Report, enter the # of Codes Issued (Column F), # of Access Codes Expired (Column G), and # of Codes Deactivated (Column H).
- Enter the # of Voters Checked-in on the electronic pollbook (Column I).
- Take the # of Day Ballot Count on the Scan (D) and subtract the # of Voters Checked-in on the electronic pollbook (Column I), if there is a difference, write the amount in (Column J), or if no difference, write (0) zero.

I certify that the above is a true and correct record of the period for early voting in person.

 Signature of Lead Early Voting Clerk

 Signature of Early Voting Clerk

 Signature of Poll Watcher (if present)

 Signature of Poll Watcher (if present)

The general custodian keeps the original of this form and the Ballot Board Judge receives a copy.

Figure 6-44: Tarrant County Controller and Scan Reconciliation Log form

For Election Day, Tarrant County stated they engage in a regular practice of comparing the number of voters who signed in on the electronic pollbook to the number of ballots cast as reported by the ballot scanners on election night to detect any issues early on and document any fixes. Tarrant County calls this the "Election-night audit." This procedure is considered a best practice and should be utilized to detect problems early and address them.

Using this process, Tarrant County provided the following list of locations that had a discrepancy of 1% or more between the number of voters who checked in and the number of ballots cast.

eScan	Location	Key Pct.	ePoll Book Checked in A	Provisional Checked in B	Ballots in scanner C	EPB - Scanner (A - C) D	% of discrepancy (D / C)
122	Atwood McDonald Elementary School	1279	179	10	177	2	1.13%
165	Western Hills Church of Christ	4135	423	16	432	-9	-2.08%
210	St. Matthew's Lutheran Church	1022	117	9	112	5	4.46%
230	Carter Park Elementary School	1154	172	29	170	2	1.18%
281	Ruby Ray Swift Elementary School	2052	282	14	279	3	1.08%
297	Jones Academy	2281	153	38	147	6	4.08%
32	Pantego Town Hall Council Chambers	2112	170	7	166	4	2.41%
40	Edify Community Fellowship Church	2229	158	2	155	3	1.94%
405	St. Martin in-the-Fields Episcopal	3626	315	9	307	8	2.61%
423	Independence Elementary School	3486	247	38	244	3	1.23%
516	Benbrook YMCA	1208	339	33	335	4	1.19%
519	Crouch Event Center at Bicentennial	1717	669	44	662	7	1.06%
555	Northeast Courthouse	3196	457	30	450	7	1.56%
583	R. L. Paschal High School	1108	336	33	340	-4	-1.18%
96	Van Zandt-Guinn Elementary School	1005	63	3	62	1	1.61%
97	Versia L. Williams Elementary	1008	59	5	60	-1	-1.67%

Figure 6-45: Tarrant County Polling Locations with Discrepancies in Reconciliation Greater than 1%

FAD used the following data available in Tarrant County in an attempt to ascertain the reason for the discrepancies between check-ins and ballots cast for these 16 locations:

- Tapes from the controller;
- Tapes from the scanner;
- Register of Official Ballots form; and
- Records of ballots tabulated.

All 16 locations had the Register of Official Ballots form; however, they were not all completed with the appropriate data. There were six locations – Ruby Ray Swift Elementary School, Pantego Town Hall, Edify Community Fellowship Church, Crouch Event Center at Bicentennial, R.L. Paschal High School, and Versia L. Williams Elementary School – for which the tapes matched the Register of Official Ballots. All of the values reported for ballots cast for these locations matched what was ultimately tabulated in the audit log. The reason for the discrepancy between the pollbook check-ins and ballots cast could not be fully explained due to missing records or incomplete forms. None of the locations had a discrepancy between check-ins and ballots cast that exceeded 10 ballots.

Harris County

In response to the Secretary of State’s letter requesting a list of polling places with reconciliation discrepancies, Harris County responded on December 21, 2021 that their office had gathered information and was in the process of comparing for any percentage discrepancies. Harris County, however, never produced a list of locations with a discrepancy of 1% or more between check-ins and ballots cast. Due to Harris County’s failure to respond with this information, FAD endeavored to locate and collect the data that would enable an analysis of whether there were any locations with such a discrepancy. In May of 2022, FAD requested multiple reports that should have been available including audit logs from the Hart software, the devices backed up report from SERVO, the Media Production List from Boss, and MBB processing and status reports from Rally and Tally. While FAD was provided with some reports regarding provisional voters, the Tally Audit Log, and some reports consolidating ballots for reporting purposes – Harris County did not provide many of the reports and logs that would prove critical to the audit at that time. These were only provided after the new administration became involved in October 2022.

FAD reviewed Harris County’s location-specific paper data. Harris County maintained records for Early Voting in brown envelopes entitled “Early Voting JBC Reconciliation Envelope.” The envelope contained spaces for the election judge to include the number of access codes issued, voted, expired, and cancelled. The envelope also contained spaces for the election judge to note the daily public counts and any provisional ballots cast. The envelopes should contain tapes printed from the JBCs.

Early Voting Daily JBC Reconciliation Envelope

SRD 001C
COUNTY ATTORNEY
CONFERENCE CENTER
OCT 30 2020

Items Needed from Daily Summary of JBC (upload Poll Report)	JBC White	JBC Pink	JBC Green	JBC Blue	TOTAL	Line #	Instructions
Number of Access Codes ISSUED	102	92			194	1	Enter # of Access Codes ISSUED for each JBC
Number of Access Codes VOTED	101	92			193	2	Enter # of Access Codes VOTED for each JBC
Number of Access Codes EXPIRED	00	00			00	3	Enter # of Access Codes EXPIRED for each JBC
Number of Access Codes CANCELLED	01	00			01	4	Enter # of Access Codes CANCELLED for each JBC
	JBC White	JBC Pink	JBC Green	JBC Blue			
Beginning of Day Public Count	2371	2176				5	Enter the Public Count number at open
End of Day Public Count	2472	2268				6	Enter the Public Count number at end of day
	JBC White	JBC Pink	JBC Green	JBC Blue			
Number of Provisional Ballots	00	03			03	7	Enter number of Provisional Ballots Issued

All Daily printed JBC tapes are placed in this Envelope

Election Judge Signature _____

Figure 6-46: Harris County Early Voting JBC Reconciliation Envelope

Harris County used colored tapes for each different JBC at the polling locations. This was done to ensure tapes from each controller were printed and did not get mixed up. As reflected on the brown reconciliation envelope, the color of the tape was included to ensure the proper information was recorded on the envelope. These daily envelopes were to be completed on each day of early voting.



Figure 6-47: Multicolored JBC Tapes

Harris County kept a reconciliation packet for Election Day that was generated after the election to account for check-ins, cast ballots, and provisional voters. The packets also contained scans of forms filled out at the polling location and scans of the envelopes. Harris County utilized a JBC Reconciliation Log at the polling location for the election judge to keep track of seals, beginning of the day and end of the day counts, the count of provisional voters, and the number and types of access codes issued. These forms, when used, are a best practice for reconciling and keeping track of relevant information, particularly in large jurisdictions.

Election: November 3, 2020 General and Special Elections

Date: 11-18-20

Name: [REDACTED]

Poll Code: 0001

Location: Crockett Elementary School

ePB Signatures: 233	Cast Votes: 233	Provisionals: 4	Difference: 0	Manual Entry/Manual Removal
---------------------	-----------------	-----------------	---------------	-----------------------------

Access Code	White JBC Tape	Pink JBC Tape	Additional JBC Tape	Combined Totals
Issued	122	114		236
Voted	122	115		237
Expired	0	0		0
Cancelled	0	1		1

Include the registered name, certificate number, copies any forms the voter signed and an explanation of why any voters listed below need to be given voter history. **Write in PENCIL ONLY!**

- 1) List any Provisional voters that are on the ePB List of Voters AND need to be removed:

- 2) List any Voters that filled out a Provisional Ballot but were not issued a provisional ballot code or did not vote:

- 3) List any Voters from the cancel booth log that were not cleared on the ePB:

- 4) List any Voters that filled out a RID or SOR but were not checked in on the ePB:

- 5) Miscellaneous: List any voters that do not qualify for questions listed above:

Figure 6-48: Cover sheet of Election Day reconciliation packet

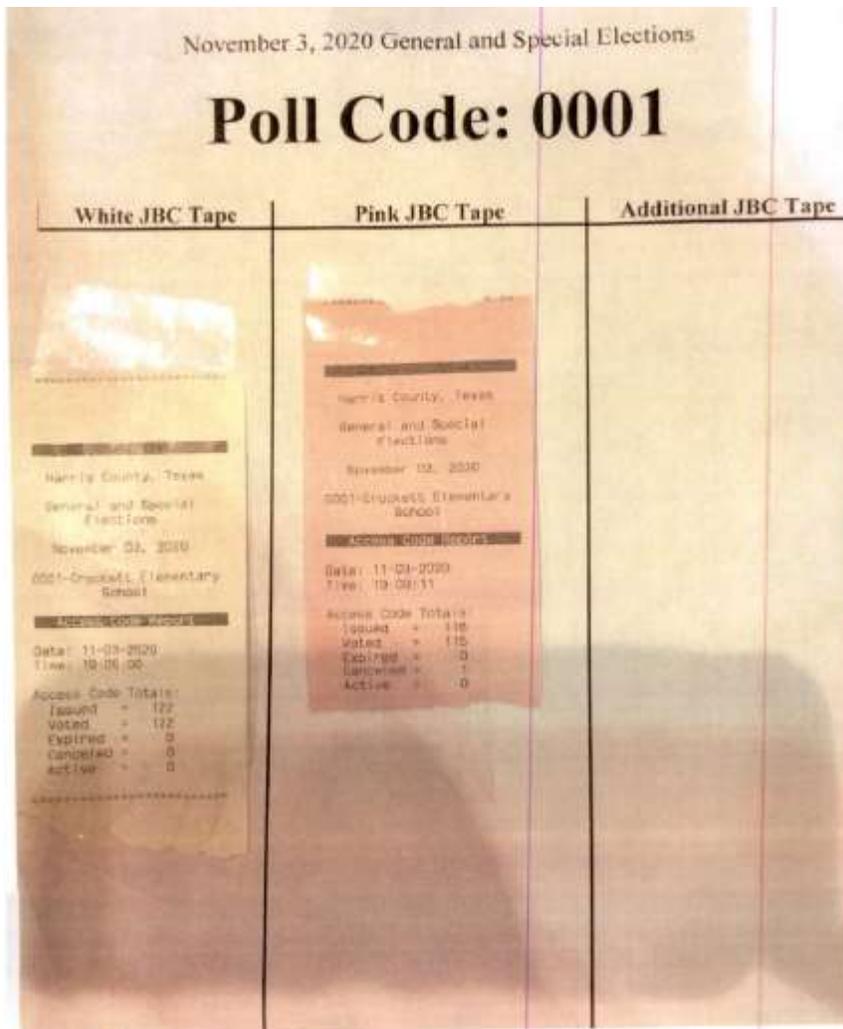


Figure 6-49: Copies of tapes from the JBCs included in reconciliation packet.

November 3, 2020 General and Special Election

Voters Checked in on ePollBook: Total Voters: 233

Poll Code	VUID	CERT	PCT	SUB	BS	VOTER	Address 1	Activity Date
0001								
0001								
0001								
0001								

Figure 6-50: An excerpt from the paper copy of the pollbook included in the reconciliation packet

LIST OF VOTERS WHO VOTED USING A REASONABLE IMPEDIMENT DECLARATION (RID)		Type of Election	Poll Code
		General	0001
		Date of Election	Authority Conducting Election
		11-3-20	Harris Co

No.	Name of Voter	Certificate Number	No.	Name of Voter	Certificate Number

Figure 6-51: An example of polling location forms included in the reconciliation packet.

JBC RECONCILIATION LOG ELECTION DAY (One form per JBC)
 Ballot & Seal Certificate / Register of Official Ballots

ELECTION TITLE: General DATE: 11-3-20
 HARRIS COUNTY, TEXAS

[SIGNATURE OF JUDGE]: X [REDACTED] POLL CODE: 000

OPEN POLLS
 Sign the form; enter the Start of Day Public Count from the PUB COUNT on the JBC screen. (Bottom right hand corner of JBC screen)

RED SEAL ON JBC (Located on right side of JBC)	<u>105403</u>
START OF DAY PUBLIC COUNT (Located on the bottom right hand corner of JBC screen - PUB)	<u>000000</u>
JBC Serial No. [#] (Located on white sticker on top of JBC - near printer lid)	<u>C04E68</u>

CLOSE POLLS
 Enter the End of Day Public Count from the PUB COUNT on the JBC screen. (Bottom right hand corner of JBC screen)

END OF DAY PUBLIC COUNT (Located on the bottom right hand corner of JBC screen - PUB)	<u>115</u>
Number of Provisional Voters (Count the number of completed Provisional Affidavits)	<u>4</u>

ACCESS CODE SUMMARY
 Enter the number of Access Codes ISSUED, VOTED, EXPIRED and CANCELLED from the Access Code Summary

# of Access Codes ISSUED	<u>116</u>
# of Access Codes VOTED	<u>115</u>
# of Access Codes EXPIRED	<u>0</u>
# of Access Codes CANCELLED	<u>1</u>

COMMENTS:

BLUE COPY - Return in respective JBC BOX
 WHITE COPY - Return in White ENVELOPE 2 - TO COUNTY CLERK
 PINK COPY - Place in PINK ENVELOPE 3

Figure 6-52: An example of the JBC reconciliation log (one per JBC).

In order to generate a list of locations for Early and Election Day voting that may have had a discrepancy between check-ins and ballots cast, FAD scanned and collected the reconciliation packets for over 800 polling locations. FAD also scanned and collected envelopes from over 120 Early Voting locations. Notably, many of these records were incomplete, lacking, or contained errors making meaningful reconciliation difficult if not impossible.

For example, some locations had tapes from JBCs that did not appear to be programmed to reflect their assigned location:



Figure 6-53: Tapes from SRD150B – Big Stone Lodge reflecting "To Be Determined."

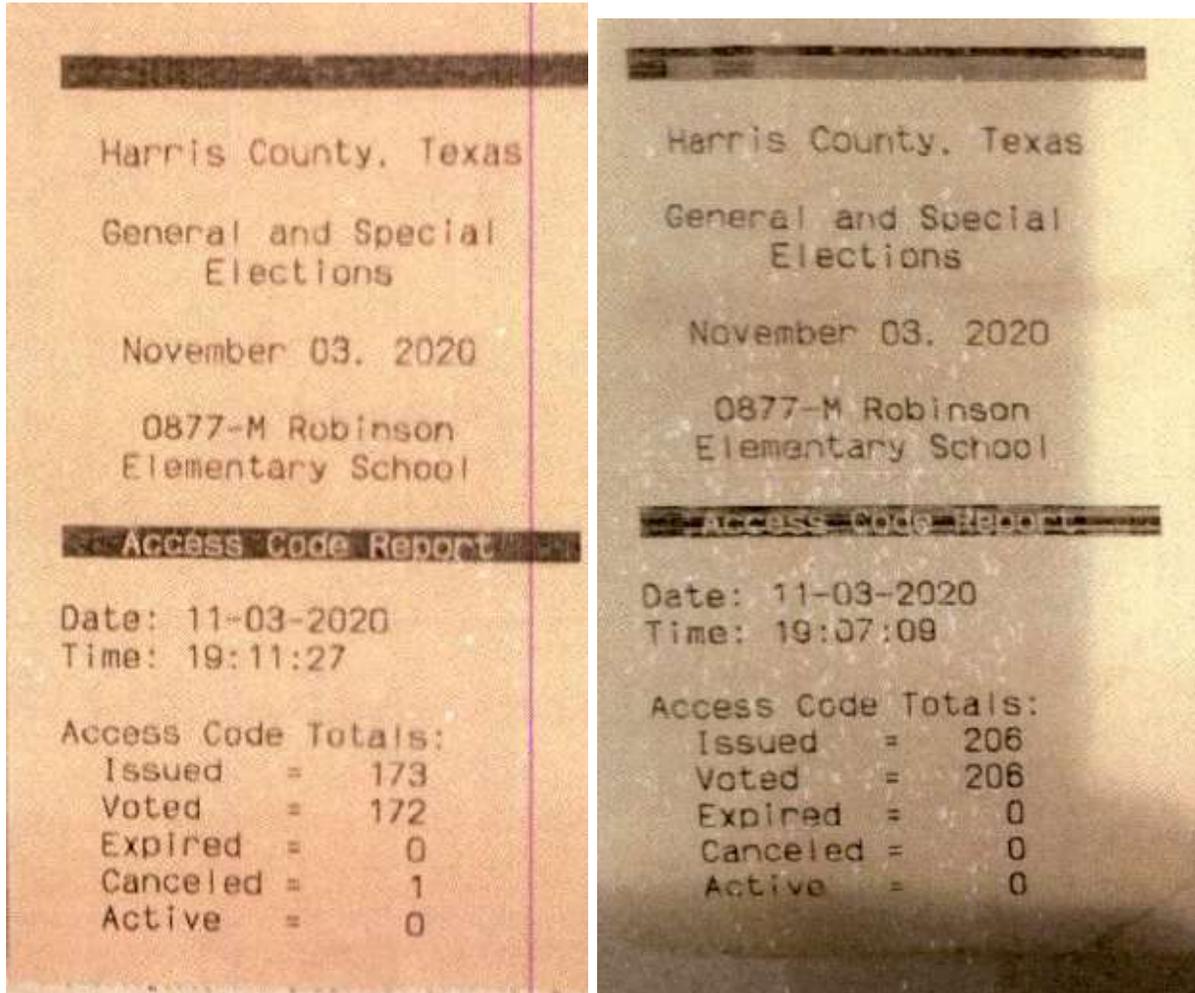


Figure 6-54: Tapes from polling location 0877 – Thornton Middle School – that reflected they were at M. Robinson Elementary School.²¹¹

²¹¹ Harris County's list of Election Day Polling Locations reflected Thornton Middle School was a new polling location.

Some reconciliation packets were incomplete or forms were not completed:

Election: November 3, 2020 General and Special Elections Date: ✓ ✓
 Name: [REDACTED] Poll Code: 0117
 Location: *Oyo Townhouse*
unable to reconcile
 Manual Entry/Manual Removal
 ePB Signatures: 73 Cast Votes: 72 Provisionals: 0 Difference: -1

Access Code	White JBC Tape	Pink JBC Tape	Additional JBC Tape	Combined Totals
Issued				0
Voted				0
Expired				0
Cancelled				0

Notes:
 Include the registered name, certificate number, copies any forms the voter signed and an explanation of why any voters listed below need to be given voter history. Write in PENCIL ONLY!

- List any Provisional voters that are on the ePB List of Voters AND need to be removed:
no provisionals
- List any Voters that filled out a Provisional Ballot but were not issued a provisional ballot code or did not vote:
no change
- List any Voters from the cancel booth log that were not cleared on the ePB:
cancel booth is blank
- List any Voters that filled out a RID or SOR but were not checked in on the ePB:
no change
- Miscellaneous: List any voters that do not qualify for questions listed above:
no duplicates

Figure 6-55: Reconciliation packet cover sheet for polling location 0117 reflects Harris County was unable to conduct its reconciliation, noting the cancelled booth log was not completed. Additionally, this packet did not contain any tapes from location 0117.

November 3, 2020 General and Special Election

Voters Checked in on ePollBook

Total Voters: 73

Poll Code VUID CERT PCT SUB BS VOTER Address 1 Activity Date

Figure 6-56: Pollbook data for location 0117 reflects 73 voters checked in

JBC RECONCILIATION LOG ELECTION DAY (One form per JBC) Ballot & Seal Certificate / Register of Official Ballots	
ELECTION TITLE: <u>Presiding Judge</u>	DATE: <u>11/3/20</u>
HARRIS COUNTY, TEXAS	
(SIGNATURE OF JUDGE) [Redacted]	POLL CODE: <u>0117</u>
OPEN POLLS Sign the form, enter the Start of Day Public Count from the PUB COUNT on the JBC screen (Bottom right hand corner of JBC screen)	
RED SEAL ON JBC (located on right side of JBC)	<u>10491</u>
START OF DAY PUBLIC COUNT (located on the bottom right hand corner of JBC screen - PUB)	<u>0</u>
JBC Serial No. [#] (located on white sticker on top of JBC - near printer lid)	<u>C05083</u>
CLOSE POLLS Enter the End of Day Public Count from the PUB COUNT on the JBC screen (bottom right hand corner of JBC screen)	
END OF DAY PUBLIC COUNT (located on the bottom right hand corner of JBC screen - PUB)	<u>35</u>
Number of Provisional Voters (Count the number of completed Provisional Affidavits)	<u>0</u>
ACCESS CODE SUMMARY Enter the number of Access Codes ISSUED, VOTED, EXPIRED and CANCELLED from the Access Code Summary.	
# of Access Codes ISSUED	<u>35</u>
# of Access Codes VOTED	<u>35</u>
# of Access Codes EXPIRED	<u>0</u>
# of Access Codes CANCELLED	<u>0</u>
COMMENTS:	
<p>BLUE COPY - Return in respective JBC BOX WHITE COPY - Return in WHITE ENVELOPE 2 - TO COUNTY CLERK PINK COPY - Place in PINK ENVELOPE 3</p>	

JBC RECONCILIATION LOG ELECTION DAY (One form per JBC) Ballot & Seal Certificate / Register of Official Ballots	
ELECTION TITLE: <u>Presiding Judge</u>	DATE: <u>11/3/20</u>
HARRIS COUNTY, TEXAS	
(SIGNATURE OF JUDGE) <u>X</u> [Redacted]	POLL CODE: <u>0117</u>
OPEN POLLS Sign the form, enter the Start of Day Public Count from the PUB COUNT on the JBC screen (Bottom right hand corner of JBC screen)	
RED SEAL ON JBC (located on right side of JBC)	<u>107260</u>
START OF DAY PUBLIC COUNT (located on the bottom right hand corner of JBC screen - PUB)	<u>0</u>
JBC Serial No. [#] (located on white sticker on top of JBC - near printer lid)	<u>C05507</u>
CLOSE POLLS Enter the End of Day Public Count from the PUB COUNT on the JBC screen (bottom right hand corner of JBC screen)	
END OF DAY PUBLIC COUNT (located on the bottom right hand corner of JBC screen - PUB)	<u>37</u>
Number of Provisional Voters (Count the number of completed Provisional Affidavits)	<u>0</u>
ACCESS CODE SUMMARY Enter the number of Access Codes ISSUED, VOTED, EXPIRED and CANCELLED from the Access Code Summary.	
# of Access Codes ISSUED	<u>37</u>
# of Access Codes VOTED	<u>37</u>
# of Access Codes EXPIRED	<u>0</u>
# of Access Codes CANCELLED	<u>1</u>
COMMENTS:	
<p>BLUE COPY - Return in respective JBC BOX WHITE COPY - Return in WHITE ENVELOPE 2 - TO COUNTY CLERK PINK COPY - Place in PINK ENVELOPE 3</p>	

Figure 6-57: JBC reconciliation forms reflected 72 ballots cast and 1 access code cancelled

Poll Code: _____

EXPIRED CODES & CANCELLED BOOTH LOG

Directions for Expired ACCESS CODE or CANCELLED BOOTH: If an ACCESS CODE is printed but not used or if you cancel a booth use this log to record the Access Code number, time, name of the voter and the reason the code was expired or cancelled. Keep the Access Code Slips and file them in this envelope.

Expired/Cancelled Access Point Name									
Time	Name	Access Code	Reason	Signature	Initials	Check Reason	Initials	Initials	Initials
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									

Record Cancelled Booth Name									
Time	Name	Access Code	Reason	Signature	Initials	Check Reason	Initials	Initials	Initials
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									

Figure 6-58: *The cancelled booth log was not filled out*

Sometimes records existed but were stored in the wrong or unexpected place. The tapes for this location were located, albeit in a *different* reconciliation packet for a different polling location (0017).

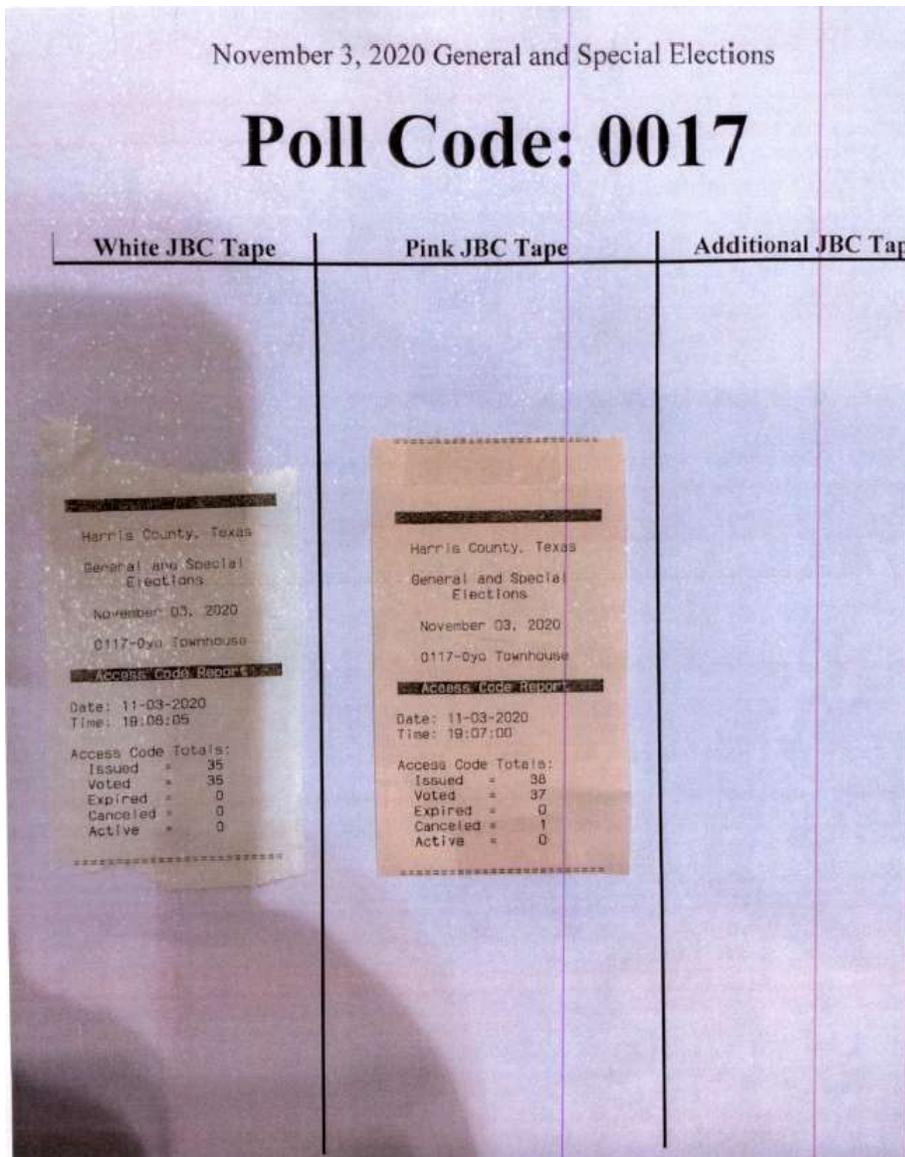


Figure 6-59: Copies of tapes from the JBCs in different Reconciliation Packet

Poor record keeping and organization complicated the reconciliation process at this location.

Due to missing, incomplete, or inaccurate information, FAD proceeded to review the Central Count Packets that had been returned by the election judges as those packets contained relevant information that could assist with the audit. FAD also reviewed and utilized the audit log generated by Hart’s tabulation software (Tally) to determine how many ballots were ultimately tabulated from each polling location.

Harris County had various points of data that could ultimately serve to assist with reconciliation between the number of voters who checked in versus the number of ballots cast at that particular location:

- The electronic pollbook record;
- Reconciliation packets or envelopes;
- Tapes contained within the reconciliation packets or envelopes;
- Central Count packets; and
- The tabulation audit log.

Ideally there would be consistency between the number of voters checked in on the pollbook, the ballots cast according to the JBC, the number of ballots cast according to paperwork from the polling location, and the number of ballots ultimately tabulated from the polling location.

This was the case, for example, at election day polling location 0582 Hobart Taylor Park Community Center, the Reconciliation Packet reflected there were 84 voters who checked in on the pollbook and 84 ballots cast:

Election: November 3, 2020 General and Special Elections
 Name: [REDACTED]
 Location: Hobart Taylor Park Community Center

Date: 11/17
 Poll Code: 0582

Manual Entry/Manual Removal

ePB Signatures: 84 Cast Votes: 84 Provisionals: 0 Difference: 0

Notes:

Access Code	White JBC Tape	Pink JBC Tape	Additional JBC Tape	Combined Totals
Issued	46	38		84
Voted	46	38		84
Expired	0	0		0
Cancelled	0	0		0

Figure 6-60: Paper Record for 0582 Hobart Taylor Park Community Center

The pollbook record confirmed 84 voters checked in:

November 3, 2020 General and Special Election								Total Voters: 84	
Voters Checked in on ePollBook									
Poll Code	VID	CERT	PCT	SUB	BS	VOTER	Address 1	Activity Date	

Figure 6-61: Pollbook Record for 0582 Hobart Taylor Park Community Center

The tapes from the controllers assigned to that polling location confirmed 84 ballots were cast:

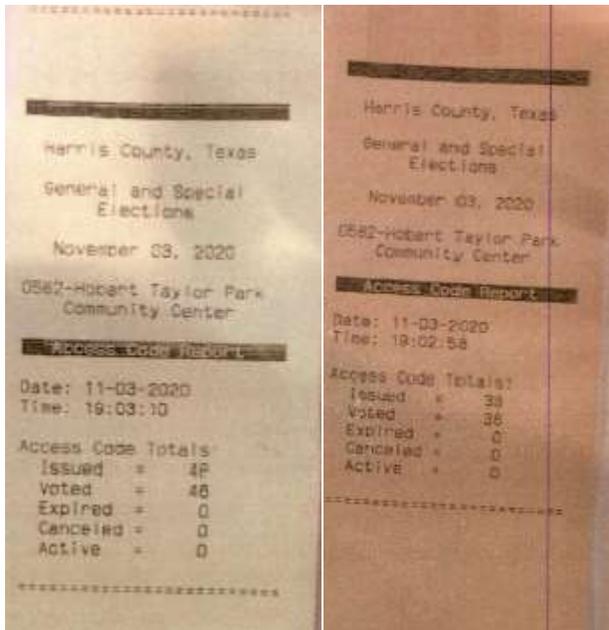


Figure 6-62: Tapes from JBC for 0582 Hobart Taylor Park Community Center

HOME PRECINCT: 582

MBB TRANSFER ENVELOPE

MBB SERIAL NUMBER	12657
# of ACCESS CODES ISSUED	48
# of ACCESS CODES VOTED	46
# of ACCESS CODES EXPIRED	2
# of ACCESS CODES CANCELLED	0

RALLY STATION LOCATION: NRG

Read and Verified Initials: [REDACTED]

COMMENTS:

HOME PRECINCT: 582

MBB TRANSFER ENVELOPE

MBB SERIAL NUMBER	12676
# of ACCESS CODES ISSUED	54
# of ACCESS CODES VOTED	54
# of ACCESS CODES EXPIRED	0
# of ACCESS CODES CANCELLED	0

RALLY STATION LOCATION: NRG

Read and Verified Initials: [REDACTED]

COMMENTS:

Figure 6-65: MBB transfer envelopes reflecting the number of ballots on each card



Figure 6-66: MBBs contain same serial numbers as reflected on transfer envelopes

Audit Log - Official						
Harris County, Texas General and Special Elections November 03, 2020						
Page 1 of 1						
11/14/2020 11:15 AM						
Total Number of Votes: 1,652,504 of 2,431,457 = 67.96%						
Precincts Reporting 1,012 of 1,012 = 100.00%						
Entry	User	Code	Date	Time	Description	Data
3,287	elecadm	999	11/03/2020	2:30:08 PM	MBB Tabulation Successful	#3238 CVRs: 38 Poll 8582-Hobart Taylor Park Community Center
3,288	elecadm	999	11/03/2020	2:30:08 PM	MBB Tabulation Successful	#3248 CVRs: 48 Poll 8582-Hobart Taylor Park Community Center

Figure 6-67: MBBs 3240 and 3239 tabulated and account for a total of 84 ballots cast

Hobart is an example of how the records should appear: 84 voters checked in and the ballots could be traced through the system to tabulation. This was not always the case with other locations.

As FAD attempted to document the number of voters who checked in versus the number of ballots cast for a particular location, FAD observed there were multiple locations for which there were no entries in the Tally Audit Log or the entries were significantly different than what was expected based on the other records available regarding those polling locations. In total, FAD observed problems with what appeared in the Tally Audit Log for the following polling locations:

Early Voting

Poll Code	Polling Location	CVRs Expected ²¹²	CVRs per Tally Audit Log
DTV131K	Kingdom Builders Center	5,748	Listed location did not appear in audit log
DTV134W	HCC West Loop South	18,680	Listed location did not appear in audit log
DTV139F	Fallbrook Church	18,928	253
DTV141U	Humble Civic Center	19,216	Listed location did not appear in audit log

²¹² CVRs expected is based on data from Harris County’s 1120 ePollBook Signature Report. Complicating this was the use of DREs. When using DREs all provisional votes cast are considered CVRs and are included on an MBB from the polling location. Harris County confirmed for FAD during a meeting in October 2022, that provisional voters are not on the pollbook rosters. Therefore, this figure for CVRs expected cannot accurately account for provisional votes from a polling location. Accordingly, the true number of expected CVRs for an MBB from a particular location would include: the number of voters checked in on the pollbook + all provisional votes cast (both those that were ultimately included and excluded). By default, the provisional ballots are excluded from tabulation until final review has been completed and a manual inclusion of each provisional ballot is completed. Reconstructing the records of what appeared to be provisional ballots was done at a later point in the audit. See Section: Harris County’s Records and Information Provided in October 2022, below.

Poll Code	Polling Location	CVRs Expected²¹²	CVRs per Tally Audit Log
DTV142H	Houston Food Bank	2,725	Listed location did not appear in audit log
DTV145C	John Phelps Courthouse	8251	Listed location did not appear in audit log
DTV146N	NRG Arena	19,404	Listed location did not appear in audit log
DTV147C	Toyota Center	11,628	Listed location did not appear in audit log
DTV148Z	Resurrection Metropolitan Community Church	10,344	Listed location did not appear in audit log
DTV149H	Houston Community College Alief Center	12,164	Listed location did not appear in audit log
SRD001C	County Attorney Conference Center	4,720	226,884
SRD127Y	Kingwood Community Center	26,764	Listed location did not appear in audit log
SRD128B	Coady Baptist Church	7,877	Listed location did not appear in audit log
SRD131R	Raindrop Turkish House	8,654	8,706
SRD132S	Morton Ranch High School	14,544	14,653
SRD134R	Rice University	13,081	13,207
SRD135W	Richard and Meg Weekley Community Center	29,810	30,101

Poll Code	Polling Location	CVRs Expected²¹²	CVRs per Tally Audit Log
SRD137B	Bayland Park Community Center	17,566	17,651
SRD138S	Trini Mendenhall Community Center	20,028	Listed location did not appear in audit log
SRD141N	HCC North Forest Campus	5,370	Listed location did not appear in audit log
SRD144	Lee College	11,840	11,847
SRD145R	Baker Ripley Cleveland Ripley Neighborhood Center	11,170	11,263
SRD147Z	Shrine of The Black Madonna Cultural & Event Center	4,743	4,132
SRD148S	SPJST Lodge Num 88	14,973	Listed location did not appear in audit log
SRD150L	Lone Star College Creekside	14,969	12,614
SRD150S	Spring First Church	18,994	18,851

Figure 6-68: Early Voting Polling Locations with Problems in Tally Audit Log

As shown in the table, wide variance is seen between the expected CVRs and the CVRs recorded in the Tally Audit Log. This ranges from the total absence of the locations in the audit log to the over 200,000 ballot discrepancy seen at SRD001C.

Election Day

Poll Code	Polling Location	CVRs Expected	CVRs per Tally Audit Log
0466	EV141B - Church of Christ on Bammel Road	339	345
0458	EV131P - The Power Center	285	287
0017	Shearn Elementary School	264	269
0274	EV134C - Crowne Plaza Houston Galleria	222	230
0159	Bruce Elementary School	132	140
0032	Buddys	162	Listed location not in tally report
0309	Westchester Academy	220	Listed location not in tally report
0734	EV130C - Jergens Hall Community Center	775	783

Figure 6-69: Election Day Polling Locations with Problems in Tally Audit Log

Election Day numbers were better than Early Voting but two locations were entirely missing from the Tally Audit Log.

Early Voting Location SRD001C

The Tally Audit Log had 34 separate entries that appeared to be associated with one polling location – “County Attorney Conference Center” – tabulating 227,933 CVRs. Five of these entries were able to be explained by polling location records, the equipment inventory, or chain of custody documentation.

Audit Log - Official

232	elecadmin	608	11/10/2020	11:33:04 AM	MBB Tabulation Successful	Id:4994 CVRs: 26794 Poll:SRD001C-County Attorney Conference Center
233	elecadmin	608	11/10/2020	11:33:05 AM	MBB Tabulation Successful	Id:4989 CVRs: 7942 Poll:SRD001C-County Attorney Conference Center
234	elecadmin	608	11/10/2020	11:33:10 AM	MBB Tabulation Successful	Id:4931 CVRs: 18778 Poll:SRD001C-County Attorney Conference Center
235	elecadmin	608	11/10/2020	11:33:13 AM	MBB Tabulation Successful	Id:4985 CVRs: 12328 Poll:SRD001C-County Attorney Conference Center
236	elecadmin	608	11/10/2020	11:33:17 AM	MBB Tabulation Successful	Id:4008 CVRs: 10373 Poll:SRD001C-County Attorney Conference Center
237	elecadmin	608	11/10/2020	11:33:22 AM	MBB Tabulation Successful	Id:4967 CVRs: 11698 Poll:SRD001C-County Attorney Conference Center
238	elecadmin	608	11/10/2020	11:33:28 AM	MBB Tabulation Successful	Id:4972 CVRs: 19871 Poll:SRD001C-County Attorney Conference Center
239	elecadmin	608	11/10/2020	11:33:32 AM	MBB Tabulation Successful	Id:5030 CVRs: 18827 Poll:SRD001C-County Attorney Conference Center
240	elecadmin	608	11/10/2020	11:33:36 AM	MBB Tabulation Successful	Id:4933 CVRs: 8433 Poll:SRD001C-County Attorney Conference Center
241	elecadmin	608	11/10/2020	11:33:38 AM	MBB Tabulation Successful	Id:4939 CVRs: 2743 Poll:SRD001C-County Attorney Conference Center
242	elecadmin	608	11/10/2020	11:33:41 AM	MBB Tabulation Successful	Id:4929 CVRs: 5775 Poll:SRD001C-County Attorney Conference Center
243	elecadmin	608	11/10/2020	11:33:45 AM	MBB Tabulation Successful	Id:4980 CVRs: 19716 Poll:SRD001C-County Attorney Conference Center
424	elecadmin	608	11/10/2020	11:35:19 AM	MBB Tabulation Successful	Id:4969 CVRs: 20106 Poll:SRD001C-County Attorney Conference Center
832	elecadmin	608	11/10/2020	11:43:03 AM	MBB Tabulation Successful	Id:1232 CVRs: 2268 Poll:SRD001C-County Attorney Conference Center
833	elecadmin	608	11/10/2020	11:43:06 AM	MBB Tabulation Successful	Id:1271 CVRs: 2472 Poll:SRD001C-County Attorney Conference Center
854	elecadmin	608	11/10/2020	11:43:42 AM	MBB Tabulation Successful	Id:4966 CVRs: 5429 Poll:SRD001C-County Attorney Conference Center
857	elecadmin	608	11/10/2020	11:43:46 AM	MBB Tabulation Successful	Id:5018 CVRs: 4722 Poll:SRD001C-County Attorney Conference Center
912	elecadmin	608	11/10/2020	11:45:06 AM	MBB Tabulation Successful	Id:4982 CVRs: 2425 Poll:SRD001C-County Attorney Conference Center
1,123	elecadmin	608	11/10/2020	11:46:36 AM	MBB Tabulation Successful	Id:4961 CVRs: 4492 Poll:SRD001C-County Attorney Conference Center
1,146	elecadmin	608	11/10/2020	11:47:14 AM	MBB Tabulation Successful	Id:4935 CVRs: 15013 Poll:SRD001C-County Attorney Conference Center
1,169	elecadmin	608	11/10/2020	11:47:54 AM	MBB Tabulation Successful	Id:5033 CVRs: 640 Poll:SRD001C-County Attorney Conference Center
1,175	elecadmin	608	11/10/2020	11:48:03 AM	MBB Tabulation Successful	Id:4951 CVRs: 2338 Poll:SRD001C-County Attorney Conference Center
1,204	elecadmin	608	11/10/2020	11:48:46 AM	MBB Tabulation Successful	Id:5073 CVRs: 1647 Poll:SRD001C-County Attorney Conference Center
1,218	elecadmin	608	11/10/2020	11:49:07 AM	MBB Tabulation Successful	Id:5061 CVRs: 62 Poll:SRD001C-County Attorney Conference Center
1,221	elecadmin	608	11/10/2020	11:49:13 AM	MBB Tabulation Successful	Id:5069 CVRs: 109 Poll:SRD001C-County Attorney Conference Center
1,224	elecadmin	608	11/10/2020	11:49:19 AM	MBB Tabulation Successful	Id:5050 CVRs: 1883 Poll:SRD001C-County Attorney Conference Center

Figure 6-70: Tally Audit Log entries associated with County Attorney Conference Center – 1

The 2 highlighted entries above for the MBBs bearing the unique identifier 1232 and 1271 were associated with polling location SRD001C during Early Voting. Inventory records and the Central Count packet confirmed these two MBB cards and only these two MBB cards were the cards that were deployed to SRD001C for Early Voting. The Central Count Packet for SRD001C contained Ballot and Seal Certificates confirming these were the cards returned to Central Count at the end of voting. Additionally, those MBB cards themselves were located in SRD001C’s Central Count Packet.

Category	Home	LocName	InventoryType	SerialNumber	MBBSerialNumber
Early Voting	SRD001C	SRD001C - County Attorney Conference Center	JBC	C05368	HCE20623
Early Voting	SRD001C	SRD001C - County Attorney Conference Center	JBC	C0527F	HCE16199

LocName	InventoryType	SerialNumber	MBBSerialNumber	SealSerialNumber
SRD001C - County Attorney Conference Center	JBC	C05368	HCE20623	108606
SRD001C - County Attorney Conference Center	JBC	C0527F	HCE16199	108605

Figure 6-71: Harris County Machine Inventory – assigned to 2020 General Election

General and Special Elections
11/03/2020
Ballot and Seal Certificate

Location: SRD001C

JBC Serial #: C0527F, MBB Serial #: HCE16199, Seal Serial #: 108605

The MBB (Mobile Ballot Box) door of the JBC (Judge Booth Computer) was secured with a numbered seal. The door seal number is recorded on this form. A Record of the seal numbers assigned to each location is kept by the Elections Department. The seal on the MBB door remains on the JBC until removed by the Early Voting Ballot Board.

The Seal number placed on the JBC prior to the beginning of early voting to detect unauthorized opening of the MBB slot was: 108605

We, the undersigned election officials, do hereby certify that MBB was placed in the transfer case to be transferred to the central counting station, and all the above is a true and correct list of seals used. The number of Access Codes on the JBC was as follows:

Issued	<u>2271</u>	Expired	<u>1</u>
Voted	<u>2248</u>	Cancelled	<u>5</u>

On completing the certificate, the presiding judge shall place the original in the container used to store the MBBs. The presiding judge shall retain a copy of the certificate and preserve it for the period for preserving the precinct election records.

Signature Presiding Judge: _____
Signature Affirmate Judge: _____
Signature of Witness (if present): _____

To be completed by Tabulation Supervisor
This MBB has been tallied. INITIALS: _____

Figure 6-72: Ballot and Seal Certificates in SRD001C Central Count Packet





Figure 6-73: MBBs contained in SRD001C Central Count Packet.

Although associated with the County Attorney Conference Center, the highlighted entries for MBBs 3371 and 3292 were from the Election Day polling location 0890 at the County Attorney Conference Center.

4,042	elecadmin	608	11/10/2020	2:50:08 PM	MBB Tabulation Successful	Id:3371 CVRs: 118 Poll:0890-EV001C - County Attorney Conference Center
4,043	elecadmin	608	11/10/2020	2:50:08 PM	MBB Tabulation Successful	Id:3292 CVRs: 155 Poll:0890-EV001C - County Attorney Conference Center
5,378	elecadmin	608	11/10/2020	3:08:06 PM	MBB Tabulation Successful	Id:4936 CVRs: 257 Poll:SRD001C-County Attorney Conference Center

Figure 6-74: Tally Audit Log entries associated with County Attorney Conference Center – 2

This was confirmed by the equipment inventory and the Election Day reconciliation packet:

Category	Home	LocName	InventoryType	SerialNumber	MBBSerialNumber
Election Day	0890	EV001C - County Attorney Conference Center	JBC	C055A6	HCE23376
Election Day	0890	EV001C - County Attorney Conference Center	JBC	C053B1	HCE23395
Election Day	0890	EV001C - County Attorney Conference Center	JBC	C055A6	
Election Day	0890	EV001C - County Attorney Conference Center	JBC	C053B1	

Figure 6-75: Harris County Machine Inventory – assigned to 2020 General Election

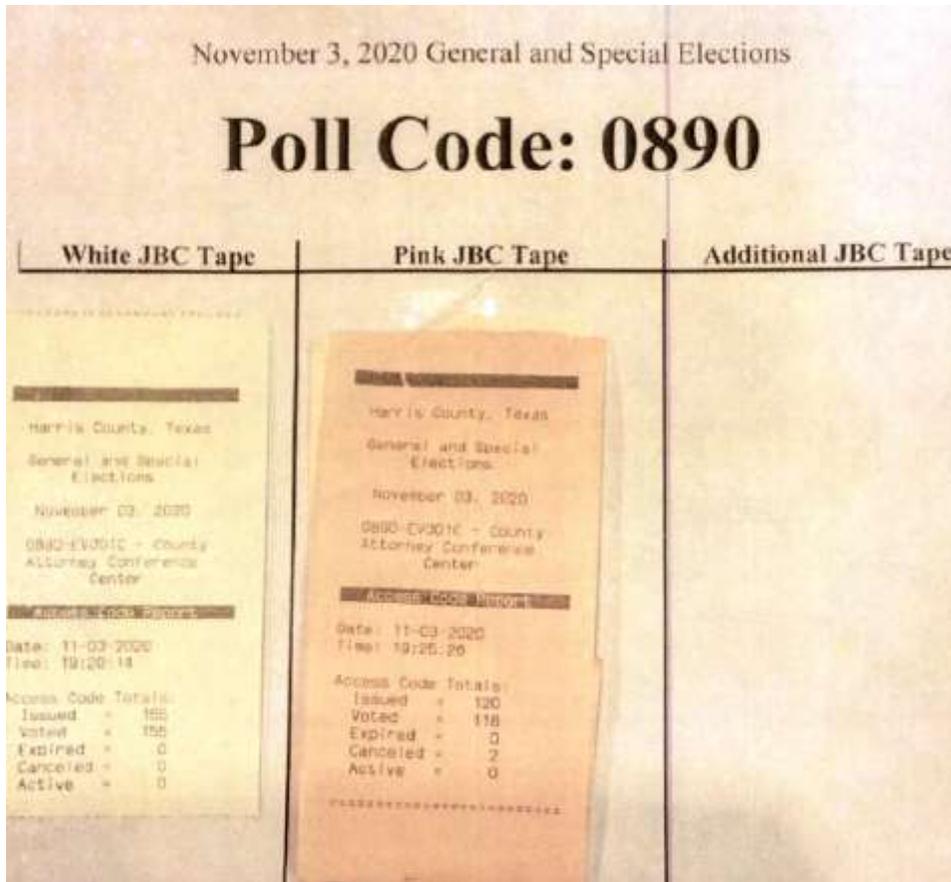


Figure 6-76: JBC Tapes in Reconciliation Packet for Polling Location 0890

The last of the five MBB cards that could be explained was MBB 4957. There was proper chain of custody documentation explaining the origin of this MBB card and it was located in the proper Central Count Packet even though it was misnamed in the audit log. FAD determined that the highlighted entry for MBB 4957 was associated with Election Day polling location 786 Gardens Elementary through the Central Count Packet from Gardens Elementary.

5,382	elecadmin	608	11/10/2020	3:08:11 PM	MBB Tabulation Successful	Id:4957 CVRs: 116 Poll:SRD001C-County Attorney Conference Center
5,385	elecadmin	608	11/10/2020	3:08:12 PM	MBB Tabulation Successful	Id:4009 CVRs: 4 Poll:SRD001C-County Attorney Conference Center
5,386	elecadmin	608	11/10/2020	3:08:12 PM	MBB Tabulation Successful	Id:4992 CVRs: 97 Poll:SRD001C-County Attorney Conference Center
5,387	elecadmin	608	11/10/2020	3:08:12 PM	MBB Tabulation Successful	Id:5020 CVRs: 128 Poll:SRD001C-County Attorney Conference Center
5,544	elecadmin	608	11/11/2020	2:22:01 PM	MBB Tabulation Successful	Id:4993 CVRs: 174 Poll:SRD001C-County Attorney Conference Center

Figure 6-77: Tally Audit Log entries associated with County Attorney Conference Center

Two MBB cards were assigned to Gardens Elementary according to the equipment inventory:

Category	Home	LocName	InventoryType	SerialNumber	MBBSerialNumber
Election Day	0786	Gardens Elementary School	JBC	C05851	HCE14194
Election Day	0786	Gardens Elementary School	JBC	C0564F	HCE14193

Figure 6-78: Harris County Machine Inventory – assigned to 2020 General Election

The Gardens Elementary Central Count packet revealed an issue with one of the JBCs at that location as reflected by a red form contained in the packet that required a new MBB to be created.

Receiving Clerk/Certification Station

Precinct: 786 JBC #: C05851

Clerk Name: [REDACTED] Seal #: 604550
Seal #: 108441

Mail Phone-Missing

Mbb-Red door Seal-Broken JBC-Green outer Seal-Broken

Mbb-Red door Seal-Missing JBC-Green outer Seal-Missing

Reconciliation forms-Missing JBC-Green outer Seal-NOT USED

Chain of Custody forms-Missing JBC Outer Seal Not Sealed Correctly

Comments: JBC BOX NOT SEALED
Can't read type

Figure 6-79: Red form in Central Count Packet for Gardens Elementary describing issue with JBC C05851

Records in the Central Count Packet reflected the MBB associated with JBC C05851/MBB HCE14194 was not able to be tabulated.

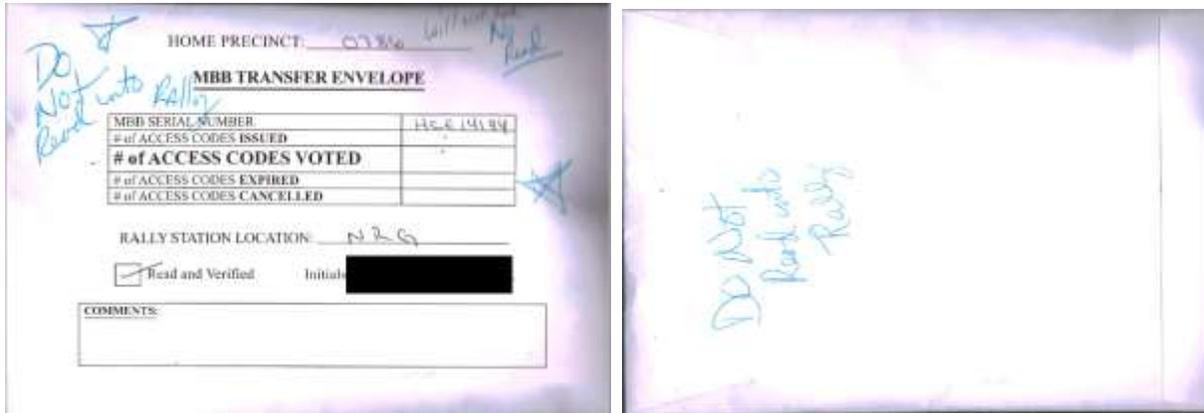


Figure 6-80: MBB Transfer Envelope

Records in the Central Count Packet documented a new MBB was generated from a backup of the eSlates that had been connected to JBC C05851:

MBB CARD HCE246138 11-3-2020 Pct. 0786 eslate backup C05851

Polling Place	Device	Serial #	# CVRs	# Audits
0786-Gardens Elementary School - Election Day				
	eSlate	A025B5	49	216
	eSlate	A02A5F	27	144
	eSlate	A10A5D	40	175

Total eSlates:	3	[redacted]
Total eSlate CVRs:	116	[redacted]
Total eSlate Audits:	535	[redacted]
Total JBCs:	0	[redacted]
Total JBC CVRs:		[redacted]
Total JBC Audits:		[redacted]
Total eScans:	0	
Total eScan CVRs:		
Total eScan Audits:		

Figure 6-81: eSlate Backup for JBC C05851

This record included the total number of CVRs that were expected from the eSlates, the serial number of the new MBB card that was being created, and signatures from both the presiding and alternate judge for Central Count. This new MBB that had been generated from the eSlate backup was located in the Central Count packet.



Figure 6-82: Four Digit Identifier Number on Envelope and MBB

The 4-digit identifier on MBB HCE246138 was 4957 and was the MBB identified above that was tabulated.

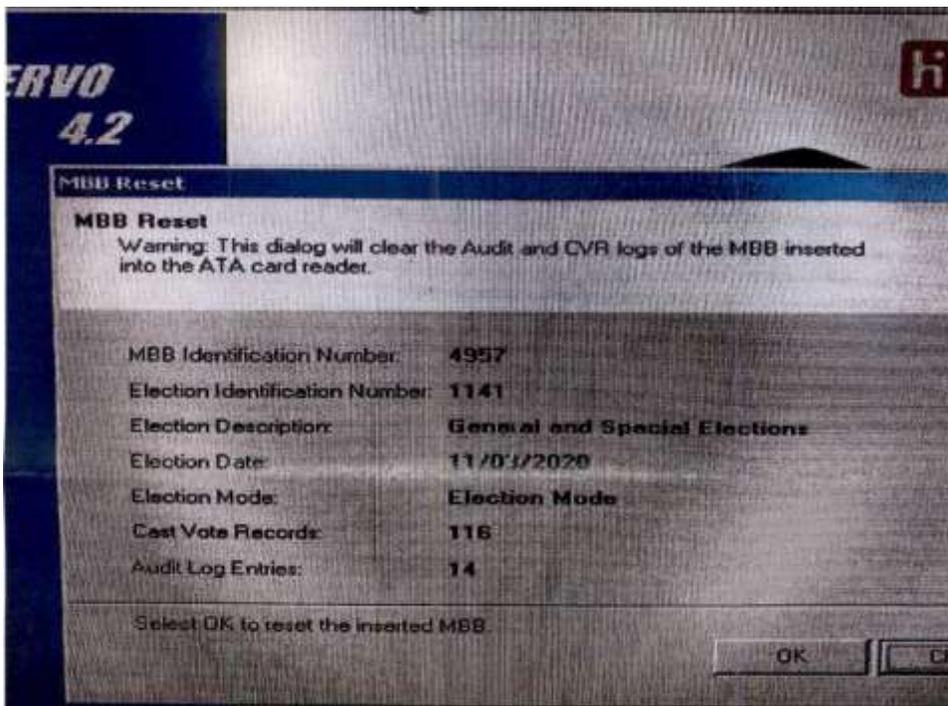


Figure 6-83: Servo record reflecting the MBB ID 4957 and 116 CVRs

After the five MBBs were traced, the remaining 29 additional MBB entries associated with SRD001C required further investigation.

In order to determine the reason for the missing locations and the origin of the additional entries associated with SRD001C, FAD set out to catalog and inventory every MBB that could be located in the Central Count packets that had been returned from the polling locations. The unique 4-digit MBB ID numbers were only reflected on the front of the MBB card itself, and the MBBs were located in multiple boxes

seemingly at random. Locating every MBB, therefore, required an extensive physical inspection of records associated with Central Count in the warehouse. During this review, FAD observed multiple MBBs were missing entirely from the records associated with their polling location. Indeed, some records in the Central Count packets reflected that the MBBs assigned to the polling location had been returned to Central Count, yet the packets did not contain the MBBs or any record to explain what happened to them.

For example, the Central Count packet for SRD127Y Kingwood Community Center contained two MBBs: MBB 1034 and MBB 4980. There were, however, Ballot and Seal Certificates indicating 6 MBBs had been returned to Central Count from the polling location.

General and Special Elections
11/03/2020
Ballot and Seal Certificate
Location
SRD127Y

JBC Serial #	MBB Serial #	Seal Serial #
C0575A	HCE12024	107529

The MBB (Mobile Ballot Box) of the JBC (Judge Booth Controller) was secured with a numbered seal. The seal number is recorded on this form. A record of the seal numbers assigned to each location is kept by the Elections Department. The seal on the MBB box remains on the JBC unit removed by the Early Voting Ballot Board.

The Seal number placed on the JBC prior to the beginning of early voting to detect unauthorized opening of the MBB seal was: 107529

We, the undersigned election officials, do hereby certify that MBB was placed in the transfer case to be transferred to the central counting station, and all the above is a true and correct list of seals used. The number of Access Codes on the JBC was as follows:

Issued	Expired	Voted	Cancelled
5073	39	5028	6

In completing the certificate, the presiding judge shall place the original in the container used to store the MBBs. The presiding judge shall retain a copy of the certificate and preserve it for the period for preserving the precinct election records.

Signature Presiding Judge
Signature Alternate Judge
Signature of Witness (if present)
Signature of Witness (if present)

To be completed by Tabulation Supervisor
This MBB has been tallied. INITIALS

General and Special Elections
11/03/2020
Ballot and Seal Certificate
Location
SRD127Y

JBC Serial #	MBB Serial #	Seal Serial #
C05421	HCE12459	108649

The MBB (Mobile Ballot Box) of the JBC (Judge Booth Controller) was secured with a numbered seal. The seal number is recorded on this form. A record of the seal numbers assigned to each location is kept by the Elections Department. The seal on the MBB box remains on the JBC unit removed by the Early Voting Ballot Board.

The Seal number placed on the JBC prior to the beginning of early voting to detect unauthorized opening of the MBB seal was: 108649

We, the undersigned election officials, do hereby certify that MBB was placed in the transfer case to be transferred to the central counting station, and all the above is a true and correct list of seals used. The number of Access Codes on the JBC was as follows:

Issued	Expired	Voted	Cancelled
2141	46	2078	17

On completing the certificate, the presiding judge shall place the original in the container used to store the MBBs. The presiding judge shall retain a copy of the certificate and preserve it for the period for preserving the precinct election records.

Signature Presiding Judge
Signature Alternate Judge
Signature of Witness (if present)
Signature of Witness (if present)

To be completed by Tabulation Supervisor
This MBB has been tallied. INITIALS

General and Special Elections
11/03/2020
Ballot and Seal Certificate

Location
SRD127Y

JBC Serial #	MBB Serial #	Seal Serial #
C082E3	HCE12443	108851

The MBB (Mobile Ballot Box) door of the JBC (Judge Booth Controller) was secured with a numbered seal. The door seal number is recorded on this form. A Record of the seal numbers assigned to each location is kept by the Elections Department. The seal on the MBB door remains on the JBC until removed by the Early Voting Ballot Board.

The Seal number placed on the JBC prior to the beginning of early voting to detect unauthorized opening of the MBB seal was: 108851

We, the undersigned election officials, do hereby certify that MBB was placed in the transfer case to be transferred to the central counting stations, and all the above is a true and correct list of seals used. The number of Access Codes on the JBC was as follows:

Issued	Expired
2691	56
Voted	Cancelled
2820	15

On completing the certificate, the presiding judge shall place the original in the container used to store the MBBs. The presiding judge shall retain a copy of the certificate and preserve it for the period for preserving the precinct election records.

Signature Presiding Judge
Signature Alternate Judge
Signature of Witness (if present)
Signature of Witness (if present)

To be completed by Tabulation Supervisor
This MBB has been tallied. INITIALS

General and Special Elections
11/03/2020
Ballot and Seal Certificate

Location
SRD127Y

JBC Serial #	MBB Serial #	Seal Serial #
C04ED1	HCE12811	108794

The MBB (Mobile Ballot Box) door of the JBC (Judge Booth Controller) was secured with a numbered seal. The door seal number is recorded on this form. A Record of the seal numbers assigned to each location is kept by the Elections Department. The seal on the MBB door remains on the JBC until removed by the Early Voting Ballot Board.

The Seal number placed on the JBC prior to the beginning of early voting to detect unauthorized opening of the MBB seal was: 108794

We, the undersigned election officials, do hereby certify that MBB was placed in the transfer case to be transferred to the central counting stations, and all the above is a true and correct list of seals used. The number of Access Codes on the JBC was as follows:

Issued	Expired
1197	9
Voted	Cancelled
1193	0

On completing the certificate, the presiding judge shall place the original in the container used to store the MBBs. The presiding judge shall retain a copy of the certificate and preserve it for the period for preserving the precinct election records.

Signature Presiding Judge
Signature Alternate Judge
Signature of Witness (if present)
Signature of Witness (if present)

To be completed by Tabulation Supervisor
This MBB has been tallied. INITIALS

General and Special Elections
11/03/2020
Ballot and Seal Certificate

Location
SRD127Y

JBC Serial #	MBB Serial #	Seal Serial #
C08760	HCE22114	107519

The MBB (Mobile Ballot Box) door of the JBC (Judge Booth Controller) was secured with a numbered seal. The door seal number is recorded on this form. A Record of the seal numbers assigned to each location is kept by the Elections Department. The seal on the MBB door remains on the JBC until removed by the Early Voting Ballot Board.

The Seal number placed on the JBC prior to the beginning of early voting to detect unauthorized opening of the MBB seal was: 107519

We, the undersigned election officials, do hereby certify that MBB was placed in the transfer case to be transferred to the central counting stations, and all the above is a true and correct list of seals used. The number of Access Codes on the JBC was as follows:

Issued	Expired
4440	28
Voted	Cancelled
4407	5

On completing the certificate, the presiding judge shall place the original in the container used to store the MBBs. The presiding judge shall retain a copy of the certificate and preserve it for the period for preserving the precinct election records.

Signature Presiding Judge
Signature Alternate Judge
Signature of Witness (if present)
Signature of Witness (if present)

To be completed by Tabulation Supervisor
This MBB has been tallied. INITIALS

General and Special Elections
11/03/2020
Ballot and Seal Certificate

Location
SRD127Y

JBC Serial #	MBB Serial #	Seal Serial #
C08023	HCE21340	108880

The MBB (Mobile Ballot Box) door of the JBC (Judge Booth Controller) was secured with a numbered seal. The door seal number is recorded on this form. A Record of the seal numbers assigned to each location is kept by the Elections Department. The seal on the MBB door remains on the JBC until removed by the Early Voting Ballot Board.

The Seal number placed on the JBC prior to the beginning of early voting to detect unauthorized opening of the MBB seal was: 108880

We, the undersigned election officials, do hereby certify that MBB was placed in the transfer case to be transferred to the central counting stations, and all the above is a true and correct list of seals used. The number of Access Codes on the JBC was as follows:

Issued	Expired
1474	5
Voted	Cancelled
1467	2

On completing the certificate, the presiding judge shall place the original in the container used to store the MBBs. The presiding judge shall retain a copy of the certificate and preserve it for the period for preserving the precinct election records.

Signature Presiding Judge
Signature Alternate Judge
Signature of Witness (if present)
Signature of Witness (if present)

To be completed by Tabulation Supervisor
This MBB has been tallied. INITIALS

Figure 6-84: Ballot and Seal Certificates for six MBBs to one Location

The machine inventory confirmed that six MBBs had been assigned to SRD127Y Kingwood Community Center prior to the election:

Home	LocName	InventoryType	SerialNumber	MBBSerialNumber	SeqSerialNumber	Status	ReplacementFor
SRD127Y	SRD127Y - Kingwood Community Center	JBC	005288	HCE12443	108851	Routed	
SRD127Y	SRD127Y - Kingwood Community Center	JBC	005023	HCE12340	108850	Routed	
SRD127Y	SRD127Y - Kingwood Community Center	JBC	005421	HCE12450	108849	Routed	envelope
SRD127Y	SRD127Y - Kingwood Community Center	JBC	004ED1	HCE12011	108764	Routed	envelope
SRD127Y	SRD127Y - Kingwood Community Center	JBC	00575A	HCE22024	107529	Replacement	CD5025
SRD127Y	SRD127Y - Kingwood Community Center	JBC	005023	HCE12340	108850	Replaced	envelope
SRD127Y	SRD127Y - Kingwood Community Center	JBC	005760	HCE22114	107519	Replacement	CD4ED1
SRD127Y	SRD127Y - Kingwood Community Center	JBC	004ED1	HCE12011	108764	Replaced	

Figure 6-85: Harris County Machine Inventory – assigned to 2020 General Election.

The following two MBBs (HCE12443 and HCE246141) were found in the Central Count packet:

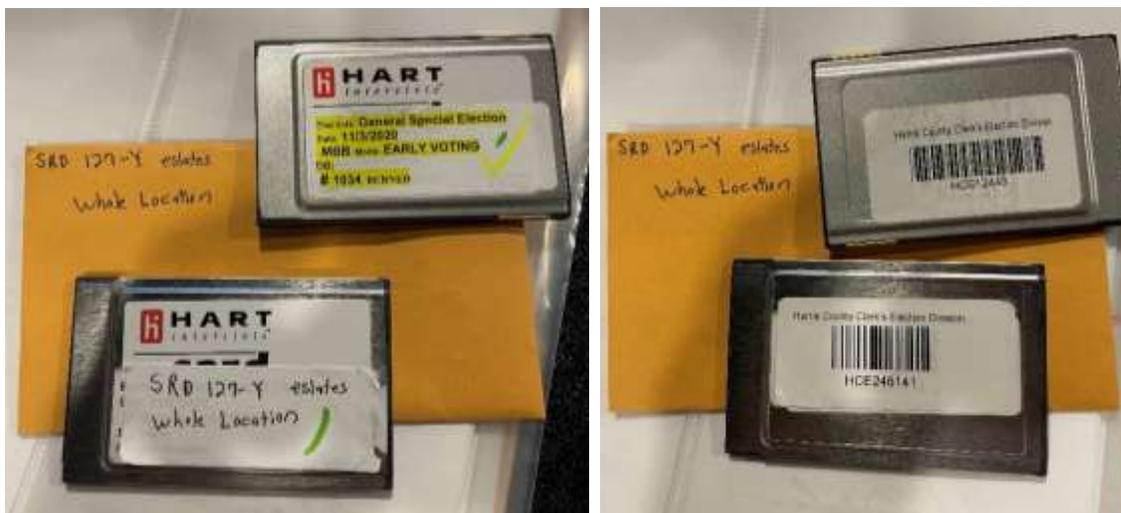


Figure 6-86: Two MBBs in one Central County Packet

As discussed above, HCE12443 (MBB 1034) had been assigned to SRD127Y along with five others. But there were no notations or records in the Central Count packet to explain where the other five MBBs that had been returned from the polling location went. Additionally, even though MBB 1034 was found in the Central Count Packet, it did not appear in the Tally Audit Log as having been tabulated.

The MBB shown above with “SRD 127-Y eslates Whole Location” and serial number HCE246141 did not appear anywhere in the inventory assigned to the 2020 General Election. This MBB card had a white sticker on top of the 4-digit identifier but the code underneath the sticker was 4960. MBB 4960, however, was never tabulated.

In addition to the preceding discussion, during the course of this process, FAD located one envelope in a box labeled as being associated with a recount containing MBBs from two Early Voting locations including SRD127Y:

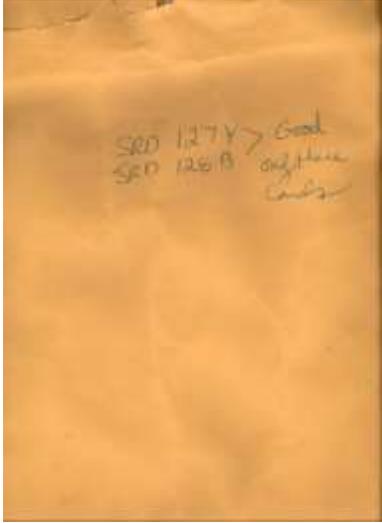


Figure 6-87: Large manila envelope from Recount box containing two MBB cards

Neither of these MBB cards appeared in the equipment inventory as assigned to the 2020 General Election. Yet, both of these cards had been tabulated and appeared in the audit log as associated with SRD001C. The 4-digit code on HCE246126 was 4994. The 4-digit code on HCE246121 was 4989.

MBB Tabulation Successful	Id:4994 CVRs: 26794 Poll:SRD001C-County Attorney Conference Center
MBB Tabulation Successful	Id:4989 CVRs: 7942 Poll:SRD001C-County Attorney Conference Center

Figure 6-88: Audit Log Record for SRD001C

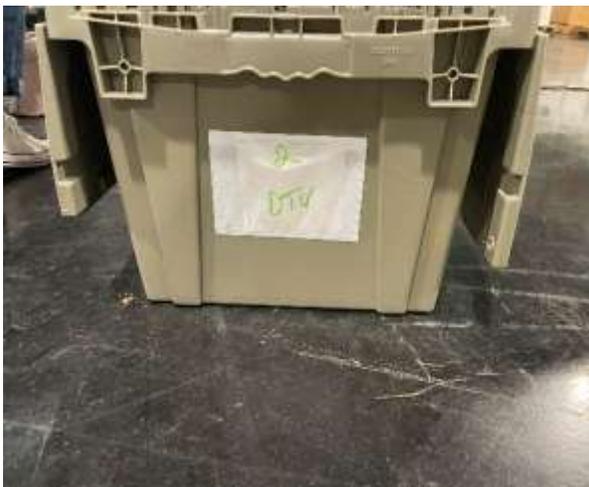
FAD located another envelope in a separate box labeled as associated with uncontested races containing 16 MBBs from Early Voting locations:



Figure 6-89: Box Containing Uncontested Races

Some of the MBBs located in this envelope had been tabulated and were associated with additional SRD001C entries in the Tally Audit Log.

The search for additional MBBs continued. FAD also located over 50 MBBs in a gray storage bin labeled "2 DTV":

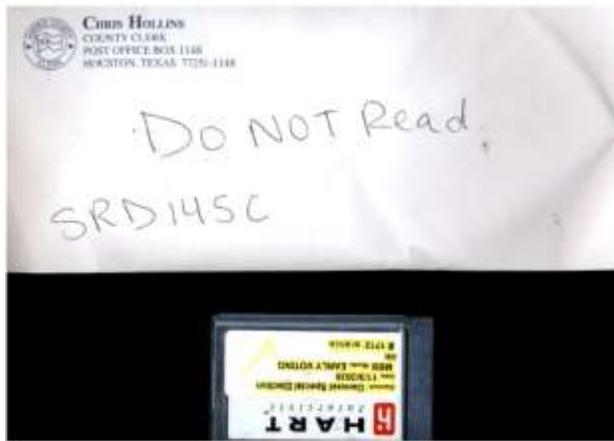
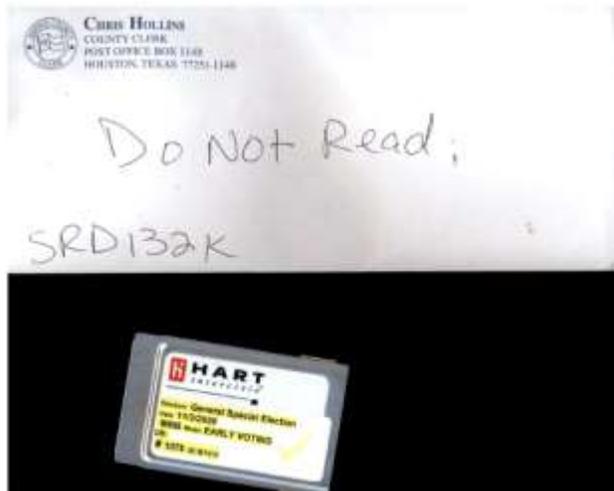


6-90: Unorganized Boxes Containing MBBs

These MBBs were not in any coherent order. Some of the MBBs were simply stacked on top of each other, some of the MBBs were contained in white envelopes, and some of the MBBs were contained in small or large manila envelopes. There were also some loose forms in this bin and some Central Count packets. The following pictures depict some examples of the contents of the 2 DTV bin.



Figure 6-91: Stacks of MBBs



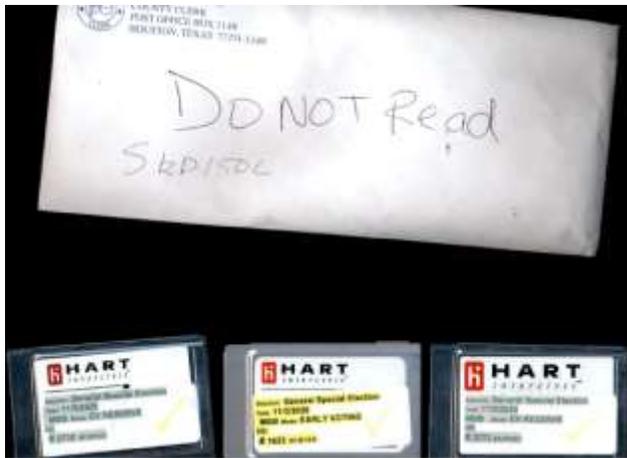


Figure 6-92: Envelopes of MBBs Labeled 'Do not read'

In the 2 DTV bin, FAD located the original five MBBs that had been missing from SRD127Y's Central Count packet:



Figure 6-93: Missing MBBs from SRD127Y's Central Count Packet

Some of the MBBs in the 2 DTV bin had been tabulated and were associated with the SRD001C polling location in the Tally Audit Log. Some of the MBBs in this bin were

the original MBBs that had been assigned to various polling locations and did not appear to have been tabulated.

Chain of custody documentation did not exist to explain the MBBs found in these various locations. MBBs were kept in many different places without regard to whether they contained tabulated CVRs. To the extent MBB cards located that were associated with SRD001C in the Tally Audit Log, records to explain the process used to create the MBBs was lacking or not found.

MBB Cards Associated with Additional SRD001C Entries in Tally Audit Log & Their Location

MBB ID in Tally	CVRs in Tally	Polling Location in Tally
4994	26,794	SRD001C-County Attorney Conference Center
4989	7,942	SRD001C-County Attorney Conference Center

Figure 6-94: MBB Cards Located in Envelope Containing 2 MBB Cards²¹³

MBB ID in Tally	CVRs in Tally	Polling Location in Tally
4931	18,778	SRD001C-County Attorney Conference Center
4985	12,328	SRD001C-County Attorney Conference Center
4008	10,373	SRD001C-County Attorney Conference Center
4967	11,698	SRD001C-County Attorney Conference Center
4972	19,871	SRD001C-County Attorney Conference Center
4933	8,433	SRD001C-County Attorney Conference Center
4939	2,743	SRD001C-County Attorney Conference Center
4929	5,775	SRD001C-County Attorney Conference Center

²¹³ This envelope was located in a box labeled as associated with a recount.

MBB ID in Tally	CVRs in Tally	Polling Location in Tally
4980	19,716	SRD001C-County Attorney Conference Center
5030	18,827	SRD001C-County Attorney Conference Center

Figure 6-95: MBB Cards Located in Envelope Containing 16 MBB Cards²¹⁴

MBB ID in Tally	CVRs in Tally	Polling Location in Tally
4969	20,106	SRD001C-County Attorney Conference Center
4966	5,429	SRD001C-County Attorney Conference Center
5018	4,722	SRD001C-County Attorney Conference Center
4982	2,425	SRD001C-County Attorney Conference Center
4961	4,492	SRD001C-County Attorney Conference Center
4935	15,013	SRD001C-County Attorney Conference Center
5033	640	SRD001C-County Attorney Conference Center
4951	2,338	SRD001C-County Attorney Conference Center
5073	1,647	SRD001C-County Attorney Conference Center
5061	62	SRD001C-County Attorney Conference Center
5069	109	SRD001C-County Attorney Conference Center
5050	1,883	SRD001C-County Attorney Conference Center

²¹⁴ This envelope was located in a box labeled as associated with uncontested races.

Figure 6-96: MBB Cards Located in Polling Location Central Count Packets

MBB ID in Tally	CVRs in Tally	Polling Location in Tally
5020	128	SRD001C-County Attorney Conference Center
4992	97	SRD001C-County Attorney Conference Center
4993	174	SRD001C-County Attorney Conference Center

Figure 6-97: MBB Cards Located in 2 DTV Bin

There were some handwritten notes indicating MBBs contained ballots from the eSlates or JBCs from particular polling locations.²¹⁵ FAD endeavored to verify the MBBs that had been tabulated accurately reflected the number of expected CVRs according to the tapes that had been printed by the JBCs from those polling locations. Unfortunately, according to Hart, particularly for drive-through voting locations, the tapes could be internally inconsistent due to eSlates poorly communicating with the JBCs. The DREs were connected to the JBCs using serial ports, which had known issues with bent or broken pins. Hart had actually designed a protector for the connection and promulgated best practices to try to prevent these issues from arising. In some circumstances, the damaged pins impeded the ability of the eSlate to communicate with the JBC. Additionally, in practice, if an eSlate was accidentally reconnected to a different JBC from the original assignment, the JBC would not recognize the eSlate unless there is a 'power down' and 'power up' operation. At this point, a tape printed from the JBC at the end of voting would only reflect the records associated with the JBC and the eSlate connected *at the time the tape is printed*. The tape would not reflect if an additional or different eSlate was accidentally connected at some point during voting. All of this made properly reconciling the ballots cast using the JBC tapes difficult and unreliable.

A JBC could reflect fewer ballots than an eSlate if the eSlate had been brought and connected to the JBC from another JBC. Similarly, if a JBC was replaced and the eSlates remained the same, the JBC could reflect fewer ballots than seen on an eSlate. The eSlate in both circumstances would have both the original ballots and the new ballots that had been cast. When a JBC was replaced, the MBBs from both the original and replacement JBC could be tabulated and reconciliation accomplished. When eSlates were swapped, however, Hart acknowledged it created "a bit of a

²¹⁵ These handwritten notes were usually written on the MBB itself, or on an envelope the MBB was found in.

nightmare of reconciliation” and the best way to handle the situation was to back up the eSlates and create an MBB from this back up.

An example of the inconsistency that could be observed in the tapes from SRD127Y:

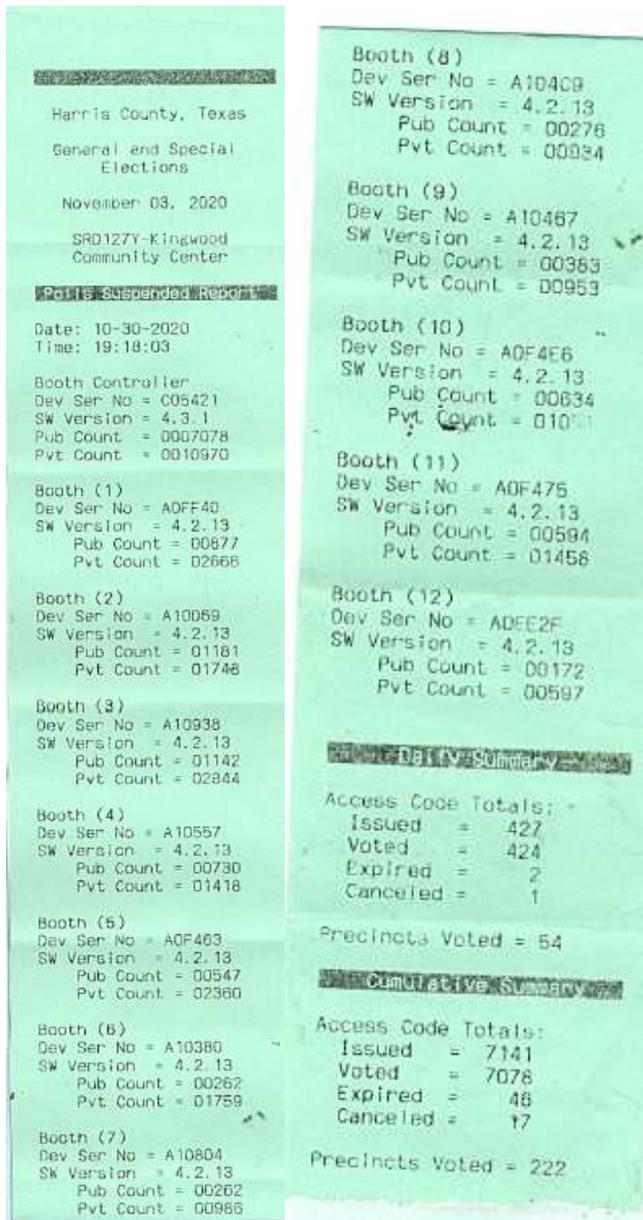


Figure 6-98: JBC Tapes from SRD127Y

According to the tape for JBC C05421, 7078 CVRs should have been contained on the MBB card at the end of Early Voting for that JBC.²¹⁶ In looking at detail on the tape

²¹⁶ The public count (“Pub Count”) is the CVR count for this election. The private count (“Pvt Count”) is the CVR count for the life of the machine.

showing the individual eSlates and the CVRs associated with each, however, 18 fewer CVRs on the eSlates are reflected than the JBC total.

JBC Serial Number	eSlate	CVR
C05421 (7,078 CVRs)		
	A0FF40	877
	A10D69	1,181
	A10938	1,142
	A10557	730
	A0F463	547
	A10380	262
	A10804	262
	A104C9	276
	A10467	383
	A0F4E6	634
	A0F475	594
	A0EE2F	172
	Total:	7,060

Figure 6-99: JBC Total versus eSlate and CVR – JBC C05421

Similarly, the tape associated with JBC C0576D reflected 4,407 CVRs should have been contained on the MBB card at the end of Early Voting for that JBC. In reviewing the record regarding the individual eSlates attached to that JBC, however, the eSlates accounted for 4,409 CVRs – two more than the JBC recorded.

```

Harris County, Texas
General and Special
Elections
November 03, 2020
SRD127Y-Kingwood
Community Center

Points Suspended Report
Date: 10-30-2020
Time: 19:12:54

Booth Controller
Dev Ser No = C0576D
SW Version = 4.3.1
Pub Count = 0004407
Pvt Count = 0005863

Booth (1)
Dev Ser No = A10BF6
SW Version = 4.2.13
Pub Count = 00543
Pvt Count = 01563

Booth (2)
Dev Ser No = A0F020
SW Version = 4.2.13
Pub Count = 00938
Pvt Count = 01655

Booth (3)
Dev Ser No = A10349
SW Version = 4.2.13
Pub Count = 00790
Pvt Count = 02530

Booth (4)
Dev Ser No = A11B1A
SW Version = 4.2.13
Pub Count = 00521
Pvt Count = 00786

Booth (5)
Dev Ser No = A1075C
SW Version = 4.2.13
Pub Count = 00283
Pvt Count = 00754

Booth (6)
Dev Ser No = A10632
SW Version = 4.2.13
Pub Count = 00172
Pvt Count = 00972

Booth (7)
Dev Ser No = A0F0F6
SW Version = 4.2.13
Pub Count = 00106

Booth (8)
Dev Ser No = A10400
SW Version = 4.2.13
Pub Count = 00097
Pvt Count = 02629

Booth (9)
Dev Ser No = A10727
SW Version = 4.2.13
Pub Count = 00209
Pvt Count = 01636

Booth (10)
Dev Ser No = A0FC7C
SW Version = 4.2.13
Pub Count = 00303
Pvt Count = 00967

Booth (11)
Dev Ser No = A10E17
SW Version = 4.2.13
Pub Count = 00394
Pvt Count = 01009

Booth (12)
Dev Ser No = A0FC5D
SW Version = 4.2.13
Pub Count = 00053
Pvt Count = 00324

Daily Summary
Access Code Totals:
Issued = 321
Voted = 319
Expired = 1
Canceled = 0
Precincts Voted = 40

Cumulative Summary
Access Code Totals:
Issued = 4440
Voted = 4407
Expired = 28
Canceled = 5
Precincts Voted = 150

```

Figure 6-100: Tape Associated with JBC C0576D

JBC Serial Number	eSlate	CVR
C05760 (4,407 CVRs)		
	A10BF6	543
	A0F020	938
	A10349	790
	A11B1A	521
	A1075C	283
	A10632	172
	A0F0F6	106
	A104C0	97
	A10727	209
	A0FC7C	303
	A10E17	394
	A0FC5D	53
	Total:	4,409

Figure 6-101: JBC Total versus eSlate and CVR – JBC C0576D

Internally inconsistent tapes rendered the attempt to verify CVRs using tapes fruitless and FAD could not verify the accuracy of the number of CVRs using the tapes.

This difference in the JBC total and individual eSlate sums is termed a “stranded vote.” The vote stranded because it was captured by the eSlate but was not transferred to the JBC. The process used to address this concern involved creating an MBB from the backups of the eSlates using SERVO.

There are two types of MBBs that can be recreated: recovery and recount MBBs. A recovery MBB is a duplicate of the original and has the exact same 4-digit unique identifying number as the original MBB. A recount MBB is created from individual eSlate backups and has a *different* 4-digit unique identifying number from the original MBB assigned to the original JBC. Because a recount MBB bears a *different* 4-digit unique identifying number, it is possible for *both* the original MBB card and a recount MBB card from the same location to be read and tabulated in Tally. Many of the MBBs FAD located that had been tabulated were recount MBBs. One of the members of the Central Count Team in Harris County confirmed that there was a concern that MBB cards from the same location may accidentally be tabulated more than once. When FAD was finally able to speak with Harris County staff, this was a concern that was expressed and one measure undertaken to avoid this was to store the MBBs that would not be used separately and mark them in a manner to prevent tabulating the same ballots from a location more than once. This was consistent with some of the white envelopes observed with MBBs inside and “Do not read” written on the outside of the envelope.

The creation of both recount and recovery MBBs should appear in a SERVO audit log. Hart confirmed that an MBB card from a polling location could not hold more than 10,000 CVRs, but that recount MBBs created using SERVO could hold up to 65,000 CVRs.

Additional Information Received from Harris County in October 2022 and Preliminary Findings Letter

In October 2022, FAD met with the new Elections Administrator Clifford Tatum. During this meeting, FAD explained the issues that had arisen regarding missing locations, missing records, and additional entries associated with the polling location SRD001C. That same day, for the first time since the audit began, Mr. Tatum made Harris County Elections staff available to assist FAD in its attempt to reconcile this data.

FAD provided Harris County with a list of 14 Early Voting and DTV locations that were missing from the audit log entirely:²¹⁷

Poll Code	Polling Location
DTV146N	NRG Arena
SRD138S	Trini Mendenhall Community Center
DTV141U	Humble Civic Center
DTV134W	HCC West Loop South
SRD148S	SPJST Lodge Num 88
DTV149H	Houston Community College Alief Center
DTV148Z	Resurrection Metropolitan Community Church
DTV145C	John Phelps Courthouse
SRD128B	Coady Baptist Church
SRD127Y	Kingwood Community Center
DTV147C	Toyota Center
SRD141N	HCC North Forest Campus
DTV131K	Kingdom Builders Center
DTV142H	Houston Food Bank

Figure 6-102: Harris County Early Voting Locations with Missing Audit Logs

²¹⁷ These were not the only locations that had discrepancies or that were missing from the audit log. They were, however, the locations which comprised the greatest number of CVRs and FAD provided this discrete list as a starting point.

FAD also provided Harris County with a list that included the additional SRD001C entries that were observed in the audit log and notations regarding the 3 SRD001C entries for which FAD had located proper chain of custody and supporting documentation.²¹⁸ As noted above, after excluding these three entries associated with SRD001C, there remained additional entries associated with SRD001C that lacked chain of custody documentation or records to explain the process used to create or origin of the MBB cards associated with these additional SRD001C entries.

Harris County staff explained that the missing locations had been tabulated and were accounted for in the additional entries associated with SRD001C. Harris County staff stated one of the limitations of the Hart software was that anytime a new MBB had to be created from a backup, it defaulted to the first polling location that was in the system, namely SRD001C. Shortly after FAD left, Harris County staff provided a log that had been created at the time of the election that included manual entries to account for each SRD001C entry and the actual corresponding polling location.²¹⁹ This log reflected 30 MBB cards were created using SERVO.

Description	Result	ExtractPath	ExtractFile	Count/Offset	ElectronCode	ElectronSubCode	EM_Notes	By/Date
MBB Tabulation Successful 104988 CVN: 28188 Poll SRD001C-County Attorney Conference Center			SRD0185	28188	145		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104989 CVN: 28192 Poll SRD001C-County Attorney Conference Center			SRD0186	28192	81		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104991 CVN: 28179 Poll SRD001C-County Attorney Conference Center			SRD0188	28179	80		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104992 CVN: 22028 Poll SRD001C-County Attorney Conference Center			SRD0189	22028	170		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104998 CVN: 22073 Poll SRD001C-County Attorney Conference Center			SRD0192	22073	23		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104997 CVN: 13088 Poll SRD001C-County Attorney Conference Center			SRD0193	13088	80		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104993 CVN: 18831 Poll SRD001C-County Attorney Conference Center			SRD0194	18831	1		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 105000 CVN: 28027 Poll SRD001C-County Attorney Conference Center			SRD0195	28027	128		SRD001C - was backed up ETC but missing eSlate ADRG	
MBB Tabulation Successful 104995 CVN: 8432 Poll SRD001C-County Attorney Conference Center			SRD0196	8432	138		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104999 CVN: 2742 Poll SRD001C-County Attorney Conference Center			SRD0197	2742	17		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104999 CVN: 3715 Poll SRD001C-County Attorney Conference Center			SRD0198	3715	51		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104990 CVN: 18718 Poll SRD001C-County Attorney Conference Center			SRD0199	18718	89		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104996 CVN: 26120 Poll SRD001C-County Attorney Conference Center			SRD0199	26120	116		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 105002 CVN: 1288 Poll SRD001C-County Attorney Conference Center			SRD0200	1288	80		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 105003 CVN: 2472 Poll SRD001C-County Attorney Conference Center			SRD0200	2472	83		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104986 CVN: 8429 Poll SRD001C-County Attorney Conference Center			SRD0201	8429	188		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 105008 CVN: 4712 Poll SRD001C-County Attorney Conference Center			SRD0201	4712	110		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104982 CVN: 2429 Poll SRD001C-County Attorney Conference Center			SRD0201	2429	84		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104981 CVN: 4492 Poll SRD001C-County Attorney Conference Center			SRD0201	4492	80		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104994 CVN: 22028 Poll SRD001C-County Attorney Conference Center			SRD0201	22028	88		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 105005 CVN: 8403 Poll SRD001C-County Attorney Conference Center			SRD0202	8403	42		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104993 CVN: 2388 Poll SRD001C-County Attorney Conference Center			SRD0202	2388	81		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 105007 CVN: 1847 Poll SRD001C-County Attorney Conference Center			SRD0202	1847	120		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 105001 CVN: 82 Poll SRD001C-County Attorney Conference Center			SRD0202	82	88		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 105009 CVN: 120 Poll SRD001C-County Attorney Conference Center			SRD0202	120	71		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104990 CVN: 1888 Poll SRD001C-County Attorney Conference Center			SRD0202	1888	118		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104990 CVN: 137 Poll SRD001C-County Attorney Conference Center			SRD0202	137	14		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104987 CVN: 128 Poll SRD001C-County Attorney Conference Center			SRD0202	128	3		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104989 CVN: 8 Poll SRD001C-County Attorney Conference Center			SRD0202	8	4		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104992 CVN: 87 Poll SRD001C-County Attorney Conference Center			SRD0202	87	3		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104993 CVN: 138 Poll SRD001C-County Attorney Conference Center			SRD0202	138	8		SRD001C - ETC backed up from Servo and it assigned it	
MBB Tabulation Successful 104983 CVN: 134 Poll SRD001C-County Attorney Conference Center			SRD0202	134	11		SRD001C - ETC backed up from Servo and it assigned it	

Figure 6-103: Record provided by Harris County in October 2022

FAD again inquired if the logs still existed that would show the backup of the eSlates. This type of record could be generated. FAD also again asked for the SERVO audit log that would show when the MBB cards were generated, which eSlates were written to the MBB cards, and how many CVRs were included on the MBBs. Harris County provided these records on October 6, 2022.

²¹⁸ In particular, the entries associated with the actual SRD001C early voting location and the entry associated with the backup created for polling location 0786 – Gardens Elementary.

²¹⁹ Harris County stated the file audit_5611 was created at the time of the election. Harris County provided two additional files--audit_5611_copy and Edited_AuditLog_Nov2020--that reflected a review of the documents FAD provided and a check of their original audit_5611 document.

After reviewing these records, FAD was able determine the following regarding the creation of the MBB cards that had been tabulated for the 14 missing locations:

MBB ID	Poll Code	Polling Location	CVRs	In SERVO Audit Log?
4972	DTV146N	NRG Arena	19,871	Y
4969	SRD138S	Trini Mendenhall Community Center	20,106	N
4980	DTV141U	Humble Civic Center	19,716	N
4931	DTV134W	HCC West Loop South	18,778	Y
4935	SRD148S	SPJST Lodge Num 88	15,013	N
4985	DTV149H	Houston Community College Alief Center	12,328	Y
4008	DTV148Z	Resurrection Metropolitan Community Church	10,373	Y
4933	DTV145C	John Phelps Courthouse	8,433	Y
4989	SRD128B	Coady Baptist Church	7,942	Y

MBB ID	Poll Code	Polling Location	CVRs	In SERVO Audit Log?
4994	SRD127Y	Kingwood Community Center	26,794	N
4967	DTV147C	Toyota Center	11,698	Y
4966	SRD141N	HCC North Forest Campus	5,429	N
4929	DTV131K	Kingdom Builders Center	5,775	Y
4939	DTV142H	Houston Food Bank	2,743	Y

Figure 6-104: Information Collected by FAD for 14 Missing Locations

Harris County informed FAD that the logs provided were the only logs that exist and that the original equipment that might be able to generate some of the additional requested reports had since been destroyed. Harris County also informed FAD one SERVO computer died and they were unable to recover data from it. After the production of Harris County’s SERVO audit logs, with regard to the 14 locations that had been identified to Harris County as missing from the audit log, FAD was unable to determine the origin of five MBB cards attributed to those locations containing 87,058 CVRs.

Even for MBB cards that *could* be located in the SERVO audit logs, the records of CVRs expected and CVRs tabulated did not always match.

For example, DTV146N had an excess of 406 CVRs tabulated compared with the number of CVRs expected from that location.

Poll Code	Polling Location	MBB ID	Pollbook Check-ins	Total Provisional CVRs	Total CVRs Expected	CVRs Tabulated
DTV146N	NRG Arena	4972	19,404	61	19,465	19,871

Figure 6-105:

DTV146N was also a location for which three recount MBB cards were created. The SERVO audit log only documents the creation of two of these MBB cards. Only one of these cards was ultimately tabulated.

128,875	elecadmin	11/3/2020 4:11:20PM	43	MBB Inserted	Mbb ID: 4006 Elec Id: 1141 Elec Date: 11/03/2020 Elec Mode: Election Mode CVRs: 19871 Audit: 14
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Figure 6-106: First card created for DTV146N – MBB ID 4006

128,957	elecadmin	11/3/2020 6:38:03PM	257	eCm is missing	
128,958	elecadmin	11/3/2020 6:38:38PM	258	Valid eCm PIN	
128,959	elecadmin	11/3/2020 6:38:55PM	12	Recount via JBC	
128,960	elecadmin	11/3/2020 6:38:55PM	30	CVR Log digital signature	7CDC061535A95C4D086276C90D161C2 68C58D4DE
128,961	elecadmin	11/3/2020 6:38:55PM	31	Audit log digital signature	2619261A4D2E1BF725B70B970C2C8B 92CA09A83B
128,962	elecadmin	11/3/2020 6:39:14PM	43	MBB Inserted	Mbb ID: 4972 Elec Id: 1141 Elec Date: 11/03/2020 Elec Mode: Election Mode CVRs: 19871 Audit: 14

Figure 6-107: Second card created for DTV146N – MBB ID 4972

MBB 4972 (Figure 6-107) was located in the envelope that contained 16 MBB cards, not in a central count packet for DTV146N and unaccompanied by a Ballot and Seal Certificate:

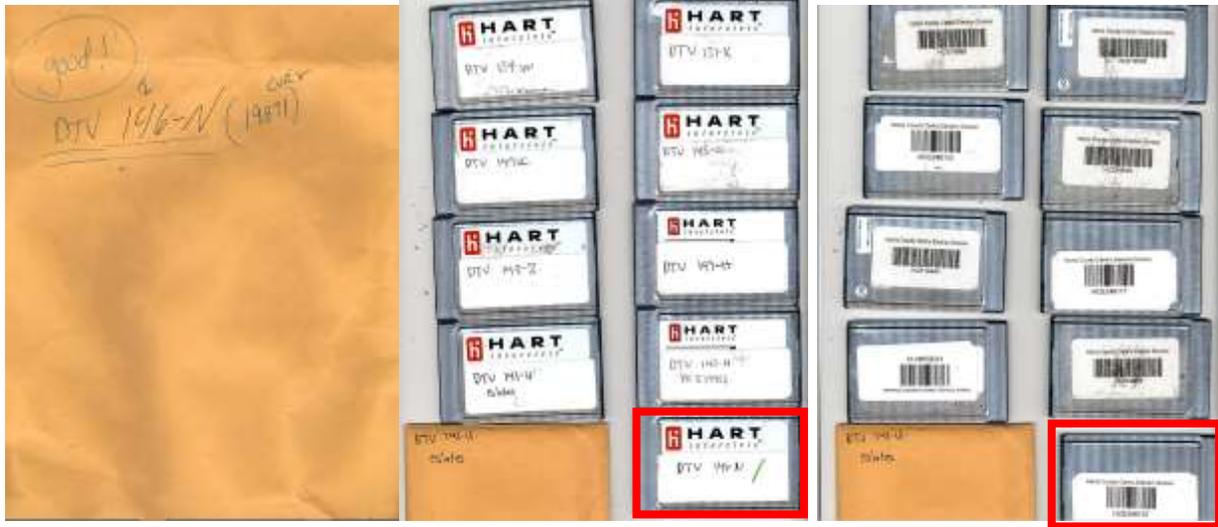


Figure 6-108: 16 MBB Cards in one envelope containing MBB 4972

MBB 4972 was the MBB card that was ultimately tabulated for DTV146N according to the Tally Audit Log.

MBB Tabulation Successful	Id:4972 CVRs: 19871 Poll:SRD001C-County Attorney Conference Center
---------------------------	--

Figure 6-109: MBB 4972 was tabulated

The first MBB card reflected in the SERVO audit log (MBB 4006) and the additional (MBB 5027) card that did not appear in the SERVO audit log were located in the 2 DTV bin. The Ballot and Seal Certificate for MBB 5027 was also located in the 2 DTV bin. Even though MBB 5027 was included on the Ballot and Seal Certificate for DTV146N, it never appears in the SERVO audit log and was not tabulated.



Figure 6-110: Two MBB cards located in gray DTV bin associated with DTV146N.

MBB 4006 (serial number HCE19707) found in the 2 DTV bin was the first MBB created according to the SERVO audit log and it was not tabulated.

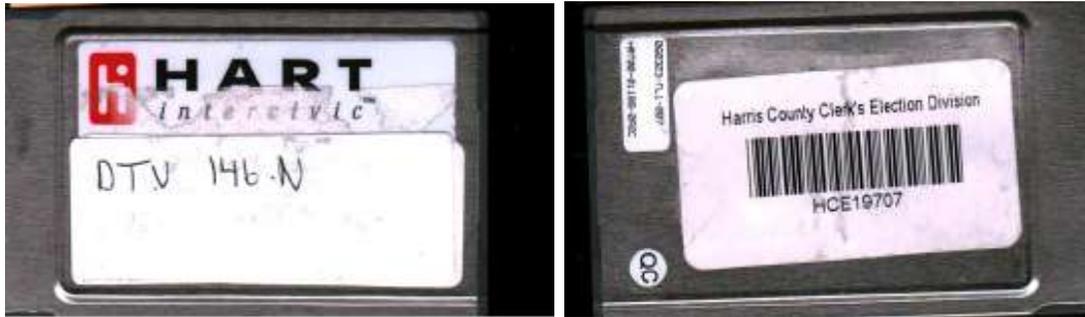


Figure 6-111: MBB ID 4006

MBB 5027 with the post-it note on it bore serial number HCE246263 and did not appear in the Servo audit logs and was not tabulated.



Figure 6-112: Post-it Note on MBB with serial number HCE246263

Figure 6-113: Ballot and Seal Certificate for MBB ID 5027; MBB ID 5027

There is no record explaining why only one of the two MBB cards appearing in the SERVO audit log was used instead of the other. There is no record to explain the creation of the third MBB card and the only record to explain why it was not used was an orange post-it note on the unread MBB card that reads 'do not read won't read.'

Given the mishandling of and lack of chain of custody documentation for the MBBs from the 14 Early Voting and DTV locations missing from the Tally Audit Log and the lack of chain of custody documentation for the MBBs tabulated for those 14 locations, Harris County Elections was notified of FAD's preliminary findings to ensure proper chain of custody procedures and records management would be in place for the November 2022 Election.

Additional Findings – MBB Cards with Same 4-digit Identifier

One additional concerning finding in the course of reviewing records from Harris County was the discovery of two MBB cards bearing the same 4-digit unique identifier.

In the gray DTV bin, an MBB card bearing the 4-digit code 3594 and labeled as associated with polling location 0254 was found inside a small manila envelope:



Figure 6-114: MBB with code 3594 in Envelope for location 0254

But MBB 3594 should not be associated with location 0254. The Central Count Packet for 0254 contained the correct two MBB cards (MBB 3884 and MBB 3880) and both were tabulated.

Audit Log - Official	
MBB Tabulation Successful	Id:3884 CVRs: 208 Poll:0254-EV140X - Anclamars W Reception Hall B
MBB Tabulation Successful	Id:3880 CVRs: 172 Poll:0254-EV140X - Anclamars W Reception Hall B

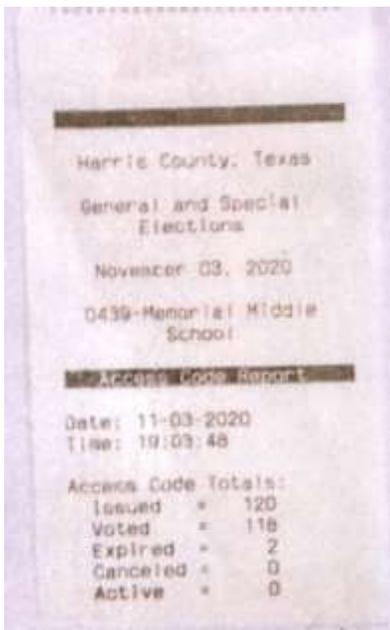
Figure 6-115: Audit Log Showing Location 0254

Polling location, 0439, however, is associated with MBB 3594. Indeed, MBB 3594 was tabulated and had 118 CVRs on it.

Audit Log - Official	
MBB Tabulation Successful	Id:3594 CVRs: 118 Poll:0439-Memorial Middle School

Figure 6-116: Audit Log Showing Location 0439

Tapes from location 0439 indicate that one of the MBB cards should have 118 CVRs on it.



While it appears MBB 3594 was tabulated and correctly associated with polling location 0439, there is no explanation for why an additional card with the same 4-digit code as location 0439 but labeled as associated with polling location 0254 was created.

Given the destruction of the equipment that could be used to read the MBB cards, there is no way to definitively confirm which of these two MBB 3594 cards was ultimately tabulated.

Figure 6-117: Tape from location 0439

Further Analysis – SERVO Audit Logs, Expected CVRs, Tally Audit Log

The 14 early voting and drive-through voting locations identified in the preliminary findings to Harris County were not the only locations that involved the use of SERVO-created recount MBBs. There were two election day locations that had been missing from the audit log, as well as several early voting and election day locations that also had SERVO-created MBB cards used in their final tabulation.

Using the log Harris County generated at the time of the election to keep track of the polling locations associated with SERVO-created recount MBBs, FAD calculated a more accurate number of expected CVRs by including the number of provisional ballots contained on each tabulated MBB card.²²⁰ FAD analyzed the expected CVRs (pollbook check-ins + all provisional votes) and the number of CVRs tabulated for the locations that had been identified as using an MBB card created in SERVO.

This analysis revealed two locations reconciled perfectly, while the remaining 27 locations had discrepancies between the number of CVRs expected and the number of CVRs tabulated.

Early Voting Locations Tabulated using a SERVO Recount MBB Card²²¹

Poll Code	Polling Location	MBB ID	Pollbook Check-ins	Total Provisional CVRs	Total CVRs Expected	CVRs in Tally	Difference
DTV131K	Kingdom Builders Center	4929	5748	52	5800	5775	- 25

²²⁰ Harris County’s table included “Count of Provisionals” data. FAD also independently calculated provisionals by using the two provisional reports (included and excluded) provided.

²²¹ Some of these locations were not missing entirely from the tabulation audit log, however, they were identified by Harris County as having an MBB card created in SERVO as a recount MBB. The MBB cards identified by Harris County as created from a SERVO back up are in bold throughout both tables. Additionally, the “CVRs in Tally” in both tables accounts for all CVRs tabulated in Tally from all the MBB cards identified by Harris County as associated with that polling location.

Poll Code	Polling Location	MBB ID	Pollbook Check-ins	Total Provisional CVRs	Total CVRs Expected	CVRs in Tally	Difference
DTV134W	HCC West Loop South	4931	18,680	85	18,765	18,778	+ 13
DTV139F	Fallbrook Church	2755 5030	18,928	226	19,154	19,080 ²²²	- 74
DTV141U	Humble Civic Center	4980	19,216	99	19,315	19,716	+ 401
DTV142H	Houston Food Bank	4939	2,725	17	2,742	2,743	+ 1
DTV145C	John Phelps Courthouse	4933	8,251	139	8,390	8,433	+ 43
DTV146N	NRG Arena	4972	19,404	61	19,465	19,871	+ 406
DTV147C	Toyota Center	4967	11,628	66	11,694	11,698	+ 4
DTV148Z	Resurrection Metropolitan Community Church	4008	10,344	23	10,367	10,373	+ 6
DTV149H	HCC Alief Center	4985	12,164	170	12,334	12,328	- 6
SRD127Y	Kingwood Community Center	4994	26,764	145	26,909	26,794	- 115

²²² DTV139F was not missing from the audit log entirely, instead there was only one entry associated with DTV139F that accounted for 253 CVRs from MBB 2755. MBB 5030 – identified by Harris County as the MBB that accounted for the remainder of DTV139F’s CVRs – contained 18,827 CVRs. Accordingly, the CVRs in Tally displayed in the table accounts for both MBB cards.

Poll Code	Polling Location	MBB ID	Pollbook Check-ins	Total Provisional CVRs	Total CVRs Expected	CVRs in Tally	Difference
SRD128B	Coady Baptist Church	4989	7877	67	7944	7942	- 2
SRD132K	Katy Branch Harris County Public Library	5018 2762 1008	12,190	110	12,300	12,298	- 2
SRD134G	Hampton Inn Galleria	2750 1462 5069	11,972	72	12,044	12,040	- 4
SRD135	City Jersey Village Municipal Government Center	5073 2689 1404 1427 1399 1401	23,582	120	23,702	23,573	- 129
SRD138S	Trini Mendenhall Community Center	4969	20,028	116	20,144	20,106	- 38
SRD139V	Lone Star College Victory Center	1747 1683 4961	9,919	90	10,009	9,784	- 225

Poll Code	Polling Location	MBB ID	Pollbook Check-ins	Total Provisional CVRs	Total CVRs Expected	CVRs in Tally	Difference
SRD142K	Kashmere MultiService Center	2777 1684 5050	7,743	116	7,859	7,745	- 114
SRD141N	HCC North Forest Campus	4966	5,370	136	5,506	5,429	- 77
SRD145C	HCC Southeast College Building C Parking Garage	4951 1713 2756 1711	10,313	47	10,360	10,343	- 17
SRD146Y	JJ Roberson Family Life Center	2693 1716 1509 5061	2,750	43	2,793	2,788	- 5
SRD147Z	Shrine of The Black Madonna Cultural & Event Center	1664 2686 1666 5033	4743	43	4,786	4,772	- 14
SRD148S	SPJST Lodge Num 88	4935	14,973	44	15,017	15,013	- 4

Poll Code	Polling Location	MBB ID	Pollbook Check-ins	Total Provisional CVRs	Total CVRs Expected	CVRs in Tally	Difference
SRD150L	Lone Star College Creekside	4982	14,969	64	15,033	15,039	+ 6
		2702					
		2724					
		1625					

Figure 6-118: Early Voting Locations Using SERVO Recount MBB Card

Election Day Locations Tabulated using a SERVO Recount MBB Card

Poll Code	Polling Location	MBB ID	Pollbook Check-ins ²²³	Total Provisional CVRs	Total CVRs Expected	CVRs in Tally	Difference
0032	Buddys	4993	162	12	174	174	0
0309	Westchester Academy	4992	220	5	225	225	0
		5020					
0460	North Channel Branch Library	4936	774	14	788	787	- 1
		4326					
		5057					
0786	Gardens Elementary School	3798 4957	246	1	247	246	- 1

²²³ Harris County's 1120 ePollBook signature Report.

Poll Code	Polling Location	MBB ID	Pollbook Check-ins ²²³	Total Provisional CVRs	Total CVRs Expected	CVRs in Tally	Difference
0875	Postma Elementary School	3384 4009	200	0	200	155	- 45

Figure 6-119: Election Day Locations Using SERVO Recount MBB Card

Additionally, like the situation described earlier where multiple MBB cards were created for one location, there were multiple cards created for DTV139F. MBB 4930 appeared in the SERVO audit logs. MBB 5030, also associated with this location, was tallied.

128,610	elecadmin	11/3/2020 11:32:52AM	27	Backed-up devices report	AUDIT: 14
128,611	elecadmin	11/3/2020 11:36:28AM	43	MBB inserted	Mbb ID: 4930 Elec Id: 1141 Elec Date: 11/03/2020 Elec Mode: Election Mode CVRs: 0 Audit: 0
128,612	elecadmin	11/3/2020 11:37:57AM	258	Valid eCm PIN	
128,613	elecadmin	11/3/2020 11:38:08AM	8	Event added	11-3-2020 DTV 139-F
<hr/>					
10/7/2022 9:36:49AM					Page 2462 of 2768
128,643	elecadmin	11/3/2020 12:07:00PM	27	Backed-up devices report	
128,644	elecadmin	11/3/2020 12:07:12PM	43	MBB inserted	Mbb ID: 4930 Elec Id: 1141 Elec Date: 11/03/2020 Elec Mode: Election Mode CVRs: 0 Audit: 0
128,645	elecadmin	11/3/2020 12:08:01PM	258	Valid eCm PIN	
128,646	elecadmin	11/3/2020 12:08:19PM	12	Recount via JBC	
128,647	elecadmin	11/3/2020 12:08:19PM	30	CVR Log digital signature	28D7E9C084E46EEC6B15A59A6EDA1 B55B92EA960
128,648	elecadmin	11/3/2020 12:08:19PM	31	Audit log digital signature	F07B75A7B41F2DABD48DBC3B55B45 AE6F3F1BA64
128,649	elecadmin	11/3/2020 12:08:38PM	43	MBB inserted	Mbb ID: 4930 Elec Id: 1141 Elec Date: 11/03/2020 Elec Mode: Election Mode CVRs: 19081 Audit: 14

Figure 6-120: SERVO Audit Log – MBB 4930

MBB 5030 did not appear in the SERVO audit logs. There was no documentation to explain why MBB 5030 was tabulated instead of MBB 4930.

After reviewing the SERVO audit logs, of the 30 MBBs tabulated that had been created using SERVO, FAD was unable to determine the origin of 17 MBB cards that were tabulated. These 17 MBB cards accounted for 124,630 CVRs.

As observed, the lack of proper record keeping and proper chain of custody during the 2020 General Election proved problematic in attempting to reconcile the records in Harris County. This was further exacerbated by the inability to access certain reports or the content of the MBB cards. To meet records retention requirements, the Texas Secretary of State advised counties to “ensure th[ey] ha[d] the hardware and/or software needed to read the data from the medium at a later date, if necessary.”²²⁴ Harris County did not meet this standard.

As noted in the Machines & Software section, Harris County no longer uses the Hart Legacy System that used MBBs to store CVRs and has updated to Hart’s Verity system which uses vDrives to store CVRs. Harris County informed FAD that there are now procedures in place to document proper chain of custody is followed in the event a vDrive fails and the CVRs must be retrieved and placed on a new vDrive.

FAD Reconciliation of the Four Counties’ Check-ins versus Ballots Cast Data

FAD first attempted to reconcile the election data by precinct. The four counties have reliable data for the number of ballots cast by precinct. Their tallying software will produce a report showing ballots cast by precinct that is based on the canvass.

Summary Results Report Presidential 2020 November, 3rd 2020		Statement of Votes Cast Final Results Collin County.TX		
001				
Statistics	TOTAL	Election Day	Early Voting	Mail
Registered Voters - Total	2,703			
Ballots Cast - Total	1,964	152	1,626	186
Ballots Cast - Blank	1	0	1	0
Voter Turnout - Total	72.66%			

Fig. 6-121: Collin County Statement of Ballots Cast by Precinct Showing Precinct #1

Data for the number of voters who checked into vote by precinct is less reliable. The inconsistency is primarily due to the fact that the four counties participate in the countywide polling place program. Voters can check in and cast their ballot anywhere

²²⁴ Election Advisory 2019-23.

in the county on election day. This makes voter check-ins by location directly accessible but check-ins by precinct can only be determined indirectly.

There are several sources for this data, but each suffers from enough inaccuracies that the reconciliation will not be correct. For example, voter history reports track who voted in an election. Voter history, however, is typically kept in a living database. Voters move or otherwise change their residency. This, along with redistricting, can cause voters to change precincts between elections. A Voter History Report will show that the voter voted in the 2020 General Election but the database's data reflecting the precinct where the voter voted may not be correct. It may only reflect the voter's currently assigned precinct. There are other ways to get check-ins by precinct – examining reports that show the ballot styles voters were given at each location, for example. But none proved to have the accuracy needed to compare to the canvass data by precinct.

Given the limitations of the data, FAD decided instead to proceed with reconciliation by polling location. This better aligns with how elections are currently run and tallied. Pollbooks at each location should provide a reliable number of check-ins at each location. Although results are not typically calculated and reported by location, results are delivered to Central Count by location. Typically, each location produces electronic ballot boxes that hold the ballots cast. These media are entered into the counties tallying program and the number of ballots tallied by location is relatively easy to obtain by examining audit logs. This allows reconciliation between the location specific data available from the pollbooks versus the location specific tabulation data reflected in the audit logs.

Collin County

Collin County explained their process involves verifying the number of ballots cast against tapes from the polling locations as the electronic storage media is being tabulated. This is a commendable practice. It is recommended that Collin County also maintain a log to associate the individual media IDs that appear in the Electionware Audit Log with particular polling locations. Collin County informed FAD that it has already implemented this practice and used it in their most recent election.

Early Voting

Collin County had 43 polling locations during Early Voting.

The data in Collin County reflected 412,095 voters checked in and there were 412,185 ballots tabulated from Early Voting. There was a discrepancy of 90 between check-

ins and ballots tabulated. The number of locations with discrepancies and a breakdown of these discrepancies was:

# of Polling Locations	Discrepancy Between Check-ins and Ballots Tabulated
13	0
23	1-10
2	11-50
4	51-101
1	101-105

Figure 6-122: Collin County Early Voting Number of Locations and Discrepancies

Election Day

Collin County had 102 polling locations for Election Day voting.

The data in Collin County data reflected 36,685 voters checked in and there were 36,693 ballots tabulated from Election Day voting. There was a discrepancy of 8 between check-ins and ballots tabulated.

# of Polling Locations	Discrepancy Between Check-ins and Ballots Tabulated
73	0
29	1-10

Figure 6-123: Collin County Election Day Number of Locations and Discrepancies

Dallas County

Dallas County utilized an electronic log of media IDs that assisted with auditing the number of ballots cast from a particular location through the audit log. This is a recommended best practice. While the log is a good practice, it revealed that some of the media IDs had been deployed to the incorrect polling locations, causing issues in reconciling the data. In reviewing documents from the polling locations or totals and check-ins from the data available, FAD was able to piece together that this had occurred and accounted for such in its reconciliation below.

Early Voting

Dallas County had 60 polling locations during Early Voting.

The data in Dallas County reflected 728,476 voters checked in and there were 728,873 ballots tabulated from Early Voting. There was a discrepancy of 397 between check-ins and ballots tabulated. The number of locations with discrepancies and a breakdown of these discrepancies was:

# of Polling Locations	Discrepancy Between Check-ins and Ballots Tabulated
4	0
35	1-10
14	11-50
0	51-101
1	101-150
6	151-2,083

Figure 6-124: Dallas County Early Voting Number of Locations and Discrepancies

It is apparent that six locations with over 151 ballot discrepancies are problematic.²²⁵ Investigation showed, however, for these locations that DS200s were delivered to the wrong polling location leading to inaccurate numbers. The number of ballots in the audit log were off because ballots were assigned to the wrong location. Once this correction was made the reconciliation did not show nearly the same size of discrepancies:

# of Polling Locations	Discrepancy Between Check-ins and Ballots Tabulated
4	0
37	1-10
17	11-50
1	51-100
1	101-150

Figure 6-125: Dallas County Adjusted Number of Locations and Discrepancies

Election Day

Dallas County had 463 polling locations for Election Day voting.

The data in Dallas County reflected 118,593 voters checked in and there were 118,474 ballots tabulated from Election Day voting. There was a discrepancy of 119 between check-ins and ballots tabulated.

The number of locations with discrepancies and a breakdown of these discrepancies was:

²²⁵ These locations were: E1029 – Richland College – Garland Campus; E1052 Lochwood Library; E1096 Eastfield College – Main Campus; E1303 Eastfield College (Pgrove); E1708 – Richland College – Main Campus; and E2005 – Marsh Lane Baptist Church.

# of Polling Locations	Discrepancy Between Check-ins and Ballots Tabulated
332	0
118	1-10
8	11-50
1	51-100
2	101-150
1	151-200
1	201-250

Figure 6-126: Dallas County Election Day Number of Locations and Discrepancies

Harris County

Early Voting

Harris County had 122 polling locations during Early Voting.

The data in Harris County data reflected 1,274,762 voters checked in and there were 1,266,218 ballots tabulated from Early Voting. There was a discrepancy of 8,544 between check-ins and ballots tabulated. The number of locations with discrepancies and a breakdown of these discrepancies was:

# of Polling Locations	Discrepancy Between Check-ins and Ballots Tabulated
4	0

# of Polling Locations	Discrepancy Between Check-ins and Ballots Tabulated
67	1-10
32	11-50
7	51-100
5	101-150
6	151 and greater

Figure 6-125: Harris County Early Voting Number of Locations and Discrepancies

Election Day

Harris County had 798 polling locations for Election Day voting.

The data in Harris County data reflected 207,463 voters checked in and there were 206,639 ballots tabulated from Election Day voting. There was a discrepancy of 824 between check-ins and ballots tabulated.

The number of locations with discrepancies and a breakdown of these discrepancies was:

# of Polling Locations	Discrepancy Between Check-ins and Ballots Tabulated
471	0
316	1-10
5	11-50

# of Polling Locations	Discrepancy Between Check-ins and Ballots Tabulated
2	51-100
1	101-150
3	151 and greater

Figure 6-128: Dallas County Election Day Number of Locations and Discrepancies

Tarrant County

Using Tarrant County’s pollbook totals and tabulation audit log, FAD was able to determine whether there were discrepancies between check-ins and ballots tabulated.

Early Voting

Tarrant County had 59 polling locations during Early Voting.

The data in Tarrant County data reflected 665,757 voters checked in and there were 666,386 ballots tabulated from Early Voting. There was a discrepancy of 629 between check-ins and ballots tabulated. The number of locations with discrepancies and a breakdown of these discrepancies was:

# of Polling Locations	Discrepancy Between Check-ins and Ballots Tabulated
7	0
26	1-10
25	11-50
1	51-100

Figure 6-129: Tarrant County Early Voting Number of Locations and Discrepancies

Election Day

Tarrant County had 331 polling locations for Election Day voting.

The data in Tarrant County data reflected 101,369 voters checked in and there were 101,275 ballots tabulated from Election Day voting. There was a discrepancy of 94 between check-ins and ballots tabulated.

The number of locations with discrepancies and a breakdown of these discrepancies was:

# of Polling Locations	Discrepancy Between Check-ins and Ballots Tabulated
225	0
105	1-10
1	11-50

Figure 6-130: Tarrant County Election Day Number of Locations and Discrepancies

In conducting this analysis, it was observed that some polling locations had changed names or were shut down so the names in the audit log did not match exactly. Tarrant County was able to account for all of these occurrences. There were two entries that appeared in the audit log as simply being associated with "EV" or "ED" – comprising a total of less than 400 ballots. Tarrant County was informed that best practice is to ensure polling location media is programmed to properly reflect the location from to which it goes and is in the process of determining exactly which locations these two vDrives came from.

Post-2020 Legislative Mandated Reconciliation Improvements

To assist the election night reconciliation process, SB 1 created new requirements and forms that the counties are required to complete. A presiding judge of the central count station shall provide and attest to a written reconciliation of ballots and voters

at the close of tabulation on election day. Then a final reconciliation form must be filled out after the central counting station meets for the last time to process late-arriving ballots by mail and provisionals. The form shall be maintained by the county along with election returns and results. When properly filled out this form has the potential to alleviate many issues that plagued the 2020 General Election.²²⁶

²²⁶ Tex. Elec. Code § 127.131 (f).

Voting Provisionally

Key Takeaways

- Dallas County misplaced and did not include 318 provisional ballots cast. 63 of these provisional ballots would have counted, if they had been properly processed.
- All counties showed internal discrepancies when tracking provisional ballots through the process.

Eligibility

Provisional voting allows prospective voters whose eligibility is uncertain to cast a ballot while allowing the county time to determine whether the voter is actually eligible. Provisional ballots are counted so long as the voter later satisfies certain eligibility requirements. There are several reasons why a voter may cast a provisional rather than a regular ballot:

- The voter does not present a qualifying form of identification to an election officer at the polling place;²²⁷
- The voter does not present a voter registration certificate and does not appear on the list of registered voters for the precinct;²²⁸
- The voter is casting a ballot for a federal office during extended polling hours permitted by a state or federal court order;²²⁹ or
- The voter had been issued early voting ballot by mail but wishes to cancel their ballot by mail and vote in person (and fails to surrender the mail ballot or present a notice of improper delivery or notice of surrendered ballot).²³⁰

²²⁷ Tex. Elec. Code § 63.001 (g).

²²⁸ Tex. Elec. Code § 63.009.

²²⁹ Tex. Elec. Code § 63.011 (e).

²³⁰ Tex. Elec. Code § 84.035 (b).

In the above mentioned circumstances, a voter may cast a provisional ballot if they then sign an affidavit stating that they are a registered voter in the precinct and they are eligible to vote in the election.²³¹ After completing this affidavit, the voter will be given a provisional ballot.²³² An election officer will then record the number of the ballot on the affidavit.²³³ An election officer also must note “provisional vote” on the poll list beside the name of the voter.²³⁴

The submitted affidavits are reviewed by the early voting ballot board who determines whether each provisional ballot will be accepted or rejected.²³⁵ The board will make this determination no later than nine days after the date of the election, or by the thirteenth day after the date of the election for an election held on the date of the general election for state and county officers.²³⁶ The board will accept a provisional ballot so long as the voter meets three criteria. First, the board must find (from the information in the submitted affidavit or in public records) that the voter is eligible to vote in the election and has not already done so.²³⁷ Second, the board must find that the voter has met the identification requirements, has signed an affidavit stating the voter’s religious objection to being photographed for any governmental purpose, or has signed an affidavit stating that the voter does not have and cannot obtain proper identification because of a natural disaster.²³⁸ If the voter had to vote provisionally because they did not present a qualifying form of identification, they can, within six days of the date of the election, present a qualifying form of identification to the voter registrar or execute either of the above affidavits in the presence of the voter registrar.²³⁹ Third, the board must find that the voter has not been challenged.²⁴⁰ If the voter satisfies all these criteria, their provisional ballot will be accepted.

Additionally, the board must properly note and file the acceptance and rejection of provisional ballots. If a provisional ballot is accepted, the board must enter the voter’s name on a list of voters whose provisional ballots are accepted.²⁴¹ Further, the board must open each envelope containing an accepted provisional ballot (without defacing the affidavit on the outside) and remove the ballot.²⁴² The board must then place the

²³¹ Tex. Elec. Code § 63.011.

²³² Tex. Elec. Code § 63.011 (c).

²³³ *Id.*

²³⁴ Tex. Elec. Code § 63.011 (d).

²³⁵ Tex. Elec. Code § 65.054 (a).

²³⁶ *Id.* §§ 65.051, 65.054 (a).

²³⁷ Tex. Elec. Code § 65.054 (b)(1).

²³⁸ Tex. Elec. Code § 65.054 (b)(2).

²³⁹ Tex. Elec. Code § 65.0541.

²⁴⁰ Tex. Elec. Code § 65.054 (b)(3).

²⁴¹ Tex. Elec. Code § 65.054 (c).

²⁴² Tex. Elec. Code § 65.055 (a).

ballot in a ballot box containing all the accepted provisional ballots.²⁴³ These ballots will be counted and the returns of accepted provisional ballots, the accepted ballots, and other provisional voting records will all be preserved after the election for the same period as precinct election returns.²⁴⁴ For each accepted provisional ballot, the board must place the envelope which contained the ballot (on which is printed the voter's affidavit) in a sealed envelope and deliver this envelope to the general custodian of election records to be preserved.²⁴⁵

If, on the other hand, a provisional ballot is rejected, the board must indicate the rejection by marking "rejected" on the envelope containing the provisional ballot.²⁴⁶ Further, the board must place the envelopes containing rejected provisional ballots into an envelope and seal it.²⁴⁷ This envelope must indicate the date and identity of the election, be labeled "rejected provisional ballots," and be signed by the board's presiding judge.²⁴⁸ Lastly, a board member must deliver this envelope to the general custodian of election records to be preserved.²⁴⁹ The envelope cannot be placed in the box containing the accepted provisional ballots.²⁵⁰ For any rejected provisional ballot, if the attached affidavit contains the information necessary to enable a person to successfully register to vote, the voter registrar will make a copy of the affidavit and treat it as an application for voter registration.²⁵¹

Regardless of the provisional ballot's disposition, each provisional voter must be notified as to whether their provisional ballot will be counted.²⁵² The Secretary of State has prescribed that after the board determines whether a voter's provisional ballot will be counted, a notice will be mailed to each provisional voter within thirty days of the election at the address the voter provided on their affidavit.²⁵³ This notice will indicate if the voter's provisional ballot was counted or not counted.²⁵⁴ If the provisional ballot is not counted, the notice will provide the reason why the provisional ballot was not counted.²⁵⁵

²⁴³ Tex. Elec. Code § 65.055 (b).

²⁴⁴ Tex. Elec. Code § 65.058.

²⁴⁵ Tex. Elec. Code § 65.055 (c).

²⁴⁶ Tex. Elec. Code § 65.054 (d).

²⁴⁷ Tex. Elec. Code § 65.056 (b).

²⁴⁸ Tex. Elec. Code § 65.056 (c).

²⁴⁹ Tex. Elec. Code § 65.056 (d).

²⁵⁰ *Id.*

²⁵¹ Tex. Elec. Code § 65.056 (a).

²⁵² Tex. Elec. Code § 65.059.

²⁵³ *Notice to Provisional Voter*, sos.state.tx.us, <https://www.sos.state.tx.us/elections/forms/pol-sub/7-15af.pdf> (last visited Dec. 12, 2022).

²⁵⁴ *Id.*

²⁵⁵ *Id.*

Collin County,²⁵⁶ Dallas County,²⁵⁷ Harris County,²⁵⁸ & Tarrant County's²⁵⁹ Initial Letter Responses

Each of the four counties responded to the Secretary of State's initial request by letter as follows:

Information Requested	Collin County	Dallas County	Harris County	Tarrant County
Total Number of Provisionals Votes Cast	6,249	5,724	13,835	10,845
Total Number of Provisional Votes Cast for Voters Lacking ID	20	16	8,528	96
Total Number of Provisional Votes Accepted	2,950	841	5,307 ²⁶⁰	4,385
Total Number of Provisional Votes Rejected	3,299	4,883		6,460

Figure 7-1: Provisional Voting Totals Reported by Four Counties to Secretary of State

²⁵⁶ See Letter from Bruce Sherbet, Collin County Elections Administrator.

²⁵⁷ See Letter from Michael Scarpello, Dallas County Elections Office Administrator.

²⁵⁸ See Letter from Isabel Longoria, former Harris County Elections Administrator.

²⁵⁹ See Letter from Heider Garcia, Tarrant County Elections Administrator.

²⁶⁰ The initial response did not provide whether this number was the accepted or rejected amount. See Harris County_12.21.2021 Response to Texas SOS_Attachment

Collin County

Collin County reported the following numbers for provisional votes pursuant to the canvass for the 2020 General Election.²⁶¹ The canvass report breaks down the numbers into two categories. Provisional Votes Cast which is 6,223 and then Provisional Votes Counted which is 2,931.

Provisional Votes Accepted	Provisional Votes Rejected	Total Provisional Votes
2,931	3,292	6,223

Figure 7-2: Collin County Provisional Vote Totals Recorded in Canvass

In another document provided by Collin County, the numbers received did not match the canvass.²⁶² The document breaks down the ballots into four categories. Early Voting Provisional Votes accepted and rejected, and Election Day Provisional Votes accepted and rejected. The total amount of ballots in this document adds up to 6,249 Provisional Votes. This leads to a discrepancy of 26 ballots or a ballot discrepancy of 0.995%.

	Accepted	Rejected
Early Voting	2,725	1,437
Election Day	225	1,862
Total Accepted/Rejected	2,950	3,299
Total Provisional Votes	6,249	

Figure 7-3: Collin County Provisional Votes Accepted/Rejected Discrepancies

²⁶¹ Collin 2020 Nov SOS Submitted Canvass

²⁶² 20201103_Provisional Ballot Tracking

Collin County Procedures

Collin County’s Voter Registration Department and EVBB are involved in the processing of provisional ballots. After research is completed by the registration department, the ballots are processed by the EVBB. Collin County’s internal electronic spreadsheet system and data for tracking provisionals was detailed and thorough. Collin County maintained a log of provisional ballots cast by location, the number of ballots received by voter registration, the number of ballots received by the ballot board, and the number of ballots received by tabulation. Collin County was the only county that provided a list containing the number of voters who cast provisional votes broken down by the reason for voting provisionally, as well as the number of voters whose provisional ballots were rejected broken down by reason. Collin County was the only county to provide electronic data that included both the election judge’s and the voter registrar’s notes regarding each provisional ballot processed. Collin County’s data was the most robust among the four audited counties.

Collin County provided the following data regarding reasons for voting by provisional ballot and the reasons for rejecting any provisional ballots.

	Reasons for Voting a Provisional Ballot	Early Voting	Election Day	Total
1	Failed to present acceptable form of identification, a supporting form of identification with an executed Reasonable Impediment Declaration, or voter certificate with exemption	10	10	20
2	Voter not on list registered voters	851	1,497	2,348
3	Voter not on list, registered in another precinct	2	3	5
4	Voter on list of people who voted early by mail, and voter has not cancelled mail ballot application	2,368	97	2,465
5	Voting after 7:00 p.m. due to court order	0	0	0

	Reasons for Voting a Provisional Ballot	Early Voting	Election Day	Total
6	Voter on list, but registered residence address outside the political subdivision	497	185	682
7	Registered at Department of Public Safety (DPS)	171	124	295
8	Other: (See judge's note)	236	134	370
9	Registered less than 30 days	27	37	64

Figure 7-4: Collin County Reasons for Voting Provisionally

	Reason for Rejection	Early Voting	Election Day	Total
1	Voter not registered	1,410	1,850	3,260
2	Voter registered in state but attempted to vote in the wrong precinct	2	3	5
3	Failure to provide sufficient identification	8	5	13
4	No signature	0	0	0
5	Voter already voted	7	2	9
6	Other:	10	2	12

Figure 7-5: Collin County Reasons for Rejecting Provisional Ballot

Harris County

Harris County’s canvass for the 2020 General Election reported that the number of provisional votes cast was 8,528.²⁶³ The Official Provisional Export lists the total amount of provisional votes cast for the 2020 election as 13,835.²⁶⁴ The document further provides that 5,307 provisional votes were not counted and 8,528 provisional votes were counted.²⁶⁵

Counted Provisionals²⁶⁶	Not Counted Provisionals	Total Provisionals Cast
8,528	5,307	13,835

Figure 7-6: Harris County Provisional Ballot Statistics

During the field investigation FAD located and scanned Provisional Ballot Transmittal Forms. These forms documented the transfer of provisional ballots from the EV Clerk to the EVBB and then from the EVBB to the EV Clerk. The transfer documents regarding the transfer from the EV Clerk to the EVBB reflect the date, time, tub number, number of affidavits, seal numbers, and signatures of the transporting and receiving parties. These forms, if properly filled out, are a best practice and a good way to keep track of and document the transfer and chain of custody of provisional ballots.²⁶⁷

²⁶³ Harris 2020 Nov SOS Submitted Canvass Report

²⁶⁴ Official Provisional Export

²⁶⁵ Both numbers are corroborated by two separate documents titled “Official Excluded Provisionals” and “Official Included Provisionals”

²⁶⁶ Though Harris County's initial letter response indicated 8,528 provisional votes were cast for voters lacking ID, a review of the canvass indicated a total of 8,528 provisional votes were cast. Accordingly, it may be that some of the 8,528 provisional votes cast were not based on the lack of ID.

²⁶⁷ Note that in 2020, the actual ballots were stored electronically as Harris County used DREs.

General and Special Election – November 3, 2020
Provisional Ballot Transmittal Form from Early Voting Clerk to Early Voting Ballot Board

Date	Time	Tub #	Number of Affidavits per Tub	Seal No. 1	Seal No. 2	Signature of Deputy Clerk	Signature of Ballot Board Judge
11-7	9:18	1	425	0687648	0687649		
11-7	10:20	2	220 ^{AM}	0687660	0687659		
11-7	11:50	3	800 ^{AM}	0687651	0687652		
11-7	1:29	4	650	0687653	0687654		
11-7	2:30	5	875	0685692	0685691		
11-7	3:03	6	900	0685693	0685694		
11-8	12:19	7	700	0685687	0685688		
11-8	12:52	8	900 ^{AM}	0685690	0685689		
11-8	1:41	9	225	0685672	0685671		
11-8	2:15	10	375	0685679	0685680		
11-8	3:27	11	900	0685677	0685678		
11-8	4:47	12	850	0685675	0685676		
11-9	7:52	13	825	0685651	0685652		
11-9	7:55	14	725	0685653	0685654		
11-9	8:55	15	1,000 ^{AM}	0685657	0685658		
11-9	12:30	16	475	0685646	0685647		
11-9	12:30	17	400	0685648	0685645		
11-9	2:05	18	356	0685645	0685650		
11-9	3:26	19	224	0685631	0685632		
11-9	4:25	20	355	0685781	0685782		
11-10	12:34	21	187 ^{AM}	0685785	0685786		
11-10	3:00	22	324 ^{AM}	0685637	0685638		

Figure 7-7: Provisional Ballot Transmittal Form

According to the transmittal forms documenting the number of provisional affidavits transferred to the EVBB for review, the final number of affidavits transferred was 13,524.²⁶⁸

The transfer documents from the EVBB to the EV Clerk reflect the date, time, tub number, number of affidavits accepted or rejected, seal numbers, and signatures of the transporting and receiving parties. Likewise, these forms, if properly filled out, are a best practice and a good way to keep track of and document the transfer and chain of custody of provisional ballots.

General and Special Election – November 3, 2020
Provisional Ballot Transmittal Form from Early Voting Ballot Board to Early Voting Clerk

Date	Time	Tub #	Accepted	Rejected	Seal No. 1	Seal No. 2	Signature of Ballot Board Judge	Signature of Deputy Clerk
11-11-20	4pm	A	517		0685810	0685809		
		B	165		0685804	0685805		

Figure 7-8: Provisional Ballot Transmittal Form

²⁶⁸ It appears due to the discrepancy that the records located in the warehouse may have been incomplete.

Analysis of the transmittal forms documenting how many accepted and rejected provisional affidavits were returned to the EV Clerk revealed a discrepancy between these records and other records regarding provisionals. According to the transmittal forms documenting the transfer of accepted/rejected provisionals it appears there were:

Accepted Provisionals	Rejected Provisionals	Total Provisionals Ballots
12,012	3,088	15,100

Figure 7-9: Harris County Accepted/Rejected Provisional Votes From Transmittal Forms

Harris County Procedures

In 2020, provisional ballots were cast electronically on DREs. By default, these ballots were considered “excluded” until they underwent review by Voter Registration and Harris County’s EVBB. These ballots were assigned a unique identifying number that also appeared on the provisional affidavit sheet that the voter filled out at the polling location. After the County Tax Assessor-Collector’s office had reviewed the affidavit, it was transferred to the ballot board. These typically arrived in stacks of 25 with a laminated, colored card on top. The colors corresponded to the recommendation regarding processing: red indicated a recommendation not to count, yellow indicated further review was needed, and green indicated a recommendation to count the ballot. Two-member teams comprised of a Republican and a Democrat worked together to review all of the ballots provided in a stack, not just those color-coded as needing review. The decision regarding whether to accept or reject the ballot was marked on the provisional affidavit sheet and the accepted and rejected stacks were kept separate. If there was a disagreement about whether or not to count a provisional ballot, the presiding or alternate judge assisted with resolving the matter. In order to count the provisional ballots, someone in Central Count had to manually include each ballot that had been approved by the EVBB for tabulation.

Harris County provided a list of reasons for why a voter requested a provisional ballot.²⁶⁹ However, the list is not complete because there are no records of what the disposition decisions were regarding whether the provisional vote was counted as

²⁶⁹ 1120_provisional

well as only having 12,559 voters out of the 13,835 being reported by the Canvass report.

Tarrant County

Tarrant County’s canvass for the 2020 General Election reported that the number of provisional votes cast was 9,231.²⁷⁰

Tarrant County Procedures

The EVBB assists with the processing of provisional ballots. When a provisional ballot is returned to the county, the Voter Registration department does research on each provisional and makes a recommendation to the EVBB to either accept or reject the ballot. Tarrant County maintained a fairly robust electronic record regarding the provisional ballots cast that included polling location information, the reason for voting provisionally, and notes are hand entered by the clerks assisting with the process prior to delivering the ballots to the EVBB. The availability of this data was useful in the audit process, though streamlining the phrasing or codes used by the clerks for similar instances is recommended.

In Tarrant County’s most detailed document tracking provisional voters, the total number of provisional votes cast is 10,844²⁷¹. The amount accepted is 4,384 while the rejected number is 6,460. This document also includes reasons for the disposition decision.

Counted Provisionals	Not Counted Provisionals	Total Provisionals Cast
4,384	6,460	10,844

Figure 7-10: Tarrant County Provisional Vote Cast Data

Description Decision	Amount
Not Registered	5,761

²⁷⁰ Tarrant 2020 Nov-Canvass Submission

²⁷¹ 1120_prov_ballot_export_all.csv

Description Decision	Amount
No ID Provided	92
Ok – ID Provided	4
Other – Countable	4,373
Other – Rejected	607
Removed in Error	7

Figure 7-11: Tarrant County Status of Provisional Voter

The Early Pollbook provided by Tarrant County lists the total number of Provisional Ballots as 12,263.²⁷² This list does not indicate how many Provisionals were accepted or rejected. The list does break down the reasons for the Provisionals.

Provisional Reason	Number of Votes
Absentee Ballot Requested	3,265
Already Voted	43
Early Voted	154
Mail Ballot Returned	75
Precinct Not in Election	1
Name Change	12

²⁷² EPB_tarrant_nov2020_provisionals

Provisional Reason	Number of Votes
No Valid ID	692
Prov Voted	10
Voter Not Found	7,733
Manual Provision	278
Total	12,263

Figure 7-12: Tarrant County Reasons for Provisional Vote

Dallas County

Dallas County’s canvass for the 2020 General Election reported that the number of provisional votes cast was 813.²⁷³ The Ballot Board Transmittal²⁷⁴ form, which was prepared by the presiding judge of the EVBB, reported the following number of provisional ballots:

Counted Provisionals	Not Counted Provisionals	Total Provisionals Cast ²⁷⁵
813	4,582	5,395

Figure 7-13: Dallas County Provisional Vote Cast Data

Dallas County Procedures

Dallas County’s EVBB assisted with processing provisional ballots. When provisional ballots were returned to the county, the Voter Registration department initially received them. Voter Registration conducted research regarding the voter’s registration and then transferred them to the EVBB. During voting, the EVBB monitored the number of provisional ballots that were cast and the number of ballots

²⁷³ 09-Dallas 2020 Nov SOS Submitted Canvass report

²⁷⁴ 13-EV Ballot Board Transmittal Form

²⁷⁵ Includes Early Voting and Election Day Votes

returned by the location. EVBB members expressed that there were instances during which judges at polling locations did not follow proper rules or procedures with regard to provisional voters. In particular, EVBB members were concerned that voters who presented to vote in person, but had been issued a BBM, were not always required to vote provisionally as required by the law. Both the EVBB and current Dallas County Elections administration reiterated that judges are trained that when a voter who has been issued a BBM presents to vote in person, it is “ballot for ballot,”²⁷⁶ or the voter votes provisionally.

Dallas County Record of Early Voting Provisional Ballot Box Seal Forms

The EVBB retained forms used to document the seals applied to the Provisional Ballot Box at the polling location and the signatures indicating the seals were verified upon return to the EVBB. When properly filled out, these forms are considered a best practice in documenting the chain of custody and transmittal of provisional ballots from the early voting location to the EVBB.

²⁷⁶ “Ballot for ballot” refers to a concept by which, in order to be accepted to vote a regular ballot, the voter must surrender his or her ballot by mail.

ballots would have counted. Of the 318 provisional ballots that were not processed, 63 would have counted if they had been processed correctly. Dallas County Elections determined that even if processed correctly, these votes would not have affected the outcome of any election. Secretary of State Elections Division instructed Dallas County to process the voter registration component of the applications and to document this occurrence and notify any relevant stakeholders to ensure transparency. Dallas County has since modified its procedures at the regional sites to ensure provisional ballots would only be processed in the proper location, EVBB at Dallas County Elections, and not at a regional site. Dallas County provided a memorandum regarding this occurrence to FAD.

The 318 votes that were found are not included in Figure 7-13. Dallas County has provided an up-to-date provisional list that does include the 318 provisional votes. The document lists 5,724 Provisional Votes with 4,883 rejected and 841 counted.

Counted Provisionals	Not Counted Provisionals	Total Provisionals Cast
841	4,883	5,724

Figure 7-15:

The 318 votes that were missing are included in the 'not counted' column. Theoretically, the numbers from the two tables should match once the 318 votes are subtracted from the 'not counted' column in Figure 7-15. However, there are 28 additional, unexplained counted votes in the Figure 7-15. Adding the 318 found provisional votes to the 'not counted' number in the Table 1 equals 4,900 not counted votes based on the original numbers in the canvass and shown in the Ballot Board Transmittal form. However, in Figure 7-15, the updated list that includes the 318 lost votes has 4,883 rejected votes.

Two additional documents provided by Dallas County create more questions. The documents provide 117 more voters who cast provisional votes.²⁷⁷ None of the 117 voters are included in the list that is represented by Figure 7-15. The documents indicate that none of the 117 votes were counted.

In Daily Summary Reports of voters provided by Dallas County, the total number of provisional votes is 8,540. Since these are polling location-based reports, the reports

²⁷⁷ (1) 20-Working Provisionals and (2) 20-PR_List (From VR)

do not show whether the provisional votes were counted or not. The reports also do not track the reason for voting provisionally.

Finally, FAD reviewed the provisional ballot affidavits that had been stored since the 2020 General Election. Of the estimated 5,250 provisional ballots provided, 895 provisional votes were found to be marked as "accepted." This does not match the canvass or any other source of provisional ballots counted. There is no explanation for the discrepancy between these numbers.

In summary, the information provided by Dallas County is inconsistent and there is not a reliable number provided by Dallas County that can be reported on to determine the actual number of provisional votes accepted and rejected.

Voting by Mail

Key Takeaways

- Dallas County's records showed that a single person assisted on 393 applications for ballot by mail (ABBM).
- In at least 21 instances in Collin County and 63 instances in Dallas County, voters who were not eligible to vote by mail received ballots by mail.
- 21 voters in Dallas County received credit for voting by mail despite FAD locating unopened mail ballots in sealed carrier envelopes.
- Counties' records showed major discrepancies in tracking mail ballots requested, returned, and ultimately counted.

Eligibility

In Texas, any qualified voter²⁷⁸ is eligible to vote in person during the period prescribed for early voting.²⁷⁹ Additionally, certain voters in Texas are eligible to vote by mail. To be entitled to a ballot by mail (BBM), a person must make an application and must include a statement that the voter:

- Expects to be absent from their county of residence on election day and during regular hours for conducting early voting;²⁸⁰

²⁷⁸ See Voter Registration – Eligibility.

²⁷⁹ Tex. Elec. Code § 82.005.

²⁸⁰ Tex. Elec. Code § 82.001.

- Is disabled²⁸¹ or expecting to give birth within three weeks before or after election day;²⁸²
- Is 65 years of age or older on election day;²⁸³
- Is confined in jail at the time the voter's early voting ballot application is submitted;²⁸⁴
- Is a participant in the address confidentiality program as a crime victim;²⁸⁵ or
- Is a person who is civilly committed as a sexually violent predator²⁸⁶.

Application for a Ballot by Mail

Assuming the qualified voter falls into one of these six descriptions, the voter must then send an application for BBM (ABBM) to the Early Voting Clerk of the county they reside in. The ABBM must include a "wet signature;"²⁸⁷ The application must also include the voter's:

²⁸¹ Pursuant to the Texas Election Code, if a voter has a sickness or physical condition that prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring their health, they are considered eligible to vote early by mail based on disability.

²⁸² Circumstances such as a lack of transportation, a sickness that does not prevent the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or injuring the voter's health, or a requirement to appear at the voter's place of employment on election day do not constitute sufficient cause to entitle the voter to vote early by mail. See Tex. Elec. Code § 82.002 (b).

²⁸³ Tex. Elec. Code § 82.003.

²⁸⁴ A qualified voter is eligible for early voting by mail if, at the time the voter's early voting ballot application is submitted, the voter is confined in jail: serving a misdemeanor sentence for a term that ends on or after election day; pending trial after denial of bail; without bail pending an appeal of a felony conviction; or pending trial or appeal on aailable offense for which release on bail before election day is unlikely. See Tex. Elec. Code §82.004 (a)(1-4).

²⁸⁵ A qualified voter is eligible for early voting by mail if: the voter submitted a registration application by personal delivery as required by Section 13.002 (e); and at the time the voter's early voting ballot application is submitted, the voter is certified for participation in the address confidentiality program administered by the attorney general under Subchapter B, Chapter 58, Code of Criminal Procedure. See Tex. Elec. Code § 82.007.

²⁸⁶ Tex. Elec. Code § 82.008; A sexually violent predator is defined as person who is a repeat sexually violent offender; and suffers from a behavioral abnormality that makes the person likely to engage in a predatory act of sexual violence. See Tex. Health and Safety Code § 841.003; A convicted felon may be a qualified voter if they have been fully discharged of their sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or if they have been pardoned or otherwise released from the resulting disability to vote. See Tex. Health and Safety Code § 11.002 (a)(4).

²⁸⁷ Prior to SB1, Tex. Elec. Code § 84.001 (b) stated that an application must be submitted in writing and that an electronic signature is not permitted. The amendment from SB1 clarified that an application must be signed with ink on paper and that photocopied signatures are not permitted either.

- Name and address at which they are registered to vote;
- Government-issued identification information;²⁸⁸
- The address to which the requested ballot should be mailed;
- The election(s) for which the voter is requesting a mail ballot; and
- the basis of the voter’s eligibility to vote by mail.²⁸⁹

The Secretary of State has prescribed a form for an ABBM that Texas counties may use in administering their elections.²⁹⁰ A qualified voter seeking to apply for a BBM, however, is not required to use the official application form,²⁹¹ rather, they may submit an “informal” application, provided the application is in writing and otherwise includes all of the required information.²⁹² An ABBM can be submitted at any point in the year of the election for which a ballot is requested, and is considered “submitted” once received by the clerk.²⁹³ ABBMs must be preserved following the election for the period for preserving the precinct election records.²⁹⁴

A voter may receive assistance with marking and/or reading the ballot. Similarly, a witness may also be used during this process if a voter applying for a ballot by mail is unable to sign the application because of a physical disability or illiteracy.²⁹⁵ Even so, the voter must place their mark on the application and the witness must attest on the application that the mark was made by the voter.²⁹⁶ If the voter is unable to make their mark on the application, the witness must state that fact on the application.²⁹⁷ The witness is also required to print the name of the voter who cannot sign on the application, print their own name, sign the application, and include the

²⁸⁸ The requirement that an ABBM include the voter’s government-issued identification information became effective December 2, 2021 following the enactment of Senate Bill 1 in the 2nd Special Session of the 87th Legislature. This requirement did not exist for the November 2020 General Election.

²⁸⁹ See Tex. Elec. Code § 84.002.

²⁹⁰ See Application for a Ballot by Mail, Texas Secretary of State, *available at*: <https://webservices.sos.state.tx.us/forms/5-15f.pdf>. The early voting clerk shall mail an official application without charge to each applicant who requests an application form. Tex. Elec. Code § 84.012.

²⁹¹ Tex. Elec. Code § 84.001 (c) (“An applicant is not required to use an official application form.”).

²⁹² See Keith Ingram, *Informal Application for Ballot by Mail*, Election Advisory No. 2021-24, (Dec. 22, 2021) <https://www.sos.state.tx.us/elections/laws/advisory2021-24.shtml>.

²⁹³ Tex. Elec. Code § 84.007. ABBMs must be received no later than the 11th day before election day in order to be considered timely. If the 11th day before election day happens to fall on a Saturday, Sunday, or certain holidays the 11th day is the preceding business day.

²⁹⁴ Tex. Elec. Code § 84.010.

²⁹⁵ Tex. Elec Code § 1.011.

²⁹⁶ *Id.* at §1.011 (b).

²⁹⁷ *Id.*

witness's own address on the application.²⁹⁸ All of this must be conducted in the presence of the voter.²⁹⁹ A witness that knowingly fails to comply with these requirements, commits a Class A misdemeanor. Lastly, the witness must also include on the application their relationship to the voter or state they are unrelated to the voter.³⁰⁰ It is an offense to sign an application for a ballot by mail as a witness for more than one applicant in the same election or if the person signs annual ABBM as a witness for more than one applicant in the same calendar year.³⁰¹

BBM Issued

After the early voting clerk has reviewed each application, the early voting clerk issues an early voting ballot by mail to the voter if they are entitled to one.³⁰² The ballot materials are then provided to the voter via mail.³⁰³ After receiving the BBM, the voter must mark their ballot in accordance with the instructions provided and then seal the BBM in the secrecy envelope. The voter must then put the secrecy envelope in the carrier envelope and seal it. Finally, the voter must seal and sign their official carrier envelope before mailing it back to the early voting clerk.³⁰⁴ A marked BBM must be returned before the polls close on election day or no later than 5 p.m. on the day after election day if the carrier envelope was mailed before election day and bears a cancellation mark of a common or contract carrier indicating a time no later than 7 p.m. at the location of the election on election day.³⁰⁵

BBM Returned to County

The Early Voting Ballot Board (EVBB)'s primary function is to assist with processing BBM and provisional ballots. The Signature Verification Committee (SVC) may also be assembled (if requested) as an auxiliary step to review signatures on BBMs and their respective carrier envelopes. Neither the EVBB nor the SVC play a role in reviewing the applications to vote by mail. The early voting clerk delivers the carrier

²⁹⁸ *Id.* at §1.011 (c)-(d). Note that if the witness to the application is an election officer, they are only required to include their official title on the application.

²⁹⁹ *Id.* at §1.011 (e).

³⁰⁰ Tex. Elec. Code § 84.003.

³⁰¹ Tex. Elec. Code § 84.004. It is not an offense if the person signing the early voting applications is the early voting clerk, deputy early voting clerk, or is related to the additional applicants as a parent, grandparent, spouse, child, or sibling.

³⁰² Tex. Elec. Code § 86.001. If the applicant is not entitled to vote by mail, the clerk shall reject the application, enter on the application "rejected" and the reason for and date of rejection, and deliver a written notice to the applicant. A ballot may not be provided to an applicant whose application is rejected.

³⁰³ Tex. Elec. Code § 86.003 (a). A ballot provided by any other method may not be counted.

³⁰⁴ Tex. Elec. Code § 86.005 (c).

³⁰⁵ Tex. Elec. Code § 86.007 (a).

envelopes containing the BBMs to the EVBB.³⁰⁶ If an SVC is assembled, the carrier envelopes are delivered to the SVC first.

Signature Verification Committee Composition and Function

Unlike the EVBB, which is a fixture of every election, an SVC is optional. It is up to the discretion of the early voting clerk to appoint one. If, however, an SVC is appointed, the EV clerk delivers the carrier envelopes containing mail ballots to the committee instead of directly to the EVBB.³⁰⁷

The SVC meets prior to election day to compare the signatures on the applications for ballot by mail to the corresponding carrier envelope certificate to determine whether the signatures are those of the same voter.³⁰⁸ This is the sole purpose of the SVC. Generally, the standard is whether the two signatures could have been made by the same person. If electronic signatures are used as a reference point for comparison, the SVC must have a plan in place and use that procedure throughout the duration.

If the SVC meets before election day, the committee chair shall lock and seal each ballot box prior to delivering the boxes back to the custodian of records. The chair shall complete a ballot box security form indicating each serial number used to seal each box. The form shall be signed by the chair and another committee member who has witnessed the procedure. In a general election for state and county officers, the committee member must be from a different political party than the judge. The custodian of records shall also sign the form.³⁰⁹

³⁰⁶ Tex. Elec. Code § 87.021.

³⁰⁷ Tex. Elec. Code § 87.027 (h).

³⁰⁸ A SVC may also be appointed in the general election for state and county officers if at least 15 registered voters submit a written request for an SVC to the early voting clerk. The request must be submitted not later than October 1st. Those responsible for appointing members of a SVC include the county election board in an election for which the board is established, the county chair in a primary election, and the governing body of the political subdivision. The early voting clerk determines the number of members to serve on the SVC. SVC cannot be comprised of less than five members. To be eligible to serve on a SVC, a person must be a qualified voter of the precinct and county in a county wide election/primary ordered by the governor or a qualified voter of the political subdivision for elections ordered by an authority of a political subdivision. The committee may not begin operating more than 20 days prior to election day. It is not recommended that those who serve on the EVBB also serve on the SVC because there is potential for conflicting determinations that a signature on a BBM application and the carrier envelope are those of the same voter. See Tex. Elec. Code § 87.027.

³⁰⁹ Office of The Texas Secretary of State, Early Voting Ballot Board & Signature Verification Committee Handbook for Election Judges and Clerks (2022) available at: <https://www.sos.state.tx.us/elections/forms/ballot-board-handbook.pdf>.

Early Voting Ballot Board Composition and Function

The EVBB's primary function is to assist with processing ballots by mail, provisional ballots, and early voting results from the territory served by the early voting clerk. The EVBB consists of a presiding judge, an alternate judge, and at least one other member. Except in the general election for state and county officers, each county chair of a political party with nominees on the general election ballot have to submit to the county election board a list of names of persons eligible to serve on the early voting ballot board in order of the county chair's preference.³¹⁰ The county election board then appoints at least one person from each list to serve as a member of the early voting ballot board. The same number of members must be appointed from each list.

The EVBB generally meets at least twice during an election. The purpose of the initial meeting is to qualify ballots by mail on either election day or after the last day to vote early in person. The EVBB then convenes after election day to review provisional ballots and to qualify any mail-in ballots received by the 5th and 6th day after election day from voters outside the U.S. and military voters.³¹¹ When determining whether to accept provisional ballots, the board is required to wait six days after election day to convene in order to give voters time to present valid photo identification, file a curing affidavit, or apply for and receive a disability exemption. For counties with a population of 100,000 or more, the Board may meet to review mail-in ballots beginning nine days before the last day of the early voting period. In 2020, the board could also compare and verify signatures with any two or more signatures made within the preceding six years.³¹²

SVC Determination Regarding Signatures

The EV clerk delivers the sealed early voting ballot box to the SVC who must inspect the box to determine whether the seals on the box are intact, and whether the numbers on the seals correspond to the numbers indicated on the record of serial numbers prepared by the early voting clerk.³¹³

³¹⁰ To be eligible to serve on the EVBB, a person must be a qualified voter of the precinct and satisfy any other requirements prescribed by the commissioner's court. The appointee must be a qualified voter of the territory served by the EV clerk. See Tex. Elec. Code § 87.003.

³¹¹ Office of The Texas Secretary of State, Early Voting Ballot Board & Signature Verification Committee Handbook for Election Judges and Clerks 9 (2022).

³¹² Tex. Elec. Code § 87.041 (e), amended by Senate Bill 1.

³¹³ Tex. Elec. Code § 87.027 (h).

If the SVC has decided that the signatures are from the same person, the EVBB may not override the committee's decision. If the SVC has decided that the signatures are *not* from the same person, the EVBB may override the committee's decision that the signatures are of the same person by a majority vote of the Board.

The SVC committee chair delivers the sorted election materials to the EVBB at the time specified by the board's presiding judge.³¹⁴

EVBB Processes

The EVBB must open each individual carrier envelope for mail ballots and determine whether to accept the voter's ballot. The criteria for acceptance includes ensuring that the voter's signature on the ballot and carrier envelope are those of the same voter, the voter's application states a valid reason for voting by mail, the voter is registered to vote, and the voter has provided the correct address/statement of residence. If a ballot is accepted, the board enters the voter's name on a poll list separate from the list of voters who cast ballots by personal appearance. If any requirement for ballot acceptance is not satisfied, the board shall reject that ballot.³¹⁵

Carrier envelopes containing rejected ballots must be placed in a sealed envelope and the EVBB must track the number of rejected ballots in each envelope.³¹⁶ They must be labeled with the date and identity of the election, include the reason for rejection, and must be clearly labeled as "rejected early voting ballots" and signed by the board's presiding judge. They must be stored for the period for preserving the precinct election records and cannot be mixed in with the box containing the voted ballots.³¹⁷ After election day, the presiding judge of the EVBB has no more than 10 days to deliver a written notice of the reason for the rejection of a ballot to the voter. No later than 30 days after election day, the early voting clerk must deliver a notice to the attorney general including certified copies of the rejected ballots and the reasons for rejection.³¹⁸

The EVBB may not count BBMs until the polls open on election day; or for counties with a population of 100,000 or more or conducted jointly with such a county, the end of the period for early voting by personal appearance.³¹⁹ All BBMs received by 7 p.m. on election day must be qualified by the EVBB and, if accepted, counted on

³¹⁴ Tex. Elec. Code § 87.027 (i).

³¹⁵ Tex. Elec. Code § 87.041 (a).

³¹⁶ Tex. Elec. Code § 87.043.

³¹⁷ Tex. Elec. Code § 87.043.

³¹⁸ Tex. Elec. Code § 87.0431 (b).

³¹⁹ Tex. Elec. Code § 87.0241 (b).

election day. Early voting clerks should arrange to check their mail at 7 p.m. to ensure that any ballots received are appropriately processed on election night. These ballots will be included in any results that are released on election night.³²⁰ Late ballots fall into one of three categories:

1. Ballots received by 5 p.m. on the next business day after election day with a postmark of 7 p.m. on election day or before, if sent by a civilian or military voter using an ABBM and voting within the United States. If there is no postmark, then it cannot be counted.³²¹
2. Ballots received by the 5th day after election day from an overseas civilian voter (ABBM or federal post card application) or a military voter (using an ABBM and voting from overseas) with a postmark of 7 p.m. on election day or before. If there is no postmark, then it cannot be counted.³²²
3. Ballots received by the 6th day after election day from a military voter using a federal post card application. No postmark is necessary. The voter can be domestic or overseas.³²³

Surrendered & Cancelled BBMs

A qualified voter who applied for a BBM may surrender or submit a request to cancel their ballot to an election officer.³²⁴ A voter can cancel a BBM in the following manners:³²⁵

- 1) The voter can fill out a Request to Cancel Ballot form at the Early Voting Clerk's office indicating:
 - they did not receive their mail ballot;
 - they never applied for a mail ballot;
 - they received a notice of carrier defect and want to cancel their application to vote by mail;
 - they want their ballot to be cancelled; or

³²⁰ Keith Ingram, *Processing and Counting Early Voting by Mail Ballots*, Election Advisory No. 2020-20, (July. 2, 2020) <https://www.sos.state.tx.us/elections/laws/advisory2020-20.shtml>.

³²¹ Tex. Elec. Code § 86.007 (a).

³²² Tex. Elec. Code § 86.007 (d).

³²³ Tex. Elec. Code § 101.057.

³²⁴ Tex. Elec. Code § 84.032.

³²⁵ See Tex. Elec. Code §§ 84.032; 84.038.

- they want their annual application for a ballot by mail to be cancelled.
- 2) The voter can fill out a Request to Cancel Ballot form at the polling location indicating:
- They are surrendering their ballot, have received notice that their ballot was improperly delivered, or are presenting notice of a surrendered ballot; or
 - They do not have possession of their ballot, notice of improper delivery, or notice of a surrendered ballot and they wish to vote in person. This voter will vote provisionally.

If the EV clerk cancels an application from a person to whom a mail ballot has been sent, the clerk must remove the applicant’s name from the EV roster and take any other record keeping actions to prevent the ballot from being counted if returned.³²⁶ This requirement requires attention to detail and proper documentation for recordkeeping and reconciliation purposes.

For returned ballots, if a mail ballot from a voter with a canceled application is returned to the EV clerk as a marked ballot, the ballot will be treated as a marked ballot but not timely returned.³²⁷ The EV clerk must notify the attorney general of cancellation requests received, including certified copies of cancellation requests, applications, and carrier envelopes, within 30 days after election day.³²⁸

Undeliverable BBMs

FAD reviewed records regarding BBMs that were recorded as having been returned undeliverable. These BBMs had been mailed to the voter, yet did not reach the voter and were returned to the county.

Source	County	Number of Ballots Coded as Returned Undeliverable
Undeliverable BBMs	Collin County	101
12 – Ballot by Mail Voter Roster	Dallas County	240

³²⁶ Tex. Elec. Code § 84.035 (a).

³²⁷ Tex. Elec. Code § 84.036.

³²⁸ Tex. Elec. Code § 84.037 (b).

Source	County	Number of Ballots Coded as Returned Undeliverable
1120 By Mail Ballot List - Public	Harris County	2,115
1120_Absentee_List_all return codes_(a_reqexp_SOS_TC)	Tarrant County	228

Figure 8-1: Undeliverable BMMs by County

Tabulating BBMs

The EVBB opens the container for the mail ballots that are to be counted by the board, and removes all contents. The EVBB counts the ballots and prepares the returns in accordance with the procedure applicable to paper ballots cast at a precinct polling place.³²⁹

The EVBB delivers to the central counting station the container for the early voting electronic system ballots that are to be counted by automatic tabulating equipment. The EVBB may not open the container as it is being delivered.

The EVBB places ballot envelopes containing an accepted mail ballot in the ballot box containing the early voted ballots by personal appearance. If the procedure for counting the early voting votes cast by personal appearance is different from that for counting the votes by mail, then those ballot envelopes are placed in a separate container.³³⁰

Ballots that are 1) cast from an address outside the United States, 2) placed for delivery prior to the deadline for mail-in ballots, and 3) arrive no later than the 5th day after an election are still eligible to be counted. The EVBB convenes to count late ballots.³³¹ This typically occurs on or before the ninth day after election day and the EVBB must report the results to the local canvassing authority.³³²

³²⁹ Tex. Elec. Code § 87.062.

³³⁰ Tex. Elec. Code § 87.042 (c).

³³¹ Tex. Elec. Code § 87.125.

³³² Tex. Elec. Code § 87.125. The Texas Election Code also provides that the counting of late BBMs may occur at a date earlier than the ninth day after the election if the early voting clerk certifies all ballots from outside the United States have been received. Additionally, the code states that the EVBB shall convene no later than the 13th day after the election to process late ballots. In the event the date for convening the EVBB falls on a weekend or certain holidays, the EVBB convenes on the next regular business day.

Notice Posted for Delivery

Elections that use paper ballots for early voting by mail can deliver the materials to the board between the end of the period for early voting by personal appearance and the closing of the polls on election day.³³³ For counties with a population of over 100,000, however, the authority may *mail* the early voting ballots by mail to the EVBB nine days before the early voting period ends and up until election day.³³⁴ This gives the Board more time to react in counties with greater volumes of mail ballots.

For both paper and BBMs, the EV clerk posts a notice of each delivery of materials before the polls open on election day. The notice must be posted at the main early voting place continuously for at least 24 hours leading up to delivery.

For BBMs that were rejected, the presiding judge of the EVBB mails a written notice of the reason that it was rejected to the voter at the address on the ballot application.³³⁵

Reasons for Rejecting BBM

The counties each provided similar reasons as to why a ballot would be rejected by their respective EVBB.³³⁶ These reasons include:

- No signature;
- Signature does not match;
- Envelope has two ballots;
- Envelope has no ballot;
- Address correction after print;
- Second ballot mailed;
- Ballot received after deadline;
- Not properly delivered;

³³³ Tex. Elec. Code § 87.0221.

³³⁴ Tex. Elec. Code § 87.0222.

³³⁵ Tex. Elec. Code § 87.0431.

³³⁶ See Dallas County Countable Summary Report; See Collin County Return Status Summary Report; for Tarrant County See Return Status Code & Description; for Harris County see BBM Return Status_Codes.

- Possible fraud review; or
- Returned undelivered by PO.

Duplication

Ballots that cannot be read by tabulating equipment may be duplicated or adjudicated. Authorities over precincts that use an electronic voting system in which ballots are counted at a central counting station may direct by resolution, order, or other official action that the early voting regular paper ballots cast in an election be duplicated as electronic system ballots for automatic counting at the central counting station.³³⁷

Ballot duplication serves several purposes. Primarily, it allows for ballots that are irregularly marked to be counted so long as the voter's intent is clear.³³⁸ When an improperly marked ballot is duplicated, the original ballot is preserved, and the duplicated ballot can be fed into an automatic tabulation machine at the central counting station.³³⁹

Secondarily, some voters are eligible to submit ballots through mail, email, or fax.³⁴⁰ In particular, citizens residing temporarily outside the United States, as well as absent service members and their families, are eligible to submit ballots through these modes.³⁴¹ Ballots received over email or fax must be duplicated in order to be counted by tabulation machines.³⁴²

Some voters eligible to vote by email or fax may choose to print their ballot and mail it back to the United States.³⁴³ In these cases, the type of paper used by a voter may not function with the automatic tabulation machines. Therefore, these ballots must be duplicated as well.³⁴⁴

³³⁷ Tex. Elec. Code § 87.102.

³³⁸ *Id.* § 127.125.

³³⁹ *Id.* §§ 127.126, 127.157.

³⁴⁰ *Id.* §§ 101.104, 105.001.

³⁴¹ *Id.* §§ 101.001, 101.104.

³⁴² *Id.* § 87.102 (b).

³⁴³ *Id.* § 101.001.

³⁴⁴ Michelle Shafer, *Ballot Duplication: What is it, what it is not and why we are talking about it in 2020*, ovi.csg.org (July 20, 2020) <https://ovi.csg.org/ballot-duplication-what-it-is-what-it-is-not-and-why-we-are-talking-about-it-in-2020/>.

All duplicated ballots, including ones submitted electronically, are preserved alongside the original ballots for the preservation period required by law.³⁴⁵ Currently, that period is 22 months from the date of the election.³⁴⁶

Ballot Tracking

As evidenced below, there were varying procedures in use by the four counties with regard to the handling and tracking of both ABBMs and BBMs. The counties were uniform in that they did not have a system or spreadsheet in place for tracking some rejected ABBMs. Additionally, a comparison between county records and TEAM revealed several instances where the dispositions of BBMs were not reported to TEAM and appeared to be inaccurate for the 2020 General Election.

One of the limitations with counties that are not online with the TEAM database is the fact that the counties must provide uploads to update the data that populates TEAM. There can be delays between the county's reporting and upload to the database – attributable to the actions of the counties or their offline vendors. This can negatively affect the accuracy of the records contained in TEAM.³⁴⁷

Audit & Analysis of the Four Counties' Data

On December 10th, 2021, The Secretary of State sent letters to each of the four elections administrators and requested they provide a detailed accounting of the following regarding mail ballot voting:

- Total Early Voting Ballots by Mail Requested;
- Total Early Voting Ballots by Mail Sent out;
- Total Early Voting Ballots requested by FPCA;
- Breakdown of Early Voting Ballots by Mail accepted/rejected;

³⁴⁵ Tex. Elec. Code § 127.126 (f).

³⁴⁶ *Id.* § 66.058 (a).

³⁴⁷ House Bill 1382 amended the Election Code to add Section 86.015, which required the Texas Secretary of State to develop or otherwise provide an online tool to each early voting clerk that enables a person who submits an application for a ballot to be voted by mail to track the location and status of the person's application and ballot on the secretary's website and on the county's website if the early voting clerk is the county clerk of a county that maintains a website. H.B. 1382, 87th Leg., R.S. (2021). This legislation provided a tracking mechanism for ABBMs and BBMs. Offline counties must provide uploads to the TEAM system in order for the tracker to be accurately populated.

- Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted provisionally in person; and
- Total number of mail ballot voters that surrendered their mail ballot and voted in person.

Collin County,³⁴⁸ Dallas County,³⁴⁹ Harris County³⁵⁰ and Tarrant County’s³⁵¹ Initial Letter Responses

Each of the four counties responded to the Secretary of State’s initial request by letter as follows:

Information Requested	Collin County	Dallas County	Harris County	Tarrant County
Total Early Voting Ballots by Mail Requested	43,931	100,751	194,566 ³⁵²	89,305
Total Early Voting Ballots by Mail Sent out	43,814	103,220	206,020	89,305
Total Early Voting Ballots requested by FPCA	3,581	5,704	12, 895	4,983
Early Voting Ballots by Mail Accepted	35,650	76,839	179, 174	65,995

³⁴⁸ See Letter from Bruce Sherbet, Collin County Elections Administrator.

³⁴⁹ See Letter from Michael Scarpello, Dallas County Elections Administrator.

³⁵⁰ Letter from Elections Administrator of Harris County addressed to Texas Secretary of State, Attachment 1: Responses to Texas SOS December 10 Initial Requests” from Harris County Administrator, Isabel Longoria. December 21, 2021.

³⁵¹ See Letter from Heider Garcia, Tarrant County Elections Administrator.

³⁵² Harris County indicated this figure did not include FPCA or Emergency Ballot applications.

Information Requested	Collin County	Dallas County	Harris County	Tarrant County
Early Voting Ballots by Mail Rejected	27	784	224 ³⁵³	311
Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted provisionally in person	2,474	14,091 ³⁵⁴	8,337	11,735 ³⁵⁵
Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted regularly in person			57	
Total number of mail ballot voters that surrendered their mail ballot and voted in person	4,832		45,225	

Figure 8-2: Four Counties' Response to Secretary of State Request

The FAD began its analysis of ballots by mail with a focus on reconciliation and a review of applicable processes and procedures. FAD requested documentation from

³⁵³ Harris County indicated that in addition to the 224 ballots rejected, 609 ballots were returned late. Accordingly, Harris County indicated they received a total of 180,007 ballots by mail.

³⁵⁴ Dallas County did not break this number down by voters who cancelled by surrendering their ballot and those who cancelled without surrendering and voted provisionally.

³⁵⁵ Tarrant County did not break this number down by voters who cancelled by surrendering their ballot and those who cancelled without surrendering and voted provisionally. Tarrant County indicated the system "does not record whether the voter surrendered the ballot or not."

the counties from their pollbook, ballot activity report uploads to the statewide database (TEAM), ballot by mail rosters, final vote history, and canvass reports. The counties complied with the requests in varying degrees.

In reviewing the documents provided by the counties, it is noteworthy that each county records their election data differently and the counties use different vendors, which leads to differences in the data captured and reports available. Additionally, each county's SVC or EVBB has developed its own processes, procedures, or forms to handle mail ballots, resulting in different points in each of the counties at which data could be evaluated and analyzed.

FAD On-Site Visits

County Procedures

Considering every county has different procedures, forms, and practices, it was important for FAD to speak with members of the county's staff that handled BBMs, members of the EVBB, and members of the SVC if possible to understand those processes and how to analyze the data provided by the counties. Moreover, Dallas and Harris Counties experienced changes in leadership from the time of the 2020 General Election to the time of the audit, making information from those with the best knowledge regarding practices and procedures during the 2020 General Election critical.

During on-site visits to Collin, Dallas, and Tarrant Counties, leadership, staff, and members of the EVBB/SVC were available to FAD for questions regarding processes and procedures. These three counties also provided FAD with tours of the facilities that showed the mechanics of EVBB/SVC operations. During one of the on-site visits to Harris County, the serving Elections Administrator and her Deputy made themselves available for general questions regarding the 2020 General Election. After that trip, Harris County emailed a list of certain members of the SVC, EVBB, and Central Count team that FAD could contact. Other than the Elections Administrator and her Deputy, Harris County staff was not identified nor made available for questions regarding procedures for voting by mail in the 2020 General Election by Harris County.

Across all of the counties, a consistent theme emerged. There were great difficulties in processing and handling the unprecedented volume of mail ballots issued during the 2020 General Election.

Collin County

In 2020, Collin County did not have an SVC, instead operating only with an EVBB. When a signed carrier envelope was returned to Collin County, the carrier envelope was scanned using VOTEC software. Two-person teams on the EVBB, with one member from each of the Democratic and Republican Party, reviewed electronic images of the voter's BBM and returned carrier envelope. If the team did not agree that the signatures matched, the review would be forwarded to the Ballot Board Judge and Alternate Judge. A consensus of the EVBB would then vote on whether to accept or reject the ballot. If the ballot was accepted, the EVBB opened the carrier envelope and prepared the ballot for tabulation.

Collin County's EVBB did not wait for ballot reading problems and instead was proactive in reviewing BBMs for issues that might cause problems when the ballot was scanned. Collin County developed a form to document and track the ballots being duplicated and the numbers associated with both the original and duplicated ballot. This was unique to Collin County and is a best practice. The ballots that had been prepared for tabulation were packaged and sealed for transfer to the counting station. These ballots were accompanied by a transmittal sheet that recorded how many ballots were being transferred and contained the signatures of the Ballot Board Judge and Alternate Judge.

The Ballot Board Judge also served in the counting station. Upon arrival at the counting station, the seal numbers were verified and if the seal numbers matched, the ballots were scanned for tabulation. In the event a ballot was rejected, the reason for the rejection was documented and kept separate so it would not be counted. The Ballot Board Judge ensured that the voter was mailed a letter notifying them that their ballot had been rejected and the reason for such.

Dallas County

Dallas County experienced difficulties in processing the high volume of ballots by mail due to staff turnover that occurred just prior to the 2020 General Election. The turnover led to an influx of temporary workers and an inability to effectively train the temporary workers. In addition, although Dallas County purchased equipment to process ballots more quickly, it did not arrive in a timely manner and was ultimately unreliable. Dallas County also experienced issues with the USPS not delivering BBMs to voters in time, so Dallas County developed an internal procedure with dates by which to send voters their ballots in order to ensure them being timely received.

Dallas County separated ABBMs into categories such as yearly, regular mail, disabled and military applications. The applications were logged into Dallas County's voter

registration system (VEMACS). Applications for voters who did not qualify for a BBM were not logged and were physically stored in a box labeled “Bad Mail.” If there was an issue with an ABBM, Dallas County mailed the voter a letter with a second ABBM. If the voter was not registered, Dallas County mailed the voter a letter with an application for registration and a second ABBM.³⁵⁶

Dallas County’s processing system involved printing labels for the green outer envelope mailed to the voter, the brown carrier envelope for the voter to return to Dallas County, and the jacket envelope. These labels contained the voter’s name, address, coded reason for voting by mail, certificate number, envelope identification number, and the election code. USPS requested that Dallas County put the return address mailing label on the *back* of the brown envelope. Unfortunately, this placement resulted in voted ballots being returned to the voter instead of being sent to the county. Dallas County corrected this issue by blacking out the addresses to ensure ballots mailed by voters were actually returned to the elections department.³⁵⁷

When BBMs arrived in Dallas County, the carrier envelopes were date stamped and run through a machine that imaged the envelope. Staff printed the voter’s ABBM for later comparison with the signature on the BBM. The carrier envelopes were batched and set aside for pick up and review by the SVC.

Members of Dallas County’s EVBB and SVC simultaneously served in both capacities.³⁵⁸ The batches of carrier envelopes and their corresponding applications were reviewed by two-member teams from the SVC.³⁵⁹ Each two-member team was comprised of one Democratic and one Republican member. The two-member team reviewed the carrier envelope and ABBM for signature comparison. Training included examples of what to look for and how to evaluate the signatures on the envelopes and applications. If the two-member team agreed that both signatures belonged to the voter, the carrier envelope moved on to be batched for opening and further

³⁵⁶ Dallas County indicated that now, they do not send an application for a ballot by mail to a voter that is not registered. Instead, they send a voter registration application. Dallas County also attempts to verify whether the voter is eligible to vote using a limited ballot.

³⁵⁷ Dallas County said they have since changed their process, utilizing labels now for the green and carrier envelopes that do not print the address of the voter on them.

³⁵⁸ The SOS recommends members of the Ballot Board be different than those that comprise the Signature Verification Committee. See The Office of the Secretary of State, Elections Division, Ballot Board Handbook 3, 2022 *available at*: <https://www.sos.state.tx.us/elections/forms/ballot-board-handbook.pdf#search=early%20voting%20ballot%20board> (“IT is NOT RECOMMENDED that members who serve on the EVBB also serve on the SVC. This creates a conflict because if a SVC has determined that the signatures on the application for ballot by mail or carrier envelope are not those of the same person, the EVBB may make a determination that the signatures are those of the same person by a majority vote of the board’s membership.”). Dallas County has since changed its procedures and the members of the SVC and EVBB do *not* serve simultaneously in both capacities.

³⁵⁹ This process in Dallas County is now electronic and does not involve the hand transfer of ballots.

processing. If the two-member team did not agree that the signatures matched, a second two-member team was asked to review the carrier envelope and application. If that team did not agree, the chair of the SVC determined whether to send it to the EVBB for further review.

The EVBB met in committees of between two and four members, with the judge serving as the third and fifth member of the committee. The EVBB would review and vote on questioned carrier envelopes. If the vote resulted in a tie, the judge served as the tie-breaking vote.

Carrier envelopes that were accepted were batched and processed by a team of two individuals. This team opened the carrier envelope and separated the internal secrecy envelope containing the ballot from the external carrier envelope. The team continued on with this process until they had a number of ballots to transfer to Central Count. These ballots were then grouped and sealed for transfer. A transmittal sheet documenting the number of ballots to be transferred and the seal number accompanied the ballots transferred to Central Count.

Upon the initial scan of the carrier envelope, the ballots were coded with a return status that indicated they were pending review. The date the scan took place was captured. After the carrier envelopes had been reviewed and a decision was made regarding whether to move them forward in the process, the carrier envelopes were scanned again and the status of the ballot changed from pending review to "OK." The system also captured this second scan date. In reviewing electronic records from Dallas County, it appeared many ballots were returned past the deadline, yet had been counted. Dallas County explained the scanning process and it appears the scan date overrode the date of the ballot's return to Dallas County.

Harris County

Members of Harris County's SVC & EVBB served on the same board/committee. Harris County utilized a tub system to transport and process BBMs. The BBM process was described to FAD as "chaotic." One of the reasons attributed to this description was the volume of ballots by mail. The SVC/EVBB involvement in the BBM process all occurred at the NRG Arena.

On receipt, returned carrier envelopes were scanned in batches of 25. These batches were placed in tubs that were transferred to the EVBB. Tubs were handled by two-person teams of a representative from the Democratic and Republican parties. On arrival, the tub was opened and the carrier envelopes were counted to verify that the number of envelopes to be reviewed matched the number of envelopes that had been transferred. Using digital images of the carrier envelopes and applications, the teams

performed signature comparison. Any questionable carrier envelope was removed from a batch and wrapped in a separate sheet for further review. The original batch was re-wrapped or sealed with the batch sheet around it with an updated number to reflect any questionable carrier envelopes that had been removed. When a tub was completed, all of the carrier envelopes that were deemed "OK" were sealed back into a tub. The questioned carrier envelopes were kept separately for further review and packaged in a judge's tub.

A three-tier system was used to evaluate questioned carrier envelopes. If the first-tier team could not agree regarding signatures, the carrier envelope was "questioned." The carrier envelope would proceed to a second tier or more experienced team. Usually at this stage, many questioned carrier envelopes were resolved. In the event the second-tier team could not resolve the matter, the carrier envelope went to the judges for review. If there was nothing in the records available to the judges to verify that the signatures could belong to the same voter, the carrier envelope was rejected. A rejected carrier envelope was returned to the elections department and a voter was mailed a letter and reason for the ballot's rejection.

The sealed carrier envelopes deemed "OK" were returned to the elections department. At this stage, the carrier envelopes were opened to process the actual ballots. At times, the EVBB helped with this process if they had availability. First, the carrier envelope was opened and the internal secrecy envelope containing the ballot was removed. The carrier envelope was torn halfway down through the voter's address. The secrecy envelopes were stacked. If a ballot arrived in a carrier envelope that was not sealed in a secrecy envelope, the team member called for a secrecy envelope, placed the ballot inside the secrecy envelope, and put it inside the envelope.

The ballot envelopes were then opened and any ballots that had questionable marks making the intent of the voter a question had to be adjudicated. Additionally, if a voter had marked through or on the barcode, the ballot had to be duplicated.

Tarrant County

Members of the EVBB and SVC served on the same board/committee.³⁶⁰ While on-site in Tarrant County, FAD had the opportunity to observe BBM processing for a subsequent election. Tarrant County developed forms for tracking the movement of ballots between stations to ensure accurate accounting of the ballots. Tarrant County noted that ballots by mail are not tracked until a voter is sent a ballot, but that a

³⁶⁰ This set up is contrary to best practice.

future project will likely involve digitizing records of all the applications that Tarrant County receives to enable tracking of the applications received.

Signed returned carrier envelopes were checked in by running the envelopes through a sorting machine that captured an image of both the front and back of the carrier envelope and scanned the barcode to note the envelope had arrived. Signature comparison between the signed carrier envelopes and the voter's application to vote by mail was done by two-member teams consisting of one Republican and one Democratic member. This process was done electronically utilizing large monitors. Once the signature comparisons were completed, the envelopes were run back through the sorter and the carrier envelopes that had been accepted would be cut open by the machine. The EVBB extracted the ballots, put them in batches, prepared them for scanning, and scanned them using the Hart Verity Scan.³⁶¹ On the day of tabulation, the ballots were placed on a vDrive and given to Central Count to add to the system for tabulation. This physical transfer of the electronic information storage media was done without a log to document the transfer. FAD made Tarrant County aware that this transfer requires documentation and Tarrant County intends to address it.

If the two-member team could not agree regarding the signature comparison, the EVBB would hold a session to look at the questioned carrier envelopes and vote as a group on whether to accept or reject it. If there was a tie, the judge made the final decision. Tarrant County's early voting mail staff assisted the EVBB by generating letters regarding rejected carrier envelopes and provided them to the EVBB for signature and mailing.

Tarrant County experienced an issue with the print quality of their BBMs that required the ballot board to duplicate the ballots following the procedure set out in the Election Code.³⁶² Tarrant County stamped both the initial ballot and the duplicated ballots with a code so that they could be matched and stored the physical ballot pairs in 25 boxes. They subsequently scanned the ballots from the 25 boxes and stored them along with their tracking logs in a set of 56 Adobe Acrobat files. Given the large volume of data, FAD took a sample of ballots from each box and reviewed a total of 160 ballot pairs. Of these pairs, FAD located two duplication errors.

³⁶¹ The extraction and scanning process occurs in the same room.

³⁶² See Duplicated Ballots, *supra/infra*.

Official Ballot 90000312

November 3, 2020 **Joint General and Special Elections** Elecciones generales y especiales conjuntas
 3 de noviembre de 2020 Condado de Tarrant Precinct 1211-003 Precincto 1211-003

Page 1 of 2 Página 1 de 2

Instruction Note: Please use a black or blue ink pen to mark your ballot. To vote for your choice in each contest, completely fill in the box next to your choice.
Nota de Instrucción: Favor de usar una pluma de tinta negra o azul para marcar su boleta. Para votar por su selección en cada carrera, llene el espacio cuadrado a la izquierda de su selección.

Legend of Party Affiliation
 Republican = REP
 Democratic = DEM
 Libertarian = LIB
 Green = GRN
 Independent = IND
 Write-in Candidate

President and Vice-President of the United States
 Presidente y Vice-Presidente de los Estados Unidos

Donald J. Trump/ Michael R. Pence REP
 Joseph R. Biden/ Kamala D. Harris DEM
 Jo Jorgensen/ Jeremy "Spide" Cohen LIB
 Howie Hawkins/ Angela Walker GRN
 Write-in Candidate

United States Senator
 Senador de los Estados Unidos

John Cornyn REP
 Mary "MJ" Heger DEM
 Harry Douglas McKinnon LIB
 David S. Collins GRN
 Write-in Candidate

United States Representative, District 33
 Representante de los Estados Unidos, Distrito Núm. 33

Isaiam Cordova Vasquez REP
 Matt Veasey DEM
 Jason Reeves LIB
 Rene Wehler IND
 Carlos Quintanilla IND

Railroad Commissioner
 Comisionado de Ferrocarriles

James "Jim" Wright REP
 Chrysa Castañeda DEM
 Matt Sterett LIB
 Katja "Kat" Gruene GRN

Chief Justice, Supreme Court
 Jefe Presidente, Corte Suprema

Nathan Hecht REP
 Amy Clark Meachum DEM
 Mark Ash LIB

Justice, Supreme Court, Place 6 (Unexpired Term)
 Juez, Corte Suprema, Lugar Núm. 6 (Duración Restante del Cargo)

Jane Bland REP
 Kathy Chang DEM

Justice, Supreme Court, Place 7
 Juez, Corte Suprema, Lugar Núm. 7

Jeff Boyd REP
 Stad Williams DEM
 William Bryan Strange III LIB

Justice, Supreme Court, Place 8
 Juez, Corte Suprema, Lugar Núm. 8

Brett Busby REP
 Gisela D. Triana DEM
 Tom Oxford LIB

Judge, Court of Criminal Appeals, Place 3
 Juez, Corte de Apelaciones Criminales, 3

Bert Richardson REP
 Elizabeth Davis Frazier DEM

Judge, Court of Criminal Appeals, Place 4
 Juez, Corte de Apelaciones Criminales, 4

Kevin Patrick Yeary REP
 Tina Clinton DEM

Judge, Court of Criminal Appeals, Place 9
 Juez, Corte de Apelaciones Criminales, 9

David Newell REP
 Brandon Birmingham DEM

State Representative, District 95
 Representante Estatal, Distrito Núm. 95

Nicole Collier DEM

Justice, 2nd Court of Appeals District, Place 2
 Juez, Corte de Apelaciones Distrito Núm. 2 Lugar Núm. 2

Dana Wornack REP

Justice, 2nd Court of Appeals District, Place 6 (Unexpired Term)
 Juez, Corte de Apelaciones Distrito Núm. 2 Lugar Núm. 6 (Duración Restante del Cargo)

Mike Wallace REP
 Delonia A. Watson DEM

Justice, 2nd Court of Appeals District, Place 7
 Juez, Corte de Apelaciones Distrito Núm. 2 Lugar Núm. 7

Brian Walker REP

District Judge, 17th Judicial District
 Juez del Distrito, Distrito Judicial Núm. 17

Melody Wilkinson REP

District Judge, 48th Judicial District
 Juez del Distrito, Distrito Judicial Núm. 48

David Evans REP
 Lawrence Meyers DEM

District Judge, 67th Judicial District
 Juez del Distrito, Distrito Judicial Núm. 67

Don Cosby REP
 Matthew Hageman DEM

District Judge, 96th Judicial District
 Juez del Distrito, Distrito Judicial Núm. 96

Pat Gallagher REP
 Tim Brandenburg DEM

District Judge, 153rd Judicial District
 Juez del Distrito, Distrito Judicial Núm. 153

Susan McCoy REP
 Alisha Darden DEM

District Judge, 213th Judicial District
 Juez del Distrito, Distrito Judicial Núm. 213

Chris Wolfe REP
 Lakesha Smith DEM

District Judge, 342nd Judicial District
 Juez del Distrito, Distrito Judicial Núm. 342

Kimberly Fitzpatrick REP
 Valerie Boston DEM

District Judge, 348th Judicial District
 Juez del Distrito, Distrito Judicial Núm. 348

Megan Falvey REP
 Maryellen W. Hoba DEM

District Judge, 352nd Judicial District
 Juez del Distrito, Distrito Judicial Núm. 352

Josh Burgess REP
 Clyn Poole DEM

Read Both Sides of the Ballot / Leer ambos lados de la boleta

Figure 8-3: Original Ballot 9000312



Joint General and Special Elections
November 3, 2020

8ff1-a7e9-ed37e (7-831389-99980001146)

To cast your ballot, you must take this record to the separate scanning station and scan it.

	OFFICE	CANDIDATE	COUNT
President		BIDEN - HARRIS	3 DEM
United States Senator		JOHN CORNYN	1 REP
US Rep District 33		MARC VEASEY	2 DEM
Railroad Commissioner		CHRISTA CASTANEDA	2 DEM
Chief Justice, Supreme Court		AMY CLARK PEACOCK	2 DEM
Supreme Court Place 6		KATY CHENG	2 DEM
Supreme Court Place 7		STACI WILLIAMS	2 DEM
Supreme Court Place 8		BRETT HARBO	1 REP
Criminal Appeals Place 3		ELIZABETH BAYNE FROZELL	2 DEM
Criminal Appeals Place 4		TINA CLINTON	2 DEM
Criminal Appeals Place 5		BRANDON KIRKIN-OR	2 DEM
State Rep District 95		NICOLE COLLIER	1 REP
2nd Court, Place 2 (Unexpired Term)		DANA NORACK	1 REP
2nd Court, Place 6 (Unexpired Term)		COLONIA A NAYLOR	2 DEM
2nd Court Place 7		BRIAN BALDWIN	1 REP
17th District Judge		MELODY MILKINSON	1 REP
48th District Judge		LAWRENCE PEYERL	2 DEM
57th District Judge		MATTHEW HODGSON	2 DEM
96th District Judge		TIM SHANMUGARAJU	2 DEM
109th District Judge		ALISHA GARDEN	2 DEM
121st District Judge		LARENA SMITH	2 DEM
142nd District Judge		SARAH BASTON	2 DEM
148th District Judge		MARCELLE W. HIGDON	2 DEM
162nd District Judge		OLYN POOLE	2 DEM
166th District Judge		RICHARD FURZ	2 DEM
186th District Judge		GEORGE SALLASER	1 REP
Criminal Court No. 2		KAREN WILLIAMS	2 DEM
Sheriff		KACE KEVES	2 DEM
County Tax Assessor-Collector		ELLIE BOOD ANDERSON	2 DEM
County Commissioner Pct 1		ROY CHARLES BRIDGES	2 DEM
County Constable Pct B		MICHAEL CAMPBELL	1 DEM
Fort Worth ISD Proposition A		+NO SELECTION+	
		+SPACE+	
		** END OF PAGE **	



90000312

DUPLICATE

Figure 8-4: Duplicate Ballot 90000312

Official Ballot

30001815

Joint General and Special Elections Elecciones generales y especiales conjuntas
November 3, 2020 3 de noviembre de 2020 Page 1 of 2 Página 1 de 2
Tarrant County Condado de Tarrant Precinct 3247-150 Precinto 3247-150

Instruction Note: Please use a black or blue ink pen to mark your ballot. To vote for your choice in each contest, completely fill in the box next to your choice.

Nota de Instrucción: Favor de usar una pluma de tinta negra o azul para marcar su boleta. Para votar por su selección en cada carrera, llene el espacio cuadrado a la izquierda de su selección.

Legend of Party Affiliations
 Republican = REP
 Democratic = DEM
 Libertarian = LIB
 Green = GRN
 Independent = IND
 Licensed Candidate = LIC

United States Senator
 Senador de los Estados Unidos
 John Cornyn REP
 Mary "M.J." Heger DEM
 Kerry Douglas McEnnon LIB
 David B. Collins GRN

United States Representative, District 24
 Representante de los Estados Unidos, Distrito Núm. 24
 Beth Van Dyne REP
 Candace Valenzuela DEM
 Darren Hamilton LIB
 Steve Kuzmich IND
 Mark Bauer IND

Railroad Commissioner
 Comisionado de Ferrocarriles
 James "Jim" Wright REP
 Chrysa Castañeda DEM
 Matt Starnett LIB
 Karja "Ker" Guene GRN

Chief Justice, Supreme Court
 Juez Presidente, Corte Suprema
 Nathan Hecht REP
 Amy Clark Meachum DEM
 Mark Ash LIB

Justice, Supreme Court, Place 6 (Unexpired Term)
 Juez, Corte Suprema, Lugar Núm. 6 (Duración Restante del Cargo)
 Jane Bland REP
 Kathy Cheng DEM

Justice, Supreme Court, Place 7
 Juez, Corte Suprema, Lugar Núm. 7
 Jeff Boyd REP
 Staci Williams DEM
 William Ryan Strange III LIB

Justice, Supreme Court, Place 8
 Juez, Corte Suprema, Lugar Núm. 8
 Brett Busby REP
 Gisela D. Triana DEM
 Tom Oxford LIB

Judge, Court of Criminal Appeals, Place 3
 Juez, Corte de Apelaciones Criminales, 3
 Bert Richardson REP
 Elizabeth Davis Frazier DEM

Judge, Court of Criminal Appeals, Place 4
 Juez, Corte de Apelaciones Criminales, 4
 Kevin Patrick Yeary REP
 Tina Clinton DEM

Judge, Court of Criminal Appeals, Place 5
 Juez, Corte de Apelaciones Criminales, 5
 David Newell REP
 Brandon Birmingham DEM

State Representative, District 92
 Representante Estatal, Distrito Núm. 92
 Jeff Cason REP
 Jeff Whitehead DEM
 Brody Mulligan GRN

Justice, 2nd Court of Appeals District, Place 2
 Juez, Corte de Apelaciones Distrito Núm. 2, Lugar Núm. 2
 Dana Womack REP

Justice, 2nd Court of Appeals District, Place 6 (Unexpired Term)
 Juez, Corte de Apelaciones Distrito Núm. 2, Lugar Núm. 6 (Duración Restante del Cargo)
 Mike Wallace REP
 Delonia A. Watson DEM

Justice, 2nd Court of Appeals District, Place 7
 Juez, Corte de Apelaciones Distrito Núm. 2, Lugar Núm. 7
 Brian Walker REP

District Judge, 17th Judicial District
 Juez del Distrito, Distrito Judicial Núm. 17
 Melody Wilkinson REP

District Judge, 48th Judicial District
 Juez del Distrito, Distrito Judicial Núm. 48
 David Evans REP
 Lawrence Meyers DEM

District Judge, 67th Judicial District
 Juez del Distrito, Distrito Judicial Núm. 67
 Don Cobby REP
 Matthew Hegeman DEM

District Judge, 96th Judicial District
 Juez del Distrito, Distrito Judicial Núm. 96
 Pat Gallagher REP
 Tim Brandenburg DEM

District Judge, 153rd Judicial District
 Juez del Distrito, Distrito Judicial Núm. 153
 Susan McCoy REP
 Alisha Darden DEM

District Judge, 213th Judicial District
 Juez del Distrito, Distrito Judicial Núm. 213
 Chris Wylie REP
 Lakasha Smith DEM

District Judge, 342nd Judicial District
 Juez del Distrito, Distrito Judicial Núm. 342
 Kimberly Fitzpatrick REP
 Valerie Boston DEM

District Judge, 348th Judicial District
 Juez del Distrito, Distrito Judicial Núm. 348
 Megan Fahay REP
 Maryellen W. Hicks DEM

District Judge, 352nd Judicial District
 Juez del Distrito, Distrito Judicial Núm. 352
 Josh Burgess REP
 Olyn Poole DEM

Read Both Sides of the Ballot / Leer ambos lados de la boleta

Figure 8-5: Original Ballot 30001815

In addition to reviewing the electronically available documents provided by the counties, FAD engaged in multiple on-site visits at each county's election department to review, inspect, and obtain copies of election records related to ballots by mail. The records available and the usefulness of the records depended largely on the county's organization of and inventory of said records. FAD also met with individual election staff members, signature verification committee members, or early voting ballot board members to gain insight into the processes and procedures in place for the respective counties.³⁶³ Changes in leadership in Dallas and Harris Counties that occurred after the 2020 General Election, highlighted the importance of speaking to staff or members of the SVC or EVBB who would have the best understanding of each county's processes and procedures as they existed during the 2020 General Election.

Applications for Ballots by Mail

In 2020 none of the four counties had a mechanism in place to log or track the mere receipt of an ABBM until the application was accepted. Unless and until a determination was made that a ballot would be mailed to the prospective voter, the ABBM was not logged or tracked in any manner. If an ABBM came in and that application was rejected, i.e., no ballot would be mailed to the voter, there was no log or database report available capturing this occurrence. Collin and Tarrant Counties, however, were able to provide scanned images of all applications received by the county.

Due to the lack of recording or tracking of all ABBMS (regardless of whether a ballot was ultimately mailed to a voter) received by the counties, meaningful analysis of the figures the county provided in response to the Secretary of State request for the total number of ABBM received was not possible. Further, as the counties did not begin tracking the application until a ballot was mailed, the counties generally indicated there was no real mechanism by which to evaluate whether an ABBM was rejected.³⁶⁴ Using the data available, FAD was able to determine the numbers that follow regarding how many applications resulted in ballots being sent to a prospective voter. The values available from the documentation provided by the counties is listed below in comparison to the written response as reported in the initial letter to the

³⁶³ Prior to Harris county's recent cooperation beginning in October 2022, Harris County did not make staff available for comment or information regarding processes or procedures during the 2020 General Election. Harris County provided contact information for certain individual members of the EVBB, SVC, or Central Count "we". FAD spoke with each of the individuals that were identified by Harris County. Even so, a more thorough understanding of processes and procedures during the 2020 General Election would have been possible with input from Harris County staff members earlier in the auditing timeline.

³⁶⁴ Tarrant County, however, provided a list of the letters mailed to rejected applicants and the number of rejection notices sent regarding rejected applications for BBM was 3,180.

Secretary of State. Unique findings related to ABBMs in certain counties are included below.

County	Letter Response	Records Provided by County
Collin	43,814	Absentee Request Type and Return Status Summary: 45,948 ³⁶⁵
Dallas	103,220	1120 Summary Report for 2020 General Election: 103,220 ³⁶⁶ Election Audit Workbook: 101,409 ³⁶⁷
Harris	206,020	Ballot List–By Mail–All Return Statuses: 252,693 ³⁶⁸
Tarrant	89,305	Absentee List All Return Codes: 89,305 ³⁶⁹

Figure 8-7: Ballots by Mail Sent to Voters

Reason for Requesting Ballot by Mail

The two most common categories of BBM voters are individuals who vote by mail due to age and disability. Voters are not required to provide the specific nature of their disability on an ABBM but are required to certify that their disability prevents them from appearing at the polling place without the likelihood of needing personal assistance or injuring their health. Available records do not provide any means for auditing a request to vote by mail due to disability. Available records did, however, provide means for auditing requests to vote by mail due to age.

In order to have been eligible to vote by mail due to age in the 2020 General Election, a voter must have been born on or before November 3, 1955. FAD evaluated records

³⁶⁵ This document breaks down the categories of requests of BBM type, i.e. Annual Disability, Overseas Military, Expected Absence from County, etc. with a cumulative total of all requests

³⁶⁶ This document is a report of all absentee labels printed with a breakdown of those accepted, rejected, and not returned

³⁶⁷ This figure comes from Dallas’ in-house audit workbook of ballots issued vs. ballots counted

³⁶⁸ This is a cumulative report of all voters that requested a ballot

³⁶⁹ This document breaks down the categories of requests of BBM type, i.e. Annual Disability, Overseas Military, Expected Absence from County, etc. with a cumulative total of all requests

related to ABBMs and BBMs to verify that voters coded as voting by mail due to age were in fact 65 or older at the time of the 2020 General Election.

Collin County Application for Ballot by Mail (Age) Audit

Two source documents provided by Collin County were used for this portion of the audit: Collin County's Final Vote History and Collin County's Absentee Returns roster dated November 4, 2020.

Collin County's Final Vote History reflected there were 84 voters coded as yearly applicants to vote by mail for age with dates of birth indicating they were younger than 65.

Collin County's Absentee Returns roster from November 4, 2020 reflected there were 198 voters coded as yearly applicants to vote by mail for age with dates of birth indicating they were younger than 65.³⁷⁰

In reviewing the applications to determine whether there was a coding error or these individuals improperly received ballots by mail, it was determined that:

Of the 85 voters in Collin County's Final Vote History³⁷¹

- 77 voters had actually requested to vote by mail for disability, 6 voters had requested to vote by mail due to an expected absence from the county, and 1 voter requested a ballot due to being overseas. These 84 voters were coded incorrectly and were entitled to vote by mail.
- One voter did not include a reason for voting by mail on their ABBM and did not include a date of birth. This voter was not entitled to vote by mail.

Of the 198 voters in Collin County's Absentee Returns roster from November 4, 2020:

- 168 voters had actually requested to vote by mail for disability and 6 voters had requested to vote by mail due to an expected absence from the county. These 174 voters were coded incorrectly and were entitled to vote by mail.
- 2 voters had the incorrect date of birth associated with them and were actually 65 or older. These voters were entitled to vote by mail.

³⁷⁰ There were 8 voters in common between the two source documents.

³⁷¹ Collin County's Final Vote History file was incomplete in that it did not reflect the reason for voting by mail on 25,577 voter records.

- 2 voters had improperly been coded as being associated with a BBM. In each of these instances, the ballots for these voter records had been requested by another voter with a similar name who was actually 65 or older.
- 20 voters had applications that either reflected no reason for voting by mail or did in fact request to vote by mail due to being 65 or older, were issued a ballot, yet were not entitled to vote by mail.

Dallas County Application for Ballot by Mail (Age) Audit

Dallas County's ballot by mail records indicated 994 voters were coded as yearly applicants to vote by mail for age with dates of birth indicating they were younger than 65. Dallas County pulled specific applications in response to FAD's request to review these voters' applications to vote by mail.

Of the 994 voters in Dallas County's records:

- 775 voters had requested to vote by mail due to disability and 66 voters had requested to vote by mail due to an expected absence from the county. These 841 voters were coded incorrectly and were entitled to vote by mail.
- 59 applications were not found and no determination of eligibility could be made.
- 2 voters listed COVID as their eligibility reason and were improperly issued a ballot and were not entitled to vote by mail.³⁷²
- 22 voters requested to vote by mail but their applications were sent to an ineligible recipient.
- 2 voters listed both age and disability and were properly issued a ballot and entitled to vote by mail.
- 21 voters' applications reflected no reason for voting by mail and were improperly issued a ballot and were not entitled to vote by mail.
- 42 voters had applications that requested to vote by mail due to being 65 or older but date of birth records indicated the voters were not 65. These voters were improperly issued a ballot and were not entitled to vote by mail.

³⁷² See, *In re State*, 602 S.W.3d 549, 550, (2020) ("We agree with the State that a voter's lack of immunity to COVID-19, without more, is not a 'disability' as defined by the Election Code.").

- 5 applications were illegible and no determination of eligibility could be made.

Harris County Application for Ballot by Mail (Age) Audit

The records related to ballots by mail provided by Harris County did not provide the level of detail necessary to enable an audit of this category of voters. Documentation available only broke down absentee ballots by type as follows:

35 - Regular app voter overseas

DME - Domestic Military Email

DMM - Domestic Military Mail

DSE - Domestic Spouse/Dep Mil. Email

DSM - Domestic Spouse/Dep Mil. Mail

EB - EMERGENCY BALLOT-ILLNESS/DEATH

FCE - Federal Overseas Civilian Email

OCE - Overseas Civilian Email

OCM - Overseas Civilian Mail

OIE - Fed Overseas Indefinitely Email

OIM - Fed Overseas Indefinitely Mail

OME - Overseas Military Email

OMM - Overseas Military Mail

OSM - Overseas Spouse/Dep Mil. Mail

RM - REGULAR MAIL

RS - Regular at diff residence address

Further documentation regarding the reason for voting by mail was not provided. RM includes the vast majority of the BBM.

Tarrant County Application for Ballot by Mail (Age) Audit

Two source documents provided by Tarrant County were used for this portion of the audit: Tarrant County's Final Vote History and Tarrant County's Absentee List with all return codes.

Tarrant County's Final Vote History reflected there were 128 voters coded as yearly applicants to vote by mail for age with dates of birth indicating they were younger than 65.

Tarrant County's Absentee List with all return codes reflected there were 282 voters coded as yearly applicants to vote by mail for age with dates of birth indicating they were younger than 65. In addition, this spreadsheet reflected there were 71 voters coded as voting by mail (non-yearly applicants) due to age with dates of birth indicating they were younger than 65.

FAD provided a list of these voters to Tarrant County and requested their ABBM to review whether this was due to an error in coding or an error in issuing the ballot itself.

Tarrant County indicated they were unable to pull specific applications but that upon review of the list FAD provided, it appeared many of the applications had been coded incorrectly. Tarrant County provided all of their ABBMs for FAD to locate and review those ABBMs at issue. In total, Tarrant County provided over 99,000 ABBMs in an unsearchable format. A review of a 5% sample of the ABBMs at issue revealed that all of the questionable ABBMs were the result of miscoding and the voters who had requested to vote by mail were entitled to do so. The majority of these voters had requested to vote by mail due to disability or an expected absence from the county, were coded incorrectly, and were entitled to vote by mail. Two voters in the sample had improperly been coded as being associated with a BBM. In both of these instances, the ballots for these voter records had been requested by another voter with a similar name who was actually 65 or older.

ABBM Unique Findings

Dallas County

Rejected Applications for Ballots by Mail – “Bad Mail”

Dallas County staff indicated that while there was no tracking mechanism for ABBMs that were received but ultimately did not result in the issuance of a ballot, Dallas County did maintain those applications. The applications were categorized as “Bad Mail” and were preserved in a box following the election. A review of a sample of those records revealed the following as reasons for rejection of the application:

- Missed deadline;
- Expected absence invalid;³⁷³
- No signature;
- Unable to determine;
- Signature mismatch;
- Not registered;
- No election selected;
- Invalid forwarding address; and
- No name.

Bulk Applications for Ballots by Mail

Dallas County’s records inventory indicated there were boxes containing “Applications Received in Bundle” for ballots by mail. FAD reviewed these boxes. The boxes contained over 1,464 applications for ballots by mail submitted in 97 envelopes for the 2020 Primary and General Elections. Each envelope contained between 1 and 93 applications. Some of these applications were from Secretary of State, as many voters mailed applications for ballots by mail to the Secretary of State and these were subsequently re-routed to the appropriate counties.

³⁷³ If the applicant indicating they were requesting a ballot by mail due to an expected absence from the county, the dates of the absence from the county must cover the date of the election for which the applicant is seeking a ballot.

Of the non-Secretary of State routed bundles, many included the name of an assistant that helped the applicant complete the ABBM. Many of these bundled applications were associated with common assistants. In particular, three assistants were listed on 469 ABBMs. A single person was named as the assistant for 393 ABBMs. Notably, these three assistants were also associated with repeated ABBMs for the same voters. Many of the applicants assisted by these three assistants had residential addresses on their applications associated with assisted living facilities and apartment complexes. One address in particular — identified as an assisted living facility — was the source of 55 ABBMs submitted with the same individual named as the assistant on all 55 applications. Another address — identified as an affordable housing complex — was listed on 58 ABBMs submitted with the same individual named as the assistant that had been named on the 55 applications from the assisted living facility. There was also one application submitted with this same assistant listed on the application that requested a BBM for the voter with age, i.e. being 65 or older, as the reason for voting by mail — while the application reflected the voter was only 57 years old.

FAD attempted to locate the carrier envelopes associated with the voter. This was difficult, however, because this required individual review of each of the over 70,000 scanned carrier envelopes. In reviewing a sample of those carrier envelopes, FAD located carrier envelopes executed by 22 of the voters that had been assisted by the assistant who was listed on 393 ABBMs. Of those 22 carrier envelopes, 2 listed the same assistant who was listed on the ABBM.

As noted above, a voter is entitled to assistance in filling out their ABBM. There is currently no statutory limit to the number of applications on which an individual can act as an *assistant*. Additionally, there is nothing in the Texas Election Code that prevents a person from being compensated for assisting with an *application* for a ballot by mail. Contrasted with the legal requirements and prohibitions associated with the actual mail ballot, there are fewer legal restrictions and requirements that apply to assisting with an ABBM. The Office of the Attorney General has agreed to assist with providing additional information so this occurrence in Dallas County may be referred to the local authorities for investigation and potential prosecution.

BBM Returned to the County

FAD endeavored to determine how many ballots by mail were returned to each county, how many of those ballots were accepted, and how many of those ballots were rejected. Finally, FAD attempted to verify that the number of ballots accepted were actually tabulated and that number matched what was reported by the county in the canvass. As will be evident in the findings below, the four counties had multiple

sources of data regarding BBMs, yet comparison and analysis of these sources yielded inconsistencies and discrepancies.

Collin County

Ballots Returned	Accepted	Ballots Not Accepted	Ballots Tabulated	Canvass
37,663 ³⁷⁴	34,265 ³⁷⁵	7	36,007 ³⁷⁶	35,650 ³⁷⁷

Figure 8-8: Collin County Returned BBM Discrepancies

As noted above, there were discrepancies between the number of ballots returned, accepted, and rejected based on the records provided by Collin County. Collin County believes discrepancies observed may be due to how their reporting software categorized provisional and limited ballots. Collin County has since changed how these numbers are reported and they all have their own reporting group in the software.

Dallas County

Dallas County provided four electronic data sources for ballot by mail statistics in 2020. None of the sources are consistent. The following chart shows the source and numbers reflected in the source provided by Dallas County.

³⁷⁴ Absentee Returns through November 4, 2020.

³⁷⁵ Final Voter History_Nov2020_VEMACSexport. This includes 5 voters who voted by mail using a Limited Ballot.

³⁷⁶ Collin County Audit Log.

³⁷⁷ Combined Summary Results Report, "Ballots Cast – Total" for the Mail category.

Source	Ballots Returned	Accepted	Ballots Not Accepted
ABBM Report ³⁷⁸	72,119 ³⁷⁹	60,546 ³⁸⁰	11,573 ³⁸¹
Ballot by Mail Voter Roster	77,617	76,838 ³⁸²	539 ³⁸³
List of Voters sent Mail Ballot	73,265	61,533 ³⁸⁴	11,545 ³⁸⁵
Election Audit Workbook ³⁸⁶	91,919 ³⁸⁷	76,839	15,080 ³⁸⁸

Figure 8-9: Dallas County Returned BBM Discrepancies

Dallas County’s Final Vote History reflected 74,890 voters voted by mail. FAD also reviewed the Electionware Audit Log that contains a record of all ballots ultimately tabulated. The audit log reflects 78,174 ballots by mail were tabulated, which does not match any of the source documents provided by Dallas County. Dallas County’s canvass report states there were 78,147 ballots by mail cast in 2020.

Ballots Reported at Different Stages in Dallas County’s BBM Process

FAD reviewed records related to the chain of custody for ballot transfers by the EVBB to Central Count for tabulation. These records were packets that included a cover sheet with the Ballot Transit Case number that listed the contents, how many ballots

³⁷⁸ 1120 All ABBM Report for 2020 General Election.
³⁷⁹ This figure is inclusive of multiple types of ‘return’ for the ballot including: ballots returned by a voter for normal processing and tabulation, ballots returned undeliverable, and ballots cancelled by a voter to vote in person.
³⁸⁰ 1120 All ABBM Report for 2020 General Election; 1120 Summary Report for 2020 General Election. Including all ballots with the return status code OK.
³⁸¹ 1120 All ABBM Report for 2020 General Election; 1120 Summary Report for 2020 General Election. Including all returned ballots that were not coded OK.
³⁸² Ballot by Mail Voter Roster. Including all ballots with a disposition code OK.
³⁸³ Ballot by Mail Voter Roster. Including all ballots that did not have a disposition code OK and were not returned undeliverable. There were 240 ballots coded as undeliverable.
³⁸⁴ Including all ballots with a disposition code OK.
³⁸⁵ Including all ballots that did not have a disposition code OK and were returned undeliverable. There were 187 ballots coded as undeliverable.
³⁸⁶ Source: VEMACS ABBM Tracking Table.
³⁸⁷ This number includes ballots that were returned undeliverable or cancelled by a voter.
³⁸⁸ This figure includes rejected ballots as well as those that were cancelled by a voter or returned undeliverable. This source reflects 784 ballots were rejected.

were included in the case, and the serial numbers of the ballot transit case. The second page of the packet contained a form that documented any irregularities regarding the ballots contained in the transit case such as: two ballots in one ballot envelope, no ballot in the envelope, or ballots that required duplication. This sheet contained a detailed accounting of the number of ballots that were in the case, their handling, and how many were transferred to the Tabulation Supervisor.

Dallas County Elections
Election Technology Committee

Transit Case and Content Form

November 3, 2020 General/Joint Presidential Election

Today's Date: 11/03/2020

Ballot Transit Case # 1

Contents

Batch Ltr.	Box #	Quantity
<u>1</u>	<u>1</u>	<u>3</u>
<u>3</u>	<u>1</u>	<u>100</u>
<u>4</u>	<u>1</u>	<u>100</u>
<u>5</u>	<u>1</u>	<u>42</u>
<u>7</u>	<u>1</u>	<u>100</u>
<u>10</u>	<u>1</u>	<u>150</u>
<u>11</u>	<u>1</u>	<u>149</u>
		Total <u>644</u>
Serial Number: <u>0934581</u> <u>0934582</u>		

Had Dups

Ballot Transit Case Form (10/20/18)

Figure 8-10: Cover sheet of packet

Election: 2020 General and Joint Election, November 3, 2020

Case Number: 0934581

OCS Record of Irregular Ballots in Transfer Case # 1 Mail / Ranked / Limited / EV / Prec/CS / Rcv

Problems Identified Below:

1. Total # of Envelopes in Transfer Case: 644

2. Two Ballots in ballot envelope (place envelope and ineligible ballots in "Not Eligible for Counting" bag)

3. No Ballot for current election within ballot envelope (envelope placed in "Not Eligible for Counting" bag)

4. TOTAL "Not Eligible Ballots" (Add Lines 2 & 3) Envelopes with Ballots inside are placed into a separate "Ballots Not Eligible for Counting" bag and back into transfer case. Sec. 05.01806(4), (5) Ballots NOT INCLUDED in this count (Line 1)

5. TOTAL "Eligible Ballots" (subtract line 4 from line 1): 144

Special Handling of Irregular Ballots:

Central Counting Station will inspect each irregularly marked ballot and will have ballot duplicated to indicate the intent of the voter if the voter's intent is clearly ascertainable. (Sec. 127.129(3) and 127.129)

6. Overmarks

7. Ballot Registration

8. Tears

9. Ballots that need a "tabular procedure" to correct irregular marks (OCS Advisory No. 2019-04) (smears, smudges, ink smears)

10. Other: Dup

11. Ballots were duplicated and/or checked and placed into a separate bag after duplication procedures (Add Line 6-10)

12. Ballots did not need to be duplicated (Remaining ballots not requiring special handling - subtract line 11 from line 5)

Processed by: Scheibel, C. M. Lee Date: 11/7/20

Ballots in Central Counting Station Presiding Judge from the Manager:

13. If voter intent is not clearly ascertainable, ballot is placed into a separate bag for CDS presiding judge to review any handwritten overwriting voter intent. (For SOG OCS station procedures-Oct 31, 2020)

14. TOTAL Ballots rejected from this box by the CDS Presiding Judge and given back to Manager

15. TOTAL Eligible Ballots given back to Manager for duplication and/or counting

Processed by Presiding Judge: _____ Date: _____

Ballots delivered to Manager of Central Counting Station:

16. Process was completed for duplication and given to Tabulation supervisor for counting (line 12)

17. Ballots rejected but placed back into the same transfer box for the remainder of the election (line 14)

18. Irregular Ballots requiring special handling (line 11)

19. TOTAL Ballots placed back into this box for delivery to Tabulation Supervisor (subtract line 17 from line 15)

Processed by Manager: D. Lee Date: 11/7/20

Figure 8-11: Second page in packet.

Once the ballots went to tabulation, they were run through a DS850, DS450 or DS200. A report was generated following the scanning of the ballots entitled a Ballot Statistics Summary Report. This report shows when the ballots were run through the machine, how many sheets were processed and how many ballots were cast.

Ballot Statistics Summary

1 of 1

Machine ID: B	Machine #: 8519050402	Dallas County, Texas	
10/31/2020 12:44:43		General and Joint Election	
		11/03/2020	
First Ballot Date Time:	10/31/2020 12:29:59	Total Sheets Processed:	635
Last Ballot Date Time:	10/31/2020 12:40:13	Total Ballots Cast:	635
		Blank Sheets Cast:	0

Figure 8-11: Ballot Statistics Summary Report

Ballot Statistics Summary from Ballot Transit Case #1

After each Ballot Statistics Summary page, there was a detailed list of the batches that comprised the transit case and the batch numbers assigned to sets of the ballots. This batch number could be used to identify when the ballots were ultimately tabulated by reviewing the Audit Events Report generated by Electionware. Every batch for which FAD obtained documentation in the Ballot Transit Case packets was identified by a letter and number combination.

The figure displays two screenshots of 'Saved Batch Report' tables. The left table is for Machine # 011000492, dated 10/11/2010 12:44:40, showing 615 total sheets and 35 total batches. The right table is for Machine # 011000491, dated 10/11/2010 12:44:45, showing 423 total sheets and 10 total batches. Both tables list individual batch numbers and their corresponding sheet counts.

Machine ID	Machine #	Date/Time	Total Sheets Included	Total Batches Included
011000492	011000492	10/11/2010 12:44:40	615	35
011000491	011000491	10/11/2010 12:44:45	423	10

Machine ID	Machine #	Date/Time	Total Sheets Included	Total Batches Included
011000492	011000492	10/11/2010 12:44:40	615	35
011000491	011000491	10/11/2010 12:44:45	423	10

Figure 8-12: Batch Reports from Ballot Statistics Summary

Election Audit Events Report				Dallas County General and Joint November 3, 2020	
				11/11/2020 11:26AM	
Event	Description	Timestamp	User Id	Module	
Info	Committing new Batch B0206-EV Mail - 1 ID 531 Number of Ballots 101	10/31/2020 02:18:28PM	admin	Reporting	
Info	Finished Load of Results E:\	10/31/2020 02:18:28PM	Dalcoo1	Reporting	
Info	Starting Load of Results E:\	10/31/2020 02:18:24PM	admin	Reporting	
Info	Queuing for results processing: E:\	10/31/2020 02:18:23PM	admin	Reporting	
Info	Committing new Batch B0197-EV Mail - 1 ID 530 Number of Ballots 8	10/31/2020 02:18:19PM	Dalcoo1	Reporting	
Info	Finished Load of Results E:\	10/31/2020 02:18:18PM	Dalcoo1	Reporting	
Info	Committing new Batch B0201-EV Mail - 1 ID 529 Number of Ballots 1	10/31/2020 02:18:09PM	Dalcoo1	Reporting	
Info	Finished Load of Results E:\	10/31/2020 02:18:08PM	Dalcoo1	Reporting	
Info	Finished Load of Results E:\	10/31/2020 02:18:06PM	admin	Reporting	
Info	Committing new Batch D0038-EV Mail - 2 ID 528 Number of Ballots 107	10/31/2020 02:18:00PM	admin	Reporting	
Info	Finished Load of Results E:\	10/31/2020 02:18:00PM	admin	Reporting	
Info	Committing new Batch B0190-EV Mail - 1 ID 527 Number of Ballots 79	10/31/2020 02:17:57PM	Dalcoo1	Reporting	
Info	Finished Load of Results E:\	10/31/2020 02:17:56PM	Dalcoo1	Reporting	
Info	Committing new Batch D0045-EV Mail - 2 ID 526 Number of Ballots 2	10/31/2020 02:17:56PM	admin	Reporting	
Info	Finished Load of Results E:\	10/31/2020 02:17:56PM	admin	Reporting	
Info	Committing new Batch D0043-EV Mail - 2 ID 525 Number of Ballots 58	10/31/2020 02:17:52PM	admin	Reporting	
Info	Finished Load of Results E:\	10/31/2020 02:17:51PM	admin	Reporting	
Info	Committing new Batch B0196-EV Mail - 1 ID 524 Number of Ballots 27	10/31/2020 02:17:48PM	Dalcoo1	Reporting	
Info	Committing new Batch D0039-EV Mail - 2 ID 523 Number of Ballots 85	10/31/2020 02:17:46PM	admin	Reporting	
Info	Finished Load of Results E:\	10/31/2020 02:17:46PM	Dalcoo1	Reporting	
Info	Finished Load of Results E:\	10/31/2020 02:17:46PM	admin	Reporting	

Figure 8-13: Election Audit Events Report

As noted above, there were discrepancies between the number of ballots transferred by EVBB to Central Count for tabulation. For example, ballot transit case 1 (Figure 8-10) contained 644 ballots, however only 635 ballots were processed for irregularities and ultimately ran through the ballot scanner (shown in Figure 8-12). There was no documentation to explain the nine-ballot difference. The ballot transit case documentation revealed 76,991 ballots were transferred by the EVBB but only 76,890 were processed for irregularities and delivered to the Central Count Supervisor.

Ballot Statistics Summary sheet reflects 595 ballots cast for Ballot Transit Case #5

An additional irregularity that was present in the ballot transit case packets was a discrepancy between the number of transferred ballots processed for irregularities and the number of ballots cast according to the Ballot Statistics Summary Report.

Figure 8-15: 607 ballots were processed for irregularities and submitted to the Tabulation Supervisor.

Ballot Statistics Summary				1 of 1
Machine ID: D	Machine #: 4520083572	Dallas County, Texas		
		General and Joint Election		
		11/03/2020		
10/31/2020 12:13:42				
First Ballot Date Time:	10/31/2020 11:56:17	Total Sheets Processed:	599	
Last Ballot Date Time:	10/31/2020 12:13:10	Total Ballots Cast:	595	
		Blank Sheets Cast:	0	

Figure 8-16: Ballot Statistics Summary sheet reflects 595 ballots cast for Ballot Transit Case #5

ES&S confirmed that the number reflected in the “Total Ballots Cast” portion of the report reflected the number of ballots cast. The difference between the “Total Sheets Processed” and “Total Ballots Cast” numbers would occur if there was a multi-page ballot that had been scanned, resulting in multiple pages being scanned but only corresponding to one ballot.

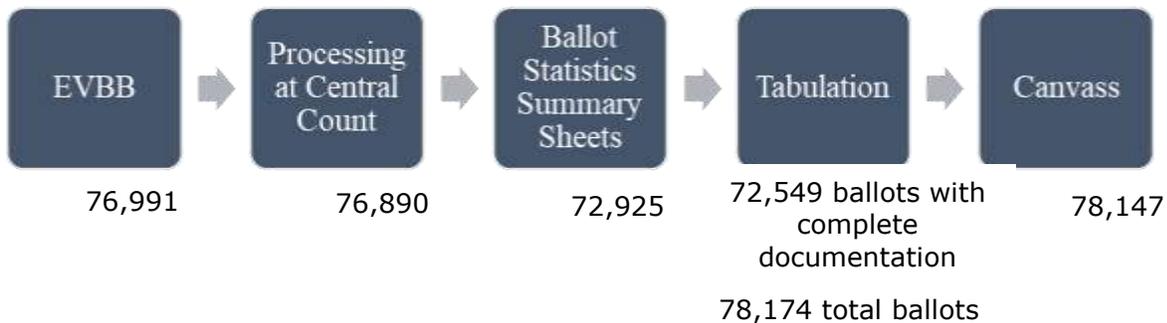


Figure 8-17: Process of Reviewing and Recording Early Voting

According to Dallas County’s records, 76,991 ballots that had been processed by the SVC/EVBB between 10/17/2020 and 11/9/2020 were transferred by the EVBB to Central Count for processing and tabulation.

Analysis of the Ballot Transit Case documentation revealed that of the 76,991 ballots transferred to Central Count, only 76,890 ballots were processed for irregularities and delivered to the Central Count Supervisor.

According to the Ballot Statistics Summary sheets included in the packets for the 135 Ballot Transit Cases, of the 76,991 ballots transferred by the EVBB to Central Count 72,925 ballots were cast.³⁸⁹

As Dallas County's canvass reflected there were 78,147 ballots by mail cast, further analysis was done using the Audit Events Report generated by Electionware to account for the BBMs that were tabulated. In reviewing the audit log, there were slight discrepancies between the Batch Statistics Summary sheets regarding the number of ballots cast and the number of ballots tabulated per batch in the audit log.

The total number of mail ballots tabulated according to the Audit Events Report was 78,174. In the Audit Events Report generated by Electionware, there were a total of 1,977 batches of ballots for which FAD had complete documentation in the Ballot Transit Case Packets.³⁹⁰ Those 1,977 batches as tabulated accounted for 72,549 ballots. There were 165 additional batches in the Audit Events Report coded as "mail" that FAD did not have complete documentation for in the Ballot Transit Case packets. Those additional batches accounted for 5,625 ballots. Of those 165 additional batches, there are 97 batches that used a different naming convention,³⁹¹ lacked any supporting documentation, and accounted for 2,172 mail ballots.

Rejected Ballots by Mail

Dallas County's SVC and EVBB records regarding rejected BBM were scanned for analysis and review. Dallas County also provided scanned documents regarding rejected BBM. Dallas County's SVC and EVBB records included a log of the voters whose ballots were rejected, the letters sent to the voters notifying them that their ballot had been rejected, and copies of the forms documenting ballots referred by the SVC to the EVBB, and tally forms used by the EVBB to vote on whether to accept or reject the ballots. Records reflected that the EVBB met on October 20, November 3, November 9, and November 16, 2020 to review ballots referred to them by the SVC.

The worksheet and tally records for ballots referred by the SVC contained a detailed accounting of who served as the Ballot Board Judge, the board members participating in the meeting, and the date, time, and place of the meeting. Each member of the board that participated in the voting process completed their own individual

³⁸⁹ Four of the packets did not contain the Ballot Statistics Summary sheet. Further, some of the packets were incomplete or appeared to be missing pages.

³⁹⁰ Again, some of the Ballot Transit cases did not contain the Ballot Statistics Summary sheets or contained incomplete records; therefore, FAD was unable to trace certain batches back to the ballots transferred by the EVBB with the records provided.

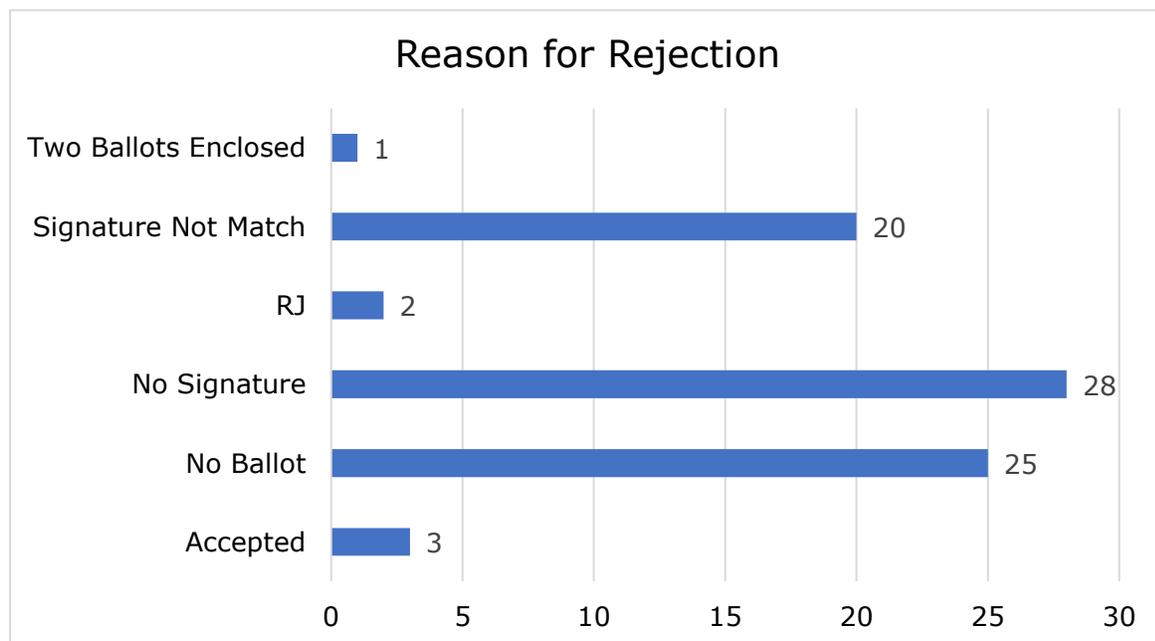
³⁹¹ For example, a batch number in a Ballot Transit Case is typically identified with a letter and number: D0148. The 97 entries lack the letter and number identifier and are simply coded EV Mail.

worksheet and tally record. The worksheets provided spaces to account for the ballot under review, the vote, and ultimate decision.

Batch Letter	Piece Number	Accept Votes	Reject Votes	Decision
	1			
	2			
	3			
	4			
	5			
	6			
	7			
	8			
	9			
	10			

Figure 8-18: Worksheet and Tally Records

Records indicated that the SVC referred 79 ballots to the EVBB for further review. After review, 76 of those ballots were rejected and 3 were accepted. A breakdown of the reasons for rejection for those 76 ballots is as follows:³⁹²



³⁹² The reasons included in this table are the same terms used in the EVBB forms.

Figure 8-19: Rejection Statistics

Dallas County’s Early Voting Ballot Board Transmittal Form reflects the same total number of rejected ballots, but a slightly different breakdown regarding disposition.

76 ballots were rejected because they did not meet the requirements of the election code

REASON FOR REJECTIONS AND NUMBER REJECTED			
<u>29</u>	No signature	<u>19</u>	Rejected signature
<u>25</u>	Envelope with no ballot	<u>1</u>	Envelope with two ballots
<u>0</u>	Other (Central Count/Ballot Rules)	<u>0</u>	No Statement of Residence or ID

Figure 8-20: Dallas County Early Voting Ballot Board Transmittal Form (Rejections)

Harris County

Ballots Returned	Accepted	Ballots Not Accepted	Ballots Tabulated	Canvass
235,421 ³⁹³	179,161 ³⁹⁴	54,145 ³⁹⁵	179,013 ³⁹⁶	179,013

Figure 8-21: Harris County Returned BBM Discrepancies

Harris County’s Final Vote History reflects there were 179,174 voters who received credit for voting by mail. This value is different than the number of BBMs accepted from their Mail Ballot List and the number of BBMs tabulated.

Tarrant County

Tarrant County provided two reports that addressed ballot by mail statistics. The following chart shows the source and numbers reflected in the source provided by Tarrant County.

³⁹³ 1120 By Mail Ballot List – Public. This number includes ballots that were returned undeliverable or cancelled by a voter.

³⁹⁴ 1120 By Mail Ballot List – Public. This number includes ballots with an OK disposition code.

³⁹⁵ This figure excludes ballots with an OK disposition code and ballots that were returned undeliverable.

³⁹⁶ Harris County Tally Audit Log. This includes limited absentee ballots as well.

Source	Ballots Returned	Accepted	Ballots Not Accepted
1120 Absentee List ³⁹⁷	83,722	70,479	12,905 ³⁹⁸
Tarrant 2020 Nov ABBM Roster	71,023	70,608	414 ³⁹⁹

Figure 8-22: Tarrant County Returned BBM Discrepancies

Tarrant County provided a file that reflected there were 70,604 voters who received credit for voting by mail.⁴⁰⁰ Tarrant County’s Final Vote History reflects there were 66,485 voters who received credit for voting by mail. FAD also reviewed the tabulation audit log that contains a record of all ballots ultimately tabulated. The audit log reflects 65,995 ballots by mail were tabulated. Tarrant County’s canvass report states there were 65,995 ballots by mail cast in 2020.

Requests to Cancel Ballots by Mail

In 2020, there was an influx of voters seeking to vote by mail. In that election, there were also many requests to cancel ballots by mail after they had been issued.

In each of the four counties, the following data was available regarding the number of cancelled ballots by mail:

	Requested to Cancel BBM and Voted in Person	Requested to Cancel their BBM and Voted Provisionally
Collin County	4,848 voters ⁴⁰¹	2,382 voters ⁴⁰²

³⁹⁷ 1120 Absentee List – all return codes.

³⁹⁸ This excludes ballots with an OK disposition code and ballots that were returned undeliverable. There were 338 ballots returned undeliverable.

³⁹⁹ This figure excludes ballots with an OK disposition code. There were no ballots coded undeliverable in this source.

⁴⁰⁰ 1120_Voter History_Exp_SOS_Absentee.

⁴⁰¹ Daily Polling Place Mail Ballot Flagging Reports.

⁴⁰² ABBM Cancelled List – Provisional.

	Requested to Cancel BBM and Voted in Person	Requested to Cancel their BBM and Voted Provisionally
Dallas County	14,091 voters ⁴⁰³	375 voters ⁴⁰⁴
Harris County	43,572 voters ⁴⁰⁵	8,065 voters ⁴⁰⁶
Tarrant County	11,737 voters ⁴⁰⁷	

Figure 8-23: Request to Cancel BBM by County

Requests to Cancel Sampled Records Review

A review of a sample of records related to requests to cancel BBMs was conducted to determine whether the counties also properly recorded the voter’s vote history and reported the correct vote history to TEAM.

Collin County

Collin County provided scanned copies of all the request to cancel forms filled out at the polling locations.

Of the 100 records reviewed:

- 96 voters filled out the Request to Cancel form and voted in person.⁴⁰⁸
 - 4 of these voters did not have their ballot and are reflected in Collin County’s Final Vote History as voting provisionally.
 - 3 of these voters appear to have voted during early voting, however, TEAM reflects they voted on Election Day.

⁴⁰³ Dallas County Ballots Cancelled by Voter.

⁴⁰⁴ Provisional Ballots – 04-30-2022-12-45-13-PM.

⁴⁰⁵ 1120 Ballot by Mail List – Public.

⁴⁰⁶ 1120 Ballot by Mail List – Public.

⁴⁰⁷ Absentee Counts by Return Code. There were an additional 126 ballots that were coded as simply being cancelled by the voter.

⁴⁰⁸ This number is reflected by the statewide database. Of these 94 voters, there were 9 who did not show up on Collin County’s Final Vote History, however, they do appear in the statewide database as having vote history.

- 1 voter filled out the Request to Cancel form and appears in Collin County's Final Vote History as having voted early in person. TEAM, however, reflects that this voter returned two absentee ballots that were accepted.
- 1 voter filled out the Request to Cancel form and appears in Collin County's Final Vote history as having voted early in person. TEAM reflects this voter's absentee ballot was accepted.
- 2 voters filled out the Request to Cancel form and never voted.

Dallas County

FAD obtained scans of Request to Cancel forms and performed an analysis on a sample of those records.

Of the 116 records reviewed:

- 42 voters filled out Request to Cancel form and voted in person,⁴⁰⁹
- 45 voters filled out Request to Cancel form and never voted, and
- 29 voters filled out Request to Cancel form but have vote history for voting by mail in TEAM.⁴¹⁰

Requests to Cancel Transmittal Forms

FAD located the transmittal form for requests to cancel ballots by mail between the polling location and EVBB. Documents for at least 51⁴¹¹ of the 61 early voting locations were located. In those documents, 3,214 ballots were requested to be cancelled and surrendered. The polling location with the largest number of requests to cancel was Our Redeemer Lutheran Church, with a total of 318 requests to cancel. Notably, on one of the transfer documents, one of the voters surrendered three BBMs. When properly filled out, these forms would be considered a best practice as they include the number of ballots surrendered, seal numbers documenting the sealed transfer of the ballots, and signatures indicating the seals are verified.⁴¹²

⁴⁰⁹ This number is reflected by the statewide database. Of these 42 voters, there were 19 who did not appear in Dallas Final Vote History, however, they do appear in the statewide database as having vote history.

⁴¹⁰ This number is reflected by the statewide database. Of these 29 voters, there 17 who did not appear in Dallas Final Vote History, however, they do appear in the statewide database as having vote history.

⁴¹¹ Documents related to an additional location were located however those documents were incomplete and the name of the polling location to which they belonged was unclear.

⁴¹² Not all of these forms were properly filled out, as some were missing seal numbers, signatures, etc.

- Both of these voters are recorded as having voted early in person on Harris County’s Final Vote History, though they both have history for voting on Election Day in TEAM.
- 2 voters filled out Request to Cancel forms but did not properly fill out the form indicating whether or not they surrendered their ballot.
 - Both of these voters are recorded as having voted early in person on Harris County’s Final Vote History, though the on the forms they filled out indicated they voted on Election Day.
 - One of these voters did not have vote history in TEAM.
- 20 voters filled out a request to cancel form and voted in person.
 - 18 of these voters are recorded as having voted early in person on Harris County’s Final Vote History, though the on the forms they filled out indicated they voted on Election Day.⁴¹⁴

Tarrant County

Tarrant County provided scans of cancelled and surrendered BBMs. Of the 60 records reviewed, 59 voters that cancelled their BBM voted early in person⁴¹⁵, and 1 voter cancelled their BBM and never voted.

Other Findings

Dallas County

“Cancelled and Cleared” Ballots by Mail

While on-site in Dallas County, a box of ballots labeled “Cancelled and Cleared” was located. The box contained unopened carrier envelopes for BBMs. Inside this box, several irregularities with regard to BBMs were discovered.

1. Records reflected voter had received credit for voting by mail even though the carrier envelope remained sealed and unopened.

⁴¹⁴ One of these voter’s forms did not include the date.

⁴¹⁵ This number is reflected by the statewide database. None of these 59 voters appear in Tarrant County’s Final Vote History, however, they do appear in the statewide database as having vote history.

Carrier envelopes in Dallas County were labeled and included an Envelope Tracking ID number as shown in the top right corner of the label:

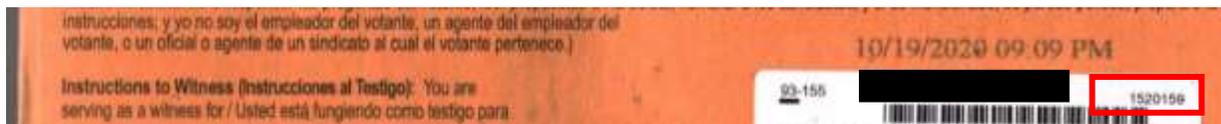


Figure 8-25: Envelope Tracking ID number on Carrier Envelope

This Envelope Tracking ID number was associated with a particular ballot that had been issued to a particular voter. The number is part of information that is shared between offline counties and the TEAM system. When an event occurs related to that particular ballot such as the issuance of the ballot, receipt of the ballot, acceptance of the ballot, or rejection of the ballot, updates regarding the status of the ballot are provided by the county to TEAM.

Upon review and analysis of the contents of this box, FAD discovered that for 21 of the sealed carrier envelopes returned by voters to Dallas County, Dallas County's Final Vote History reflected that the voter's ballot had been counted. Additionally, TEAM reflected the voter's mail ballot had been accepted. The carrier envelopes that would contain said ballots, however, remained sealed.

2. Records reflected a voter's timely returned BBM may have been improperly excluded from being processed for tabulation.

One of the sealed carrier envelopes that had been returned to Dallas County contained a notation that the voter had already voted:

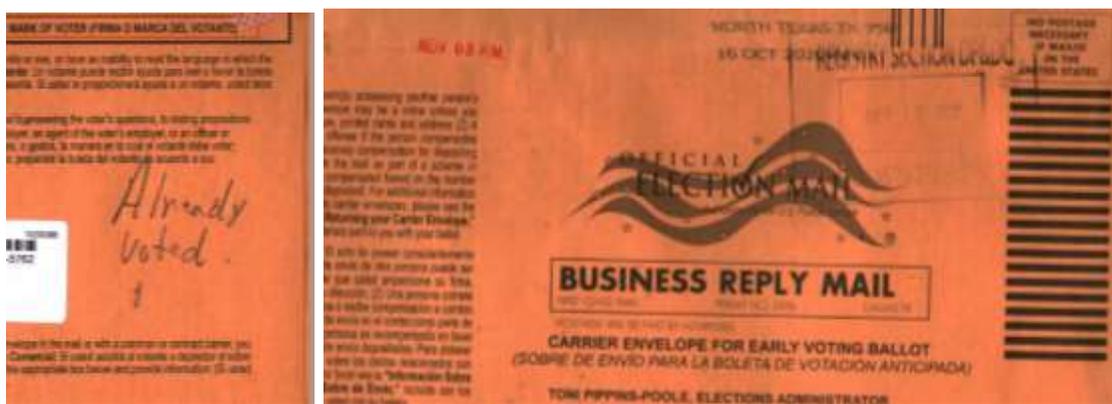


Figure 8-26: Note that Voter Already Voted Written on Carrier Envelope

A review of Dallas County's Final Vote History reflected the individual had not voted in Dallas County. A review of the TEAM database reflected the individual had not voted in Texas in the 2020 General Election.

3. Records reflected a returned sealed carrier envelope for a voter who had not been registered to vote.

One carrier envelope was located that had a notation on a yellow post-it note that read "NR Status."

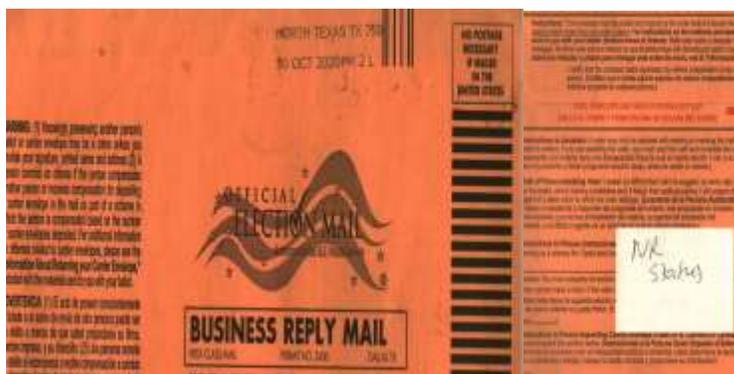


Figure 8-27: Not Registered Noted on a Carrier Envelope

A search of this voter's information in TEAM reflects that the voter's application to register to vote in Dallas County had been rejected. Dallas County confirmed this voter was not registered to vote in Dallas County in 2020 and never should have been sent a BBM in the first place.

4. Records reflected a returned sealed carrier envelope was not processed apparently due to an error on the label.

One of the sealed carrier envelopes in this box contained notations that the ballot was "canceled" and was "previously returned CL." CL stands for "cleared." The unique identifier on the label on this carrier envelope, however, did not match the name printed on the label. Instead, the unique identifier belonged to another individual who *had* in fact returned his BBM and voted in person. The sealed carrier envelope that FAD discovered appeared to belong to the voter whose name was printed on the label but the carrier envelope was never processed due to confusion between the voter who had cancelled and cleared his ballot and the voter whose name was on the label and was attempting to vote by mail. The voter whose name was on the label did not appear in Dallas County's Final Vote History, nor did the voter have credit for voting in TEAM.

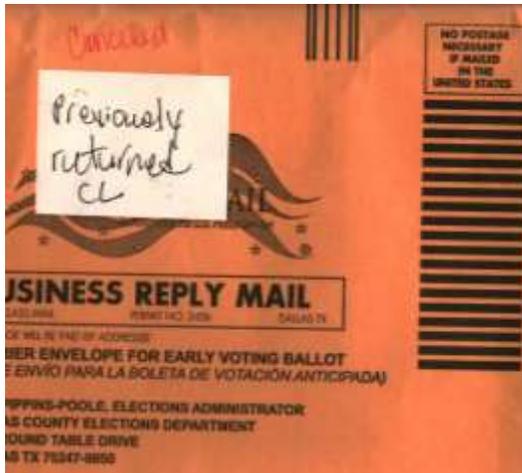


Figure 8-28: Previously Returned Noted on Carrier Envelope

- Records reflected that a timely, hand-delivered,⁴¹⁶ sealed carrier envelope was not processed.

One of the carrier envelopes located in the box contained a notation that it had been hand-delivered on October 13, 2022 at 11:08 AM.

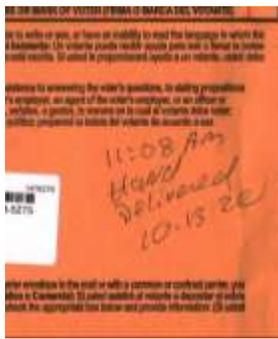


Figure 8-29: Note that Carrier Envelope was Hand Delivered

The roster for hand-delivered ballots by mail likewise reflects this information.

⁴¹⁶ Generally, a marked ballot must be returned via mail or common carrier. Tex. Elec. Code § 86.006 (a). The voter may deliver a marked ballot in person to the early voting clerk’s office only while the polls are open on election day. A voter who delivers a marked ballot in person must present an acceptable form of identification. *Id.* at (1-a). During the pandemic, the Texas Supreme Court upheld Governor Abbott’s decision to designate a single drop-off location (early voting clerk’s office) per county for those seeking to hand deliver their mail ballots. Under the ruling and the Governor’s October 2020 proclamation, voters had forty days to hand deliver their marked ballot (as opposed to the previous one day—election day—on which this was permitted). See *Abbott v. Anti-Defamation League Austin, Southwest, & Texoma Regions*, 610 S.W.3d 911 (Tex. 2020). Voters must present an acceptable form of ID, they may only deliver their own carrier envelope, they must sign a signature roster, and then deposit their mail in ballot into a ballot box.

5-11A Prescribed by Secretary of State Sections 63.0101, 95.006 Texas Election Code 09/2020 NOVEMBER 3, 2020 SPECIAL EXTENDED HAND-DELIVERY PERIOD SIGNATURE ROSTER - HAND-DELIVERY OF BALLOT BY MAIL				Type of Election General / Joint		Polling Location Office of the Early Voting Clerk	
				Date of Election November 3, 2020		Authority Conducting Election Dallas County	
Signature of Voter (Firma del Votante)		Poll List (Lista de Votantes)		Date and Time of Delivery	Acceptable Form of ID	RID	Printed Name of Election Official Who Received Carrier Envelope

Figure 8-30: Headers on form used by Dallas County in 2020 General Election

10/3/2020	TDL
11:08 AM	

Figure 8-31: Date and Time of Delivery and Acceptable Form of ID as filled out in roster for this particular voter

The ballot, however, did not count. This voter does not appear in Dallas County’s Final Vote History as receiving credit for voting. Dallas County’s BBM reports⁴¹⁷ do not reflect this ballot was ever returned to Dallas County. Likewise, the TEAM database—which depends on data uploads from the county—does not reflect this ballot was received or accepted though it was hand-delivered to Dallas County.

Harris County

Federal Write-In Absentee Ballots

FAD discovered Federal Write-In Absentee Ballots (FWAB) that were not counted because they were not timely forwarded by San Diego, CA elections officials. These ballots were accompanied by a letter that read:

Dear Elections Official,

Enclosed are FWABs received by San Diego County Registrar of Voters. These ballots were received on-time for the November 3, 2020 Presidential General Election.

Number of ballots enclosed (8).

The eight ballots enclosed appeared to have been received by San Diego County prior to November 3, 2020. But the letter was dated November 23, 2020. The package was stamped received by Harris County on November 30, 2020.

⁴¹⁷ 1120 All ABBM Report for 2020 General Election; 1120 Summary Report for 2020 General Election; List of Voters Sent Mail Ballot.

The FWAB may be used by FPCA voters that have not received their official ballot in order to ensure their vote is received. An FPCA is considered “submitted to the early voting clerk” on the date it is placed and properly addressed in the United States mail.⁴¹⁸ Records provided by and related to Harris County FPCA voters do not reflect that Harris County had received the initial FPCA that would provide eligibility for these voters to have voted using a FWAB. The delay in transmittal between San Diego County, California and Harris County, Texas is concerning given the ballots were not mailed until after the local canvass had been completed in 2020, however, it does not appear these ballots would have been eligible for counting due to not meeting the requirement regarding the initial FPCA.

Vote by Mail Review Worksheet

FAD reviewed records – “VBM Review Worksheets” – generated and maintained by Harris County’s SVC and EVBB related to ballots by mail that required additional contact with a voter.

Like any other domain of election procedures, properly filling out and returning a BBM can be subject to human error. In these documents, the issue addressed was primarily in the form of mismatched or missing signatures. When the situation arose, the SVC and the EVBB attempted to address BBM issues with voters so that their ballots could be counted. There were hundreds of completed VBM Review Worksheets that speak to the meticulous nature of the SVC and EVBB correction processes.

The VBM Review Worksheet was used for the following reasons:

- Voter signature did not match the BBM application and the BBM ballot;
- A signature was missing;
- A signed ballot required verification from the voter;
- Missing/incomplete Statement of Residence form;
- No phone number was included in order for SVC/EVBB to contact the voter;
- SVC or EVBB contacted or attempted to contact the voter to correct their signature; and
- A spouse signed for a voter and the SVC/EVBB was unable to confirm because the voter did not answer letters or phone calls.

⁴¹⁸ *Id.* at (i).

The following form shows that two people in a household swapped signatures on their ballots.

VBM Review Worksheet

Batch #	517581
Voter Name:	[REDACTED]
Cert #:	87612016
Address:	
DOB:	
DL#:	
Telephone:	
Email:	

Check One
 Signature Verification
 Statement of Residence

Description of Issue

Household signature swap
- Verified both signatures

Voter Contact

SVC/EVBB Reviewers

<small>Name/Date</small>	[REDACTED] 10/21/20	<input checked="" type="checkbox"/> Resolved
<small>Name/Date</small>	[REDACTED] 10/21/20	<input checked="" type="checkbox"/> Unresolved
<small>Name/Date</small>		<input type="checkbox"/> Resolved
<small>Name/Date</small>		<input type="checkbox"/> Unresolved

Figure 8-32: VBM Worksheet with two people Swapping signatures in one household

This following example shows a voter who responded to the County Clerk's office calls and sorted out their SOR paper work. After two attempts at contacting them, the voter was able to complete the missing forms online after a reminder from the SVC. The issue was resolved and the voter's ballot was accepted, as confirmed by the county's final vote history reflecting this voter had received credit for voting by mail.

VBM Review Worksheet

Batch #	S17378
Voter Name	[REDACTED]
City #	61440731
Address	
DOB	
ELR	
Telephone	[REDACTED]
Email	

Check One
 Signature Verification
 Statement of Residence

Description of Issue
 Status S-51

Resolved

[REDACTED]

Voter Contact
 10/21: left a voice-mail for her to call back tomorrow.
 10/22: Voter called us back and opted to work with us to complete a SOR online.

SVC/EVBB Reviewers		
[REDACTED]	10/21/20	<input type="checkbox"/> Resolved
[REDACTED]	10/21/20	<input checked="" type="checkbox"/> Unresolved
[REDACTED]	10/22/20	<input checked="" type="checkbox"/> Resolved SOR completed online.
[REDACTED]	10/22/20	<input type="checkbox"/> Unresolved

Figure 8-33: Resolved VBM Worksheet

Oftentimes these worksheets are marked unresolved because the voter does not respond to the attempted outreach. There were, however, voters whose worksheets were marked unresolved yet they received credit for voting in Harris County's final vote history record. In other words, the issues outlined in the worksheet appear to have been unresolved despite attempts to fix them but the ballot was counted anyway.

For example, the name on the ballot envelope for the following voter is different from the absentee request signature (presumed to be a family member). It was later determined that the spouse signed both ballots and that both ballots needed to be examined. A signature was unable to be confirmed as a match. Despite multiple phone calls, the issue went unresolved but the voter appears in Harris County's vote history as having credit for voting by mail.

Done On

Signature Verification

Statement of Residence

Ballot # 514855

Description of Issue

- Name on Ballot envelope is different from absentee request signature.
- possible family member
- husband
- Signer both ballots. No phone # in system to call when to verify

Voter Contact

wait for spouse ballot

phone to try

GOOD # FOR LIS 10/23 - they both voted by mail & both mailed back

ACTION CHECK HER BALLOT

SVC/VBR Revisions

	10/16/2020	<input type="checkbox"/> Resolved	<input checked="" type="checkbox"/> Unresolved
	10/16/2020		
	10/22/20	<input type="checkbox"/> Resolved	<input checked="" type="checkbox"/> Unresolved
	10/22/20		

Figure 8-34: Unresolved VBM Worksheet despite attempts to correct

Ballot # 514855	<input checked="" type="checkbox"/> Signature Verification	Ballot # 514855	<input type="checkbox"/> Signature Verification
State Name [Redacted]	<input type="checkbox"/> Statement of Residence	State Name [Redacted]	<input type="checkbox"/> Statement of Residence
DOB 9/14/44		DOB [Redacted]	
City		City	
Telephone		Telephone	
Street		Street	
Address		Address	
Signature of Voter		Signature of Voter	
SPRABE signed return envelope. Need to examine both ballots.		Signature Cannot find match in B & lookup	
Voter Comment		Voter Comment	
		could not find phone	
SVC/VBM Remarks		SVC/VBM Remarks	
[Redacted] 10/16/20 <input type="checkbox"/> Resolved	<input checked="" type="checkbox"/> Unresolved	[Redacted] 10-16-20 <input type="checkbox"/> Resolved	<input checked="" type="checkbox"/> Unresolved
[Redacted] 10/16/20		[Redacted] 10/16/20	

Figure 8-35: Unresolved VBM Worksheet despite attempts to correct

The following voter was required to provide a statement of residence with their ballot. The SVC attempted to contact the voter but the voter did not leave a phone number. The voter’s registration certification had been returned undeliverable despite the voter’s address being correct and matching the registration. The VBM worksheet is twice marked as unresolved. Harris County’s final vote history reflects that the voter received credit for voting by mail.

VBM Review Worksheet

Batch #	523214
Voter Name:	[REDACTED]
Cert #	62085633
Address:	[REDACTED]
DOB:	
DL#:	[REDACTED]
Telephone:	[REDACTED]
Email:	

Check One

Signature Verification

Statement of Residence

Description of Issue

5-51
 Collected - left msg
 2900720 - Called and left voter a message & cell back number.

no available phone # (phone # listed above goes to someone else
 & was last associated w/ this voter in 2008)
 11/31 Status SI 11/5 status unchanged

Voter Contact

n/a
 10/30:
~~5/19/20~~ Reg. cert. returned undeliverable even though address
 on the cert. is correct and matches registration. voter's

SVC/EVBB Reviewers

[REDACTED] 10/27/2020 Resolved Unresolved

[REDACTED] 10/27/2020 Resolved Unresolved

[REDACTED] 2900720 Resolved Unresolved

[REDACTED] 10/29/2020 Resolved Unresolved

[REDACTED] 11/6/20 Resolved Unresolved

Unresolved

Figure 8-36: Unresolved VBM Worksheet despite attempts to correct with voter receiving credit for voting by mail

Another voter did not answer any available phone numbers and did not have an answering machine. The SVC reached out twice but the voter did not answer and the worksheet was marked unresolved. Harris County's final vote history reflects this voter received credit for voting by mail.

VBM Review Worksheet

Batch # 919347

Voter Name: [REDACTED]

Cert # 1989316 / / ~~11~~

Address: _____

DOB: _____

DL# _____

Telephone: _____

Email: _____

Description of Issue: Voter status S-51

[REDACTED] → NOT WORKING #

[REDACTED] → IS A WORKING NUMBER
BUT NO ANSWER, NO ANSWERING MACHINE
NEEDS LETTER

[REDACTED] 10/23

11/3: Status S1

11/5: status unchanged

Voter Contact: _____

SVC/EVBB Reviewers

[REDACTED]	<u>10/22</u>	Resolved
[REDACTED]	<u>10-22-20</u>	X Unresolved
[REDACTED]	<u>10/23/20</u>	Resolved
[REDACTED]	<u>10/23/20</u>	X Unresolved

Figure 8-37: Unresolved VBM Worksheet despite attempts to correct with voter receiving credit for voting by mail

The following voter did not complete his statement of residence. The Harris County Clerk's office attempted to hand him a Statement of Residence Reminder but the voter was marked as "not home." As a result, their sheet is marked as unresolved, yet this voter has credit for voting by mail in the county's final vote history.

VBM Review Worksheet

Batch # [redacted]
 Voter Name [redacted]
 City [redacted]
 State [redacted]
 Zip [redacted]
 Signature Verification
 Statement of Residence

Handwritten notes:
 U.S. DEPT OF STATE
 U.S. DEPT OF STATE REGISTRATION CERT RETURNED
 NO ADDRESS ON BALLOT RETURN ENVELOPE
 • SOR is required. Applicant address does not match
 which is in the system
 - sent letter
 11/21 5411 SI
 11/21 5411 SI

Reached
 Unresolved

Reached
 Unresolved

Statement of Residence Reminder

Harris County Elections
S.A.F.E. ELECTIONS
 STATE OF TEXAS
 COUNTY CLERK

Statement of Residence Reminder

Hello, my name is _____ and I work for the Harris County Clerk's office in the Election Department.

I'm visiting/calling today to remind you about some paperwork you need to fill out in order for your vote to be counted.

If Statement of Residence (SOR) Issue

From my notes it shows that our office has received your mail ballot to vote in this Election. However, you did not return the yellow State of Residence. You were sent an SOR because the home address on your application to vote by mail did not match the address on your voter registration. If the statement of residence form is not returned, your ballot will not be counted.

Therefore, would you mind filling out this SOR form so I can return it for validation?

Once filled, I can return it immediately to the Early Vote Ballot Board who will verify this information to determine whether or not your mail ballot can be officially counted.

You can track the progress of your mail ballot at www.harrisvotes.com/tracking or verify the information I am sharing with you by calling 713-755-6965

Voter Name: [redacted]
 Ballot Residence Address: [redacted]
 Registration Address: [redacted]

Notes
 Not Home!

Figure 8-38: Unresolved VBM Worksheet and incomplete statement of residence

The foregoing examples demonstrate the county's extensive efforts to resolve issues related to ballots by mail. Efforts involved multiple and repeated attempts to contact the voter using various methods of communication so the voter had a chance to correct any information or provide necessary documentation.

While Harris County's VBM worksheets are a useful tool for recordkeeping regarding the efforts made by the SVC and EVBB, additional records are necessary to explain why voters with "unresolved" worksheets ultimately received credit for voting.

Transfer of Ballots Between SVC/EVBB and Central Count Sample

Records related to the batching and transfer of ballots between the SVC/EVBB and Central Count were located. These records were voluminous and kept in multiple boxes or cases. A sample of the records was scanned to document how the transfer of ballots occurred and the documentation Harris County kept regarding such transfers. These forms and procedures would be considered a best practice in documenting the transfer of ballots between the involved entities.

As noted above, Harris County organized, stored, and transferred ballots by mail using numbered tubs. A document with the batch number of the ballots scanned and an accounting of the total ballots included was maintained. Batch cover sheets contained the batch number and a list of the voters whose ballots were being scanned. Records in Harris County included a cover sheet denoting how many ballots had been accepted by the EVBB, a breakdown of the ballots to be scanned, ballots that required duplication, empty carrier envelopes, and carrier envelopes containing more than one ballot. The transfer of ballots properly involved the use of seals and Harris County maintained the seals, a sheet documenting how many ballots were being transferred for scanning, and a sheet with the seal numbers included.⁴¹⁹

⁴¹⁹ Harris County used forms for the transfer of BBMs between the EV Clerk and EVBB that were virtually identical in format as the forms used for the transfer of provisional ballots between the EV Clerk and the EVBB. These forms, if properly filled out, are a best practice.

Ballot-by-Mail
Ballots Accepted From Ballot Box
 General and Special Election
 November 3, 2020

Tub # 1

Date Accepted 10/26/20 Accepted by Ballot Board ME
 Accepted by [Redacted] -y

1 Page Ballots - (Includes Ballots (7) (See note)
 - (Pages Ballots (7) (See note))

Ballots To Be Scanned 30 Extra Copies _____ Counted by _____
 Ballots To Be Duplicated _____ Multiple Copies _____ Verified by _____
 Completed by _____

2 Page Ballots

Ballots To Be Scanned 0 Extra Copies _____ Counted by _____
 Ballots To Be Duplicated _____ Multiple Copies _____ Verified by _____
 Completed by _____

3 Page Ballots

Ballots To Be Scanned _____ Extra Copies _____ Counted by _____
 Ballots To Be Duplicated _____ Multiple Copies _____ Verified by _____
 Completed by _____

E-Mail

Ballots Scanned 30
 To Be Duplicated _____
 TOTAL _____

GENERAL AND SPECIAL ELECTION
NOVEMBER 3, 2020
BALLOT NOW TO BE SCANNED
TUB # 2
TOTAL 391

Ballot Board [Redacted] [Redacted]

Signature of [Redacted] _____
 Signature of [Redacted] _____

General and Special Election
November 3, 2020

The Ballots in this Ballot Box to be returned and Return Ballots to Ballot Boards were placed in this container and sealed with the following seal numbers:

Seal number 1 0019160
 Seal number 2 0019159

[Redacted] Signature of Central Counting Clerk
 [Redacted] Signature of Central Counting Clerk

Signature of Witness _____
 Container of the container was verified when opened on _____ (Date)

Signature of Central Counting Clerk _____ Signature of Central Counting Clerk _____
 Signature of Witness _____

Figure 8-40: Batch Tub Cover Sheets

Chain of Custody

Key Takeaways

- In many cases, poll workers failed to consistently fill out the available chain of custody forms, resulting in gaps in record-keeping.
- A number of chain of custody issues observed are covered in detail in the Voting in Person, Voting by Mail and Voting Provisionally sections above.

Purpose

“Chain of custody” is a chronological documentation or paper trail that records the sequence of packaging, custody, control, transportation, transfer, analysis, storage and disposition of physical or electronic evidence.⁴²⁰ Chain of Custody (COC) is not just a conglomeration of mundane policies, procedures and tracking, rather it is intended to be a robust mechanism for safeguarding the elections process and voters’ rights. If anyone questions the integrity of the voting process, proper chain of custody documentation can prove there were safeguards in place along the way. Much like an actual chain, any break in the chain of custody should be easily located if all other measures are otherwise followed.

COC procedures are an integral component of election integrity. The purpose of these procedures is to ensure that election workers take caution to preserve the integrity of elections and the general public can be confident in the results. If followed properly, chain of custody practices safeguard electronic election media containing cast vote records, ballots, and other election materials. All links in the chain of custody must be documented so voters know who “handled their rights.”⁴²¹ The whereabouts and custody of all things “election”—voting equipment and removable media— must be known at all times.

⁴²⁰ Chain of Custody Best Practices, Election Law Seminar. Texas Secretary of State, (December 2021), <https://www.sos.state.tx.us/elections/forms/seminar/2021/33rd/chain-of-custody-best-practices-2021.pptx>

⁴²¹ *Id.*

Trustworthy and transparent COC procedures involve testing the voting equipment before the election, placing seals over certain components of election equipment that should remain in place until equipment is returned for tabulation, placing and documenting seals on certain election equipment or materials daily during early voting, removing and storing the cast ballots each night, and recording all of the election equipment and voting data in files designed by the given county or local jurisdiction. Consistent with best practices developed by the U.S. Election Assistance Commission, every election office should have a written COC procedure available for public inspection prior to every election.⁴²²

COC processes should provide information that allows the following questions to be answered:

- Where is the item that is going to be transferred?
- Are adequate safeguards in place?
- Who currently has access to this item?
- What makes this item unique (description, serial number, physical condition, etc.)?
- When and where is this item being transferred (time, date, location)?
- Who is transferring this item?
- What is the condition of the item to be delivered?
- Who witnessed this transfer?
- When and where did the item arrive?
- What is the condition of the item upon receipt?

The documentation of COC provides evidence that voting procedures were followed. In general, COC practices should be thought of as holistic and record data collection, transparency, processing, and review.

⁴²² Best Practices: Chain of Custody, U.S. Election Assistance Commission, (July 2021), https://www.eac.gov/sites/default/files/bestpractices/Chain_of_Custody_Best_Practices.pdf.

Tracked Items

Seals

Sensitive areas of voting machines and systems must be sealed to prevent unauthorized access. The existence of seals and seal logs play a pivotal role in documenting that chain of custody procedures were properly followed.

Seal numbers should be assigned and tracked prior to equipment and materials being deployed to polling places. Two people must verify that the seals placed on voting equipment or election materials match the documentation provided by election officials and that the seals remain in place. This verification is documented by signatures of the two individuals who observe and verify the seals match information provided by election officials.⁴²³ Their signatures must be preserved and seals retained for recordkeeping.

The seal log should follow a piece of equipment and election records everywhere they go, and the recipient should verify that seals match the documentation. While there is no provision in the Texas Election Code addressing how to proceed if a seal does not match the documented seal number that should be present, election officials have an obligation to investigate the discrepancy to ensure the integrity of election records.

Seal Assignment Envelope

Seal assignment envelopes are used for both the early voting period and on election day to keep track of all marked ballots.⁴²⁴ Seals are applied at the elections office and are recorded on the seal assignment envelope. Envelopes have spaces for the persons verifying the seals to provide their signature and printed name. Seal numbers should be preprinted or handwritten on the envelope so there is no room for ambiguity. Two election workers should verify that the numbers of the seals put on at the elections office match the envelope and that all equipment was securely sealed before opening at the polling place.

After verification, the seals are broken and placed in the seal assignment envelope for retention with other records collected throughout the day's voting. Unused seals are placed in an envelope for each day of early voting. Each day the seals are applied by the early voting clerk and deputy clerks when closing and must be verified the

⁴²³ Tex. Elec. Code § 85.032 (e); Tex. Elec. Code § 127.064 (a); Tex. Elec. Code § 127.066 (c); Tex. Elec. Code § 129.024 (b).

⁴²⁴ Chain of Custody Best Practices, Election Law Seminar. Texas Secretary of state, (August 2022), [https://www.sos.state.tx.us/elections/forms/chain-of-custody-best-practices-ab-august-2022%20\(1\).pdf](https://www.sos.state.tx.us/elections/forms/chain-of-custody-best-practices-ab-august-2022%20(1).pdf)

next morning. Broken seals are placed in the envelope for recordkeeping. Seal Assignment Envelopes are used to contain the seals that will be placed on the equipment at the conclusion of voting. Once those seals have been applied, the equipment is ready for transport.

Ballot Storage Media

Removable storage media must be tracked at all times with seals.⁴²⁵ Both ES&S and Hart voting systems use a variation of ballot storage media in the form of hardware and software. Both vendors use their own proprietary form of hardware (i.e., flash drives) for their voting machines.

The storage or programming media is secured before and after it is installed into the ballot marking device (BMD), direct recording electronic voting machine (DRE), or precinct ballot scanner. There are procedures in place for clearing the memory of the storage media. Storage media is secured after the election and while it is not in use. Whenever a transfer of custody occurs on electronic information storage media, two or more individuals are required to perform a check and verification check. The Secretary of State provides in-depth guidance about storage media as it moves through the election cycle.⁴²⁶ A good records management plan can assist a county with ensuring election data is properly managed and stored for ease of retrieval for purposes of the post-election partial manual count, election recounts, election contests, and open records requests.

DS200 Ballot Storage Media

The DS200 is a precinct or polling location-based scanner designed to record and secure election files. Each DS200 scanner has at least one flash drive⁴²⁷ or memory stick for the election inside a locked and sealed compartment on which all cast vote records are stored. After L&A testing, the programmed flash drives are installed in the DS200 and sealed for deployment before election day. The flash drive should correspond to the proper DS200 that it was paired with prior to being dispatched to the polling location. DS200 flash drives stay in the machine until the end of voting. At the end of voting, voting equipment is transported back to central count. For the

⁴²⁵ Tex. Elec. Code § 129.051.

⁴²⁶ See Keith Ingram, *Electronic Voting System Procedures Advisory*, Election Advisory No. 2019-23, (Oct. 23, 2019) <https://www.sos.state.tx.us/elections/laws/advisory2019-23.shtml>.

⁴²⁷ ES&S utilizes a flash drive. See ES&S Election Systems & Software, <https://www.essvote.com/products/ds200/> (last visited Dec. 12, 2022); Hart Utilizes a vDrive. See also, *Verity Polling Place Field Guide 2.4*, Hart InterCivic (Oct. 23, 2019).

transfer of these flash drives, seals are cut and drives are removed for tabulation. The associated seal log should record all DS200 seal data.

The DS200s are outfitted with layers of keyed locks and features to support the use of tamper-evident seals.⁴²⁸ When the polls are opened on the first day of early voting, a zero report is printed. This is done to ensure that the ballot count on that thumb drive is indeed zero--i.e., no ballots or cast vote records are on the media device. This step is also recorded or entered into the daily reconciliation log at the polling location.

Mobile Ballot Boxes – Hart Legacy System

Mobile Ballot Boxes (MBBs)⁴²⁹ are pieces of election hardware that include memory storage used to transport electronic ballot data on DREs to and from the election headquarters. MBBs can have data stored to them many different times. MBBs are the primary link between the judge's booth controller (JBC) and the election administration station. MBBs are inserted in a slot on the side of the JBC. The JBC then verifies the MBB and produces an electronic 'handshake' or a digital signature to ensure that the given MBB is now specific to that particular polling location. The port in which the MBB is inserted is then closed and sealed.

Equipment Cart

Some counties utilize a rolling cart to deliver voting equipment and materials to the polling location. These carts are affixed with a seal sticker. When election judges pick up supplies, they may use asset tag numbers and electronic systems using bar code scanners to maintain a record of election equipment and materials and their locations at different points in the process.⁴³⁰ The name of the individual designated to retrieve the supplies on the transfer of custody sheet should be printed and signed by that individual.

⁴²⁸ *DS200 Poll Place Scanner and Tabulator*, [essvote.com](https://www.essvote.com/products/ds200/), <https://www.essvote.com/products/ds200/> (last visited Dec. 12, 2022); *Voting System Examination of Hart InterCivic Verity Voting 2.4 6*, [sos.state.tx.us](https://www.sos.state.tx.us/elections/forms/sysexam/brian-mechler-hart-2.4.pdf) (May 16 2020), <https://www.sos.state.tx.us/elections/forms/sysexam/brian-mechler-hart-2.4.pdf>

⁴²⁹ MBBs were used by Harris County in 2020 but their use has since been discontinued and Harris now uses vDrives instead. Tarrant was already using vDrives in 2020.

⁴³⁰ Tex. Elec. Code § 66.062 (b). The presiding judge must follow the procedures in place regarding the storage and return of election equipment.

Ballots

Voted Ballots

All ballots must have serial numbers and these ballots must be tracked in an opaque, locked, and sealed container once marked. The early voting clerk must initial and the election day judge must sign the back of all official ballots. The ballot box and provisional ballot container must be kept in view at all times.⁴³¹ Additionally, election workers are expected to account for defectively printed, spoiled or abandoned ballots. Ballot boxes containing voted ballots are sealed at the end of voting to prevent unauthorized deposits and must be sealed at all times when transported or awaiting counting. After voting, electronic controllers should also be sealed and locked.⁴³² Voted ballots and flash drives containing electronic cast vote records (CVRs) should be returned to the custodian of election records by each polling location's Election Judge.⁴³³

For a period of at least 60 days after the date of an election, paper ballots and ballots stored on electronic storage media must be preserved in a locked room in the locked ballot box in which they were delivered to the custodian of records.⁴³⁴ After the expiration of the 60 days, these records may be transferred to another secure container for the remainder of the 22-month retention period.⁴³⁵

Early Voting Ballots

Upon delivery of a sealed early voting ballot box, the presiding judge of the Early Voting Ballot Board (EVBB) must inspect the box to determine whether the seals on the box are intact, and whether the numbers on the seals correspond to the numbers indicated on the record of serial numbers prepared by the early voting clerk.⁴³⁶ If they match, the presiding judge should accept the box and indicate so on the receipt. If the seals are not intact or the labels do not match, then the presiding judge should accept the box but note the discrepancies on the receipt and on their record.

⁴³¹ Tex. Elec. Code § 61.005 provides that ballots, ballot boxes, and envelopes used for provisional ballots at a polling place shall be in plain view of at least one election officer from the time the polls open until precinct returns have been certified. In practice, ballots and ballot boxes are contained within the DS200 and/or its associated electronic storage media device.

⁴³² Chain of Custody Best Practices, Election Law Seminar. Texas Secretary of state, (August 2021), <https://www.sos.state.tx.us/elections/forms/seminar/2021/39th/12-chain-of-custody-best-practices.pptx>.

⁴³³ Tex. Elec. Code § 66.051 (b). Ballot box no. 3 contains the voted ballots. See Tex. Elec. Code § 66.025(1).

⁴³⁴ Tex. Elec. Code § 66.058.

⁴³⁵ *Id.*

⁴³⁶ Tex. Elec. Code § 87.062 (b).

The early voting ballots must be secured from the last day of voting by personal appearance at a polling place until the day the ballots are counted. If the EVBB convenes before election day, the presiding judge must lock and seal each ballot box prior to delivering the boxes back to the custodian of records. A form to indicate the serial number used to seal each box is signed by the presiding judge and another member of the EVBB who serves as a witness to the procedure.

Unvoted Ballots

The authority responsible for distributing election supplies shall package and seal each set of unvoted ballots before their distribution and shall mark the package with the number of ballots enclosed and the range of serial numbers.⁴³⁷

The authority responsible for distributing supplies prepares a record of the number of ballots and the range of serial numbers to be distributed to each presiding judge and the early voting clerk. The record of the serial numbers must be preserved for the period of preserving election records (22 months).⁴³⁸

Return of Ballots and Records to the County

The law only requires one person to return voted ballots but best practices require two people to accomplish this task.⁴³⁹ As voting equipment is returned to the county from the polling locations, elections office staff should scan in equipment using asset tags or check the equipment in manually. Staff should also verify that all required paperwork is present and in the appropriate envelopes, and provide the Judge a copy of their county's paperwork showing that all ballots, records and equipment were returned, as well as the time that they were received.

FAD Chain of Custody Review

The FAD methodology to review each county's COC practices involved reviewing each county's documentation regarding the transfer of voting equipment and ballots or electronic ballot storage media. As part of this review, FAD made several on-site visits to all four counties to inspect, scan and collect large volumes of data from different stages of the election process.

⁴³⁷ Tex. Elec. Code § 51.006. The code also provides: "If the authority responsible for the distribution of election supplies is the Early Voting Clerk, ballots allocated for early voting need not be packaged this way."

⁴³⁸ Tex. Elec. Code § 51.007.

⁴³⁹ Tex. Elec. Code § 66.052; Chain of Custody Best Practices, Election Law Seminar. Texas Secretary of State (August 2021), <https://www.sos.state.tx.us/elections/forms/seminar/2021/39th/12-chain-of-custody-best-practices.pptx>.

One challenge in auditing COC documentation is the fact that each county uses a different set of documents, though the documents aim to record the same key information. A direct comparison of forms is difficult and may obfuscate what information is necessary according to the Texas Election Code versus what the county itself is interested in recording. The Secretary of State Elections Division has made multiple forms available for Texas counties to utilize or modify as needed to document chain of custody procedures. In reviewing documents from the four audited counties, many of the forms sampled have been modified or are county-specific. In the event a county form is not the official form made available by the Secretary of State's office, the county's election office must have their form approved by the Secretary of State.

Best Practices

It is recommended that all jurisdictions consider implementing seal assignment envelopes for more streamlined recordkeeping. As discussed earlier, seal assignment envelopes help ensure that the numbers on the seal match the container in which they are transported and, for early voting, add one more step of verification when the next election crew must take over the responsibilities for that set of election equipment. On election day, seal assignment envelopes require election workers to further document seals on equipment, as this envelope is also reviewed at the elections office and serves as another checkpoint to verify that the seal numbers match.

In addition to plans and other written documentation, counties should note the Election Code provisions for each and every form that they are replicating from the Secretary of State site in order to maintain consistency in their chain of custody procedures. Noting on their forms that the information is required by state law may cause some election workers to capture information that they may not have otherwise recorded.

When equipment is delivered to a polling place, one more quality assurance check may be made to ensure all equipment that is supposed to be deployed is present. When equipment is delivered to the polling place, a delivery sheet for the delivery worker should record:

- Name and number of polling location;
- How many pieces of equipment;
- Places for those delivering the equipment to sign;
- A space for the name and signature of the person accepting the delivery;

- Information about where the equipment will be stored; and
- A section for any notes or comments that may need to be recorded.

Forms Used by the Four Counties

The following documents contain a sample of COC documents obtained from each county. FAD made a meticulous effort to catalogue COC data. The sample below is an exhibition of forms that are relatively complete and demonstrate thorough recordkeeping for various steps in the COC for certain election materials and records. During FAD’s review of the forms and documentation obtained from the counties, there were some annotations indicating that information that should have been on the forms was missing and, in some cases, the forms have not been filled out or did not exist at all. A sample of those materials are discussed in individual county findings below.

Collin County

DS200 Record of Election Day Seal forms are similar to Early Voting seal records in that they record the starting and end of day seal numbers on the doors of the DS200. The only significant difference is that there is only one day’s worth of information to log.

Form 13
 Provided by University of Texas System
 9110 St. Louis, Suite 1000, Austin, TX 78701
 Collin County Request 05/20

DS200

DS200 RECORD OF ELECTION DAY SEALS

DATE OF ELECTION: Nov 3 2010

ELECTION NAME: General Election

POLLING LOCATION: HITD Center

ABSEY TAG NO. OF DS200: 15017

I certify that the set of numbers of the seals used to detect unauthorized opening of the DS200 Ballot Box are the following:

SECTION 4.

REGISTERED SEAL NUMBER ON DOOR #1	END OF DAY SEAL NUMBER ON DOOR #1	REGISTERED BY ELECTION OFFICER
<u>6007922</u>	<u>6007922</u>	<u>JLJ</u>

1. 601205 This seal was placed by the Presiding Election Judge on Door #1 of the DS200 Ballot Box on Nov 3 2010 for opening the ballot box. The Ballot Box is empty and the seals are open.

2. 1118362 This seal was placed by the Presiding Election Judge on Door #1 of the DS200 Ballot Box. The Ballot Box was sealed and sealed for delivery on Election Night.

3. 601205 Seal #1 was re-sealed with this DS200 seal number.

4. 1118362 Seal #2 was placed by the Presiding Election Judge on Door #1 of the DS200 Ballot Box. The Ballot Box was sealed and sealed for delivery on Election Night.

5. 300072 Seal #3 was placed by the Presiding Election Judge on Door #1 of the DS200 Ballot Box. The Ballot Box was sealed and sealed for delivery on Election Night.

6. [Redacted] Seal #4 was placed by the Presiding Election Judge on Door #1 of the DS200 Ballot Box. The Ballot Box was sealed and sealed for delivery on Election Night.

Signature of Presiding Election Judge: [Redacted]

Figure 9-1: DS200 Record of Election Day Seals Form

DS200 Record of Early Voting Seals uses the asset tags of the DS200, not the serial numbers of the DS200. The example below is for a single polling location. Similar to the Election Day seal forms, this sheet records the seal numbers on the doors for several days, rather than just one.

DS200 RECORD OF EARLY VOTING SEALS

DATE OF ELECTION: 11/03/20
 POLLING LOCATION: CITY HALL
 ADDRESS OF POLL: 1000 ...

DATE	SEAL NUMBER ON DOOR #1	SEAL NUMBER ON DOOR #2	SEAL NUMBER ON DOOR #3	SEAL NUMBER ON DOOR #4	SEAL NUMBER ON DOOR #5
10/28/20	1038000				
10/29/20	1038000				
10/30/20	1038000				
10/31/20	1038000				
11/01/20	1038000				
11/02/20	1038000				

Signature of Election Judge: _____

Figure 9-2: DS200 Record of Early Voting Seals

The Early Voting Cabinet Seal Log records the seals on the equipment and supplies cabinet. Everything from pollbooks to election supplies is held in a locked and sealed cabinet- except for DS200s, which sit outside the cabinet under separate seal.

Early Voting Cabinet Seal Log

Polling Location: LUBBY COMMUNITY CENTER
 Cabinet Delivery Seal: 6012706 [REDACTED] OFFERED TO PORTAGE POLLS FOR EARLY VOTING
 Cabinet Setup ReSeal: 6026575 [REDACTED]
 Judge ReSeal Prior to Start of Early Voting: 6012410

	ReSeal Number	Judge's Initials	Alt. Judge's Initials
Early Voting Day 1	6012406	[REDACTED]	[REDACTED]
Early Voting Day 2	6012404	[REDACTED]	[REDACTED]
Early Voting Day 3	601415	[REDACTED]	[REDACTED]
Early Voting Day 4	6012424	[REDACTED]	[REDACTED]
Early Voting Day 5	6012440	[REDACTED]	[REDACTED]
Early Voting Day 6	6012444	[REDACTED]	[REDACTED]
Early Voting Day 7	6012437	[REDACTED]	[REDACTED]
Early Voting Day 8	6012433	[REDACTED]	[REDACTED]
Early Voting Day 9	6012453	[REDACTED]	[REDACTED]
Early Voting Day 10	6012466	[REDACTED]	[REDACTED]
Early Voting Day 11	6012463	[REDACTED]	[REDACTED]
Early Voting Day 12	6012486	[REDACTED]	[REDACTED]
End of Early Voting			

Machine Set Up Signature:	[REDACTED]	DAY 13	6012455	[REDACTED]
		DAY 14	6012454	
		DAY 15	6012496	
Machine Tear Down Seal:		DAY 16	6042007	
		DAY 17	6042003	
Judge's Signature:	[REDACTED]	DAY 18	6042030	[REDACTED]
Alternate Judge's Signature:				
Machine Tear Down Signature:				

Please place White Copy back inside the Early Voting Cabinet and Pink Copy in Judge's Pink Envelope

Figure 9-3: Early Voting Cabinet Seal Log

Dallas County

Dallas County's Early Voting Transmittal Form Chain of Custody form shows that the early voting ballots are properly transferred from the voting location to Central Count. The blue ballot box contains marked early voting ballots. This form has sufficient information, showing the ballot box seal number, who transferred the box, who received the box, the time of the transfer and the number of ballots contained in the box.



EARLY VOTING TRANSMITTAL
Blue Ballot Transfer Box
CHAIN OF CUSTODY FORM

Election: General / Joint 2020 Date: 10-15

Blue Ballot Box 931041 is being transported from;
(Seal- Serial #)

Our Declaration Lutheran Church of Central Count Department.
(Early Voting Location)

During the early voting period 10-13-20 to 10-30-20
(Add dates of Early Voting)

DS200 Total Public Count when Ballot Box was removed from Door #1: 2528

Blue Ballot Box was transferred by: [Redacted] 534 D20
(Early Voting Technician/Warehouse Staff)

Blue Ballot Box was received by: [Redacted]
(DCED - Central Count Staff)

Time Received by Central Count: 8:35 (AM/PM)

[Redacted]
Early Voting Presiding Election Officer

10-15-2020
Date

[Redacted]
Early Voting Technician/Warehouse Staff

10-15-20
Date

Figure 9-4: Dallas County Early Voting Transmittal Form

The Chain of Custody Media Transmittal Form shows the transfer of the electronic media containing the ballot images and cast vote records from the voting location to Central Count. Again, this form contains the seal numbers, the person who transferred the media, the person who received the media and the time.

Chain of Custody Media Transmittal Form

Election Name: 2020 Election of Nov Election Date: 11-3-2020

The media listed below corresponding to the Ballot and Seal Certificates for Regional Site Garland Court Center is being transferred to the Central Count Station for reconciliation of Election Day voting results.

<u>37</u>	DS200 Primary USB Drives	Seal <u>820016</u>
<u>37</u>	DS200 Backup USB Drives	_____

Misc.

Sender: [Redacted]	<u>11/3/2020</u>	Departure Location: <u>11:15</u>
		Time: _____
Delivered By: [Redacted]	<u>11/3/2020</u>	
Received By: [Redacted]	<u>11/3/2020</u>	Receiving Location: _____
		Time: <u>12:02</u>

WHITE COPY – Central Counting Station YELLOW COPY – Central Counting Station or Transmission Site
PINK COPY – Regional Site as Sender

Figure 9-5: Dallas County Chain of Custody Media Transmittal Form

The Official Ballot and Seal Certificate form includes delivery and return seals. This form is used on election day and records various seals on the machines and ballot boxes. This form is handed off from the election judge to central count. This form is a crucial step in the COC process because it both prevents tampering and indicates whether tampering has taken place. This form also tracks ballots to ensure that all ballot paper is accounted for and includes basic reconciliation to ensure that ballots cast balances with pollbook check ins.

OFFICIAL BALLOT AND SEAL CERTIFICATE/REGISTER OF OFFICIAL BALLOTS

Election Name: 2020 General and Joint Election Date: November 3, 2020
 Vote Center: V1134 - FORESTER FIELD HOUSE DS200 SN: _____

INSTRUCTIONS: This is THE most important form to be completed by the ELECTION JUDGE. Please fill in each of the lines below, sign the form, have each clerk and poll watcher (if present) sign the form, and then place this form into the designated Return Pouch. **OFFICIAL BALLOT REPORT**

1. Total Number of Ballots for this Vote Center (1000 + Supplemental Ballots)	1000	REMEMBER: Ballot Serial Numbers are now issued by ePollBook
2. Number of Voted Ballots Counted from DS200 results tape (Ballots in the DS200 Blue Ballot Box delivered to the Elections Department)	272	
3. Number of Voted Provisional Ballots Sealed in Affidavit Envelopes stored in the Blue Provisional Ballot Bag delivered to Elections Department. (Should match Line 7)	1	Supplemental Ballots: (Record Quantity Delivered and include in Line 1)
4. Number of Spoiled Ballots (Ballots returned by voters for replacements, Recorded on "Register of Spoiled Ballots" form and placed in Green #4 envelope)	3	
5. Total Number of Ballots Accounted For (Lines 2 + 3 + 4)	276	
6. Total Number of ExpressVote Issued for this Location from EPB tape	272	
7. Total Number of Provisional ExpressVote Issued for this Location from EPB tape (The number should also match the names on the List of Provisional Voters)	1	
8. Total Number of Canceled Check-ins for this Location from EPB tape	0	
9. Number of Unused Ballots (Subtract Line 5 from Line 1)	724	
10. Number of Ballots on "Register of Spoiled Ballots"	3	
Reconciliation - Add Lines 6 + 7 + 10. If there is a difference of 4 or more from Line 5, Regional Site send to Central Court	276	

SEAL REPORT

Seals filled out by Elections Staff and Verified by Election Judge:

0261149 Delivery Seal Number placed on Door #1 (Remove all supplies before voting)

0067712 Delivery Seal Number placed on Door #6

0269773 Delivery Seal Number placed on Door #6

Sealed and Returned by Election Judge:

0932629 Return Seal Number placed on the Blue Ballot Box to secure the voted ballots. (Don't forget to lock all doors on the DS200 to secure the package.)

0932630 Return Seal Number placed on Blue Provisional Ballot bag for return in Elections Department. 0932628

Comments, if needed: _____

AFFIDAVIT I, the undersigned Presiding Election Judge, do hereby certify that the above foregoing statement of Official Ballots of said Election is true and correct, and that all voted ballots were locked and sealed in the Blue Ballot Box returned by me and/or one of the clerks to the Elections Department.

WITNESS MY HAND this 3 day of November 20 20

Presiding Judge: _____ Clerk: _____

Alternate Judge: _____ Clerk: _____

Poll Watcher: _____ (if present) Poll Watcher: _____ (if present)

Distribution:
 Gold Original - (Designated Return Pouch), White Copy - (Envelope #1), Yellow Copy - (Envelope #2), Pink Copy - (Envelope #3)

Figure 9-6: Dallas County Official Ballot and Seal Certificate Form

The Record of Early Voting Seals for Blue Carrier Envelope form records the envelopes in which election workers place many of the location-specific forms that are to be returned to the Elections Office for processing.

**DALLAS COUNTY ELECTIONS DEPARTMENT
RECORD OF EARLY VOTING SEALS FOR THE BLUE CARRIER ENVELOPE**

I, the Early Voting Presiding Election Officer/Officer for the General/Joint Elections do hereby certify that the following is a true and correct list of the seals used to seal the Blue OR Red Carrier Envelope(s) during the duration of early voting so as to detect unauthorized opening of the Carrier Envelope(s) and to seal each one before delivery to the Early Voting Ballot Board.

Early Voting Location: Mountain View College

DATE	SERIAL NUMBER FOR BLUE/RED CARRIER ENVELOPE SEAL
10-13-20	0077283
10-14-20	0077696
10-15-20	0077353
10-16-20	0077359
10-17-20	0060636
10-18-20	0077248
10-19-20	0059197
10-20-20	21106
10-21-20	24035
10-22-20	24002
10-23-20	24145
10-24-20	24157
10-25-20	24156
10-26-20	0070296
10-27-20	0077303

I further certify that the seals with the numbers listed above were in place as specified upon delivery of the Blue OR Red Carrier Envelope (s) to the Early Voting Ballot Board and the seal listed in the column was placed on the flap at the close of each day listed. Report should be turned in on the last day of early voting.

Signature of Early Voting Presiding Election Officer

Signature of Early Voting Election Officer

Signature of Poll Watcher (if Present)

Signature of Poll Watcher (if Present)

Please complete daily but turn in on the **LAST** Day of Early Voting in the Blue and Red Carrier Envelope.

Page 1 of 2

Figure 9-7: Dallas County Record of Early Voting Seals for Blue Carrier Envelope Form

The Receipt of equipment from contractor form shows what was delivered to a location and that it was received by the presiding judge.

EARLY VOTING LOCATION ASSET AGREEMENT & RECEIPT FOR EQUIPMENT

EARLY VOTING LOCATION: Randolph Leed DATE OF SET UP: 10/14/20

NAME OF ELECTION: General Election (Print Name)

Dallas County Election Presiding Election Officer understand and agree that I am responsible for the care and custody of Dallas County Elections equipment.

SUPPLY PICK UP	SUPPLY DROP OFF TO REGIONAL SITE
<p>1. ExpressPoll (EPB)</p> <p><input type="checkbox"/> Electronic Poll Books</p> <p>Print Serial Numbers in the lines below</p> <p><u>0448</u> <u>0437</u></p> <p><u>0185</u> <u>0444</u></p> <p><u>0190</u> _____</p> <p><u>0436</u> _____</p> <p><input type="checkbox"/> EPB Cards</p> <p><input type="checkbox"/> Express Printer with Power Cable</p> <p>All EPB's issued are required to be returned to DCED office. Failure to do so will require you to return to your polling location to retrieve EPB's. Any missing parts or tablets will require reimbursement at cost for each missing item.</p>	<p>1. ExpressPoll (EPB) - EPB Transfer Case</p> <p><input type="checkbox"/> Electronic Poll Books</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> EPB Cards</p> <p><input type="checkbox"/> Express Printer with Power Cable</p>
<p>2. Orange Transfer Case</p> <p><input checked="" type="checkbox"/> Cradle and Power Cords</p> <p><input checked="" type="checkbox"/> Epson Printer and Power Cords</p>	<p>2. Orange Transfer Case</p> <p><input type="checkbox"/> Cradle Point Printer and Power Cords</p> <p><input type="checkbox"/> Epson Printer and Power Cords</p>
<p>3. Shoulder Bag/Blue Pouch</p> <p><input checked="" type="checkbox"/> Blue Pouch</p> <p><input checked="" type="checkbox"/> Red Pouch - when applicable</p> <p><input checked="" type="checkbox"/> Keys (Red, Yellow and Blue Tab Keys) x2</p> <p><input checked="" type="checkbox"/> Early Voting Guide Book</p> <p><input checked="" type="checkbox"/> Security Seals</p> <p><input checked="" type="checkbox"/> Bond Book (if applicable)</p> <p><input checked="" type="checkbox"/> Red Envelope with Antistatic Poly bag for USB sticks</p> <p><input checked="" type="checkbox"/> Sample Ballots</p>	<p>3. Sealed Pouch/Blue Pouch</p> <p><input type="checkbox"/> Red Envelope for USB Sticks (2) from Door 6A & 6B</p> <p><input type="checkbox"/> Keys (Red, Yellow, Blue & Blue Tab Keys)</p> <p><input type="checkbox"/> Audit Tapes with EPB Totals</p> <p><input type="checkbox"/> Security Seals</p> <p><input type="checkbox"/> Ballot and Seal Report</p>
<p>4. Election Forms</p> <p><input checked="" type="checkbox"/> Manila Folder with time sheets</p> <p><input checked="" type="checkbox"/> Cell Phone WITH charger (if Applicable)</p> <p><input checked="" type="checkbox"/> Early Voting Location List</p> <p><input checked="" type="checkbox"/> Final Reminders</p> <p><input checked="" type="checkbox"/> Ballot & Seal Certificate of Official Ballots</p> <p><input checked="" type="checkbox"/> Sample Ballots</p> <p><input checked="" type="checkbox"/> List of Declared Write-in Candidates (if Applicable)</p> <p><input checked="" type="checkbox"/> Items to Post in Voting booths (Plastic Bag)</p> <p><input checked="" type="checkbox"/> Total Number of Voters (Yellow)</p> <p><input checked="" type="checkbox"/> Date of Office form (Green)</p> <p><input checked="" type="checkbox"/> Blue Carrier Envelopes</p> <p><input checked="" type="checkbox"/> Early Voting Daily Report</p> <p><input checked="" type="checkbox"/> Record of Early Voting Seals Report</p> <p><input checked="" type="checkbox"/> Early Voting Voter Roster</p> <p><input checked="" type="checkbox"/> Early Voting Transmittal Report</p> <p><input checked="" type="checkbox"/> Early Voting Reconciliation of Ballots Report</p> <p><input checked="" type="checkbox"/> Activation Cards: <u>70</u> of packages.</p>	<p>4. Election Forms</p> <p><input type="checkbox"/> Yellow Folder with Timesheets</p> <p><input type="checkbox"/> Blue Carrier Envelopes with all Daily Reports</p> <p><input type="checkbox"/> Red Carrier Envelopes with all Daily Reports - When Applicable</p> <p><input type="checkbox"/> Bond Book (if applicable)</p> <p><input type="checkbox"/> Cell Phone (if Applicable)</p> <p>5. Provisional Bag</p> <p><input type="checkbox"/> Provisional Ballots for each Party - When Applicable</p> <p><input type="checkbox"/> COMPLETED- Provisional Voter Affidavits</p> <p><input type="checkbox"/> Provisional Voter Roster</p> <p><input type="checkbox"/> List of Provisional Voter</p> <p>6. Voted Ballots - Blue Ballot box from the DS200 with Seal attached.</p> <p>Un-Voted Ballots - In the Blue Transfer Box with Seal attached.</p>

I further understand and agree that this is the property of Dallas County Elections, and that I must return it to Dallas County Elections Office, along with all other Dallas County Elections materials. I understand and agree that while in my care and custody, the Dallas County Elections Department, I understand that I will be charged a replacement fee for ANY missing item(s). Asset will be used only for approved Dallas County Elections purposes. Lastly, should any item fail to be returned back to the Elections office at the completion of the last day of early voting you will need to return to your location to retrieve the item(s) missing.

Signature of Presiding Election Officer

DROP OFF -Signature of Presiding Election Officer & Date

Early Voting Technician

DROP OFF -Signature of Warehouse Staff & Date

White Copy Regional Site - Pink Copy of Form to Judge - Yellow Copy will be Given to Judge return of supplies.

Figure 9-8: Early Voting Location Receipt for Equipment

The Record of early voting seals form shows the seal numbers on the DS200 door (voting machine) and total scanned ballots on each day of early voting. The numbers of total scanned ballots are cumulative. This ensures that the machines were not accessed inappropriately.

APR-02
 Provided by Secretary of State Andrew B. BOESZ, Texas Election Code
 2007
 Election System #10

EV LOCATION: FLORENCE RECREATION CENTER 1 of 2
 RECORD OF EARLY VOTING SEALS

I, the Presiding Officer for the FLORENCE RECREATION CENTER Election, do hereby certify that the following is a true and correct list of the seals used to seal Door #1 of the early voting DS200 ballot scanner at the end of each day of early voting. Every morning the seal number and Public Count is verified by another early voting officer. If discrepancy is found, call the Elections Office immediately.

Section A.

Date	Serial Number on Door	DS200 End of Day Public Count
10/13/20	00506328 00506328	767
10/14/20	00506328	1516
10/15/20	0932139	2199
10/16/20	00506328 40062489	2926
10/17/20	40062489	3285
10/18/20	40062489	3641
10/19/20	40062489	4246
10/20/20	00506328	4870
10/21/20	00506328	5368
10/22/20	00506328	5769
10/23/20	00506328	6156
10/24/20	00506328	6486

I further certify that the serial number of the seal used to detect tampering and opening of the DS200 ballot scanner was the following:

B. 00506328 This seal was placed by Elections Office on Door #1 of the early voting DS200 ballot scanner for transport to the Early Voting location.

C. 00506328 This seal was placed by Presiding Election Officer on Door #1 of the early voting DS200 ballot scanner after supplies was removed on the first day of Early Voting.

D. 00506328 This seal was placed by Elections Office on Door #1A of the early voting DS200 ballot scanner for transport to the Early Voting location.

E. 00506328 This seal was placed by Elections Office on Door #1B of the early voting DS200 ballot scanner for transport to the Early Voting location.

F. 00506328 This seal was placed by Presiding Election Officer on Door #1 of the early voting DS200 ballot scanner on the last night of Early Voting for transport back to the Elections Office.

G. This seal was placed by Presiding Election Officer on the Blue Ballot Box on the last night of Early Voting for transport back to the Elections Office by the Presiding Election Officer and/or Dallas County Election Department Staff.

Section II.

Date	Seal Number on Blue Ballot Box	DS200 Total Public Count When Transporting Box
10/15/20	0932139	2199
10/20/20	00506328 00506328	4870
10/24/20	0932139	6156
10/28/20	0932139	8262

I, _____, I certify that the Blue Ballot Box is being transported back to the DCED by the Elections Department Staff during Early Voting period. (add dates of early voting).

J. _____, I certify that the Blue Ballot Box is being transported back to DCED by the Elections Department Staff during Early Voting period. (add dates of early voting).

K. _____, I certify that the Blue Ballot Box is being transported back to DCED by the Elections Department Staff during Early Voting period. (add dates of early voting).

Signature of Presiding Election Officer: _____ Signature of Election Officer Alternate: _____

I, _____, I certify that the Blue Ballot Box is being transported back to the DCED by the Elections Department Staff during Early Voting period. (add dates of early voting).

J. _____, I certify that the Blue Ballot Box is being transported back to DCED by the Elections Department Staff during Early Voting period. (add dates of early voting).

K. _____, I certify that the Blue Ballot Box is being transported back to DCED by the Elections Department Staff during Early Voting period. (add dates of early voting).

Signature of Presiding Election Officer: _____ Signature of Election Officer Alternate: _____

Figure 9-9: Record of Early Voting Seals

Harris County

The Election Day Chain of Custody to Judges form notes the transfer of equipment including iPads (the electronic pollbooks) and JBCs from Harris County Elections to the presiding judge. The presiding judge receives this form from the transferring clerk along with voter check-in information, poll codes, MiFi and other materials.

 CHAIN OF CUSTODY FOR: Harris County Clerk's Elections Division

General and Special Elections
11/03/2020

PRESIDING JUDGE
ASHLEIGH RICKERTSEN
COLUMBIA ST
HOUSTON, TX 77008

POLLING LOCATION
All Saints Catholic Church
215 East 10th Street
Houston, TX 77008

0053 RICKERTSEN
11/11/2020 2:24:33 PM

101887

Poll Code	EQUIPMENT	
0053	iPads	Cell Phone
	F1FD2MMDG1	832-969-6792
	GG7023HMDG1	
	F1FD0321MDG1	MiFi
		340334E0X1
		JBCs
		CD49CB
		CD5784
		MP70

RECEIVING:

PRESIDING JUDGE SIGNATURE:


TRANSFERRING:

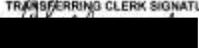
TRANSFERRING CLERK SIGNATURE:


Figure 9-10: Chain of Custody for Harris County Clerks

The JBC Travel Box Seal Log for Election Day notes the seal number for the travel box, the signatures of the presiding judge and handout clerk and a checklist to ensure all numbers match. This form also gives the beginning and ending seal number for one JBC at one polling place.

JBC Travel Box Seal Log Election Day Version
 General and Special Elections
 11/03/2020

Chain of Custody Form

Printed by Election Hardware
 Poll Code: 0214 JBC Serial Number: 02020E State Serial Number: 108837

Supply Hardware:
 JBC Travel Box (with Seal) Number: 02020E
 [Redacted] [Redacted]
 [Redacted] [Redacted]

Election Day Warning prior to opening

JBC Travel Box Code: [Redacted] Yes No
 JBC Travel Box Code Seal Number Match Found? Yes No
 JBC Serial Number Match Found? Yes No
 MBB Code Serial Number Match Found? Yes No
 MBB Code Seal Unbroken? Yes No

If No is checked for any question, call help desk: 713-389-4000

[Redacted] [Redacted]
 Signature: [Redacted] Signature: [Redacted]

End of Election Day warning

JBC Travel Box (with Seal) Number: 4800 347447
 [Redacted] [Redacted]
 Signature: [Redacted] Signature: [Redacted]

Drop Off Location

JBC Travel Box Code Seal Unbroken? Yes No
 JBC Travel Box Code Seal Number Match Found? Yes No
 JBC Serial Number Match Found? Yes No
 MBB Code Serial Number Match Found? Yes No
 MBB Code Seal Unbroken? Yes No

If No is checked for any question, call help desk: 713-389-4000

Signature: [Redacted] Signature: [Redacted]

Record Comments on back of box

Figure 9-11: JBC Travel Box Seal Log

MBB Transfer Envelope contains the MBB serial number, the number of access codes issued, voted, expired and canceled. This is placed on the outside of the envelope containing the MBB (the electronic storage media device that contains the cast vote records). Per COC procedures, election officials ensure that the MBB serial number recorded on a given form matches the MBB serial number on the electronic storage media device.

HOME PRECINCT: 214

MBB TRANSFER ENVELOPE

MBB SERIAL NUMBER	14510
# of ACCESS CODES ISSUED	8
# of ACCESS CODES VOTED	8
# of ACCESS CODES EXPIRED	0
# of ACCESS CODES CANCELLED	0

RALLY STATION LOCATION: NLG

Read and Verified Initials: [Redacted]

COMMENTS:

Figure 9-12: MBB Transfer Envelope

These are examples of MBBs associated with one polling location. The number under the bar code is the serial number that is tracked and associated with the polling location.



Figure 9-13: Front and Back Scans of Physical MBBs

The JBC Reconciliation Log Election Day form notes the number of the red seal on the JBC, the start of day public count, and the JBC serial number. This form records opening and closing counts for one JBC at one polling location.

JBC RECONCILIATION LOG ELECTION DAY (One form per JBC)
Ballot & Seal Certificate / Register of Official Ballots

ELECTION TITLE: General Election DATE: 11/3/2020
HARRIS COUNTY, TEXAS

[SIGNATURE OF JUDGE]: [Redacted] POLL CODE: 0214

OPEN POLLS
Sign this form under the Start of Day Public Count from the PUS COUNTY on the JBC screen
[bottom right hand corner of JBC screen]

RED SEAL ON JBC (located on right side of JBC)	<u>167421</u>
START OF DAY PUBLIC COUNT (located on the bottom right hand corner of JBC screen - PUS)	<u>0</u>
JBC Serial No. [#] (located on white sticker on top of JBC - clear printer lid)	<u>205995</u>

CLOSE POLLS
Enter the End of Day Public Count from the PUS COUNTY on the JBC screen [bottom right hand corner of JBC screen].

END OF DAY PUBLIC COUNT (located on the bottom right hand corner of JBC screen - PUS)	<u>44</u>
Number of Provisional Voters (Count the number of completed Provisional Affidavits)	

ACCESS CODE SUMMARY
Enter the number of Access Codes ISSUED, VOTED, EXPIRED and CANCELLED from the Access Code Summary.

# of Access Codes ISSUED	<u>45</u>
# of Access Codes VOTED	<u>44</u>
# of Access Codes EXPIRED	<u>1</u>
# of Access Codes CANCELLED	<u>0</u>

COMMENTS:

BLUE COPY - Return in respective JBC BOX
WHITE COPY - Return in White ENVELOPE 2 - TO COUNTY CLERK
PINK COPY - Place in PINK ENVELOPE 3

Figure 9-14: JBC Reconciliation Log Election Day Form

The Ballot and Seal Certificate form captures the door seal numbers from the JBCs along with the number of codes issued by the JBC. After verifying the seal numbers, the seal is broken, the MBB is removed, and the seal is attached to the form.

Prescribed by: Republic of Texas
Section 93.002(b), 12.159 Texas Election Code
Revised March 13, 2017



General and Special Elections

11/03/2020

Ballot and Seal Certificate

Location
SRD137B

JBC Serial #	MBB Serial #	Seal Serial #
C058CF	HCE23860	108790



The MBB (Mobile Ballot Box) door of the JBC (Judge Booth Controller) was secured with a numbered seal. The door seal number is recorded on this form. A Record of the seal numbers assigned to each location is kept by the Elections Department. The seal on the MBB door remains on the JBC until removed by the Early Voting Ballot Board.

The Seal number placed on the JBC prior to the beginning of early voting to detect unauthorized opening of the MBB slot was: **108790**

We, the undersigned election officials, do hereby certify that MBB was placed in the transfer case to be transferred to the central counting stations, and all the above is a true and correct list of seals used.
The number of Access Codes on the JBC was as follows:

Issued	<u>5912</u>	Expired	<u>29</u>
Voted	<u>5869</u>	Canceled	<u>14</u>

On completing the certificate, the presiding judge shall place the original in the container used to store the MBBs. The presiding judge shall retain a copy of the certificate and preserve it for the period for preserving the precinct election records.

Signature Presiding Judge

Signature of Witness (if present)

Signature Alternate Judge

Signature of Witness (if present)

To be completed by Tabulation Supervisor

This MBB has been tallied. INITIALS _____

Figure 9-15: Ballot and Seal Certificate Form

Tarrant County

JBC Cart Seal Forms are one of the many non-state forms that Tarrant County used. JBCs provide an access code that allows the voter to pull up their ballot and vote on the Duo machines. During early voting, the JBC is sealed in the evening at closing and then the seal is broken in the morning so voting can begin. The seal number recorded in the evening should match the seal number in place in the morning. This form shows the seal serial number on the equipment each night of early voting. Each Tarrant County voting location fills out their own form. While this form allows for substantial collection of chain of custody data, it could be improved by having a place to note that the seal was checked when polls were opened.

JBC Cart Seal Form and Instructions

The seal number, and initials of the clerk who placed the seal on the JBC Cart, are recorded on this form.
 The numbered seal on the JBC Cart is to be replaced at the close of each day. Record the seal number next to the date on the form below.

The deputy early voting clerk at each location is responsible for the JBC Cart Seal Form as well as all seals. A record of all seal numbers assigned to each location is also kept by the Administrative Office.

SEAL NUMBER	DATE	INITIALS
GR202002	Delivered by Tarrant County	
	ET Clerk Setup	
	10-12	
09651222	10-13	MB
00045333	10-14	MB
00045144	10-15	MB
00045155	10-16	MB
00045166	10-17	MB
	10-18	
00045177	10-19	MB
00045188	10-20	MB
00045199	10-21	MB
00045200	10-22	MB
00045211	10-23	MB
00045222	10-24	MB
00045233	10-25	MB
00045244	10/26/20	MB
00045255	10/27/20	MB
00045266	10/28/20	MB
00045277	10/29/20	MB
	10/30/20	

I certify that the above is a true and correct list of the seals used to seal the JBC Cart at the end of each session during early voting.

 Signature of Tarrant County Clerk / Date
 10/30/20
 Signature of Early Voting Clerk / Date

 Signature of Poll Watcher (if present)

 Signature of Poll Watcher (if present)

Figure 9-16: Tarrant County JBC Cart Seal Forms

Provisional Seal Forms report the seal numbers for the provisional ballot bag at closing each night. The form includes a seal number, date, clerk’s initials, as well as the name of the voter registration supervisor. This form is utilized for each voting location. Forms like these are used for both early voting and election day.

Provisional Bag Seal Form and Instructions

Each Provisional bag has numbered seals that need to be used to seal the bag. The bag seal number, and initials of the clerk who placed the seal on the bag need to be recorded on your form. The numbered seal on the bag is to be replaced each night at the close of the polls. Record the seal number next to the date on the form below.

The deputy early voting clerk at each location is responsible for the Provisional Bag Seal Form as well as all seals. A record of all seal numbers assigned to each location is also kept by the Administrative Offices.

SEAL NUMBER	DATE	INITIALS
00051507	10-12	[REDACTED]
00051501	10-13	
00051579	10-14	
00051610	10-15	
00051715	10-16	
0005229	10-17	
	10-18	
	10-19	
	10-20	
	10-21	
	10-22	
	10-23	
	10-24	
	10-25	
	10-26	
	10-27	
	10-28	
	10-29	
	10-30	

I certify that the above is a true and correct list of the seals used to seal Provisional Bag at the end of each day of early voting.

[REDACTED] 10/17/2020
 Signature of Early Voting Lead Clerk / Date

 Signature of Early Voting Supervisor / Date

 Signature of Voter Registration Supervisor / Date

 Signature of Poll Watcher (if present)

 Signature of Poll Watcher (if present)

Figure 9-17: Provisional Seal Forms

Seal Forms shows the seal numbers devices during early voting. The form includes seal numbers at the start and end of the day. The number of the seal at the end of one day should match the number of the seal the following morning. The form should include the initials of clerk who placed seal on the devices but the box for the initials has been cut off in the scan. In the future, care should be taken to ensure that these are scanned as legal size paper instead of standard size so that all data is captured electronically. Every early voting location fills out this form.

Election Date: November 03, 2020
 Election Type: Joint Elections
 Location Code: AS - ARL - SOUTHEAST SUB
 Location Name: TC Sub-Courthouse in Arlington

Early Voting Seal Form and Instructions

The seal number and initials of the clerk who placed the seal on the Controller, Duxs and Scan are recorded on this form.
 The numbered seal on the equipment are to be replaced at the close of each day. Record the usual number next to the date on

10/24/2020	Controller	Booth 1	Booth 2	Booth 3	Booth 4	Booth 5	Booth 6	Booth 7	Booth 8	Booth 9	Booth 10	Booth 11
Start of Day Seal No.	51580	51666	51671	51686	51670	51667	51669	51726	51591	51581	51668	51611
End of Day Seal No.	51983	51650	51972	51924	51699	51672	51629	51623	51645	51676	51659	51527
10/25/2020	Controller	Booth 1	Booth 2	Booth 3	Booth 4	Booth 5	Booth 6	Booth 7	Booth 8	Booth 9	Booth 10	Booth 11
Start of Day Seal No.	51983	51650	51972	51924	51699	51672	51629	51623	51645	51676	51659	51527
End of Day Seal No.	51615	51885	51891	51847	51654	51957	51930	51943	45235	51926	51931	51895
10/26/2020	Controller	Booth 1	Booth 2	Booth 3	Booth 4	Booth 5	Booth 6	Booth 7	Booth 8	Booth 9	Booth 10	Booth 11
Start of Day Seal No.	51615	51885	51891	51847	51654	51957	51930	51943	45235	51926	51931	51895
End of Day Seal No.	51544	51536	51812	51862	51554	51981	51829	51537	51554	51535	51560	51540
10/27/2020	Controller	Booth 1	Booth 2	Booth 3	Booth 4	Booth 5	Booth 6	Booth 7	Booth 8	Booth 9	Booth 10	Booth 11
Start of Day Seal No.	51544	51536	51812	51862	51554	51981	51829	51537	51554	51535	51560	51540
End of Day Seal No.	51578	51952	51970	45009	45129	51648	51861	51640	51834	51922	51912	51522
10/28/2020	Controller	Booth 1	Booth 2	Booth 3	Booth 4	Booth 5	Booth 6	Booth 7	Booth 8	Booth 9	Booth 10	Booth 11
Start of Day Seal No.	51578	51952	51970	45009	45129	51648	51861	51640	51834	51922	51912	51522
End of Day Seal No.	51873	51851	51967	51855	51863	51577	51572	51924	51325	51527	51924	51994

Figure 9-18: Early Voting Seal Forms

The Register of Official Ballots for election day is a key form for Tarrant County. Indeed, it is noted on the form that it is "one of the most important forms to be completed by the election judge". The form serves multiple purposes. First, it records that controller (Line A), scanner (Line H) and the ballot marking devices (Lines B-G depending on how many devices are at the location) are all zeroed at the beginning of the day. Second, it checks to determine whether all ballot stock is accounted for. So the number of blank ballot pages received (Line 3) should equal Line 8 which totals spoiled ballots (Line 4), unused ballots (Line 5), unscanned ballots (Line 6) and voted ballots (Line 7). Finally, the form contains basic reconciliation so that the presiding judge and Central Count manager can compare the pollbook check-ins (Line 14) with the number of ballots cast (Line 1) and the number of access codes issued by the controller (Lines 9-13) and account for provisional voters (Line 16).

REGISTER OF OFFICIAL BALLOTS

This is one of the most important forms to be completed by the Election Judge. Fill in each line below.

Date: November 03, 2020

Authority Conducting the Election: NP Joint General & Spec Elections

Polling Place/Code: 2052 - Ruby Ray Swift Elementary School

Scan Serial number: 189476

Record these counts BEFORE the polls open:

A	Start of day Controller 'Ballots' Count- Located at the Bottom of the <u>Controller</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero		A
B	Start of day <u>Duo 1 and 2</u> 'Ballots' Count- Located at the Bottom of the <u>Duo</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero	0	B
C	Start of day <u>Duo 3 and 4</u> 'Ballots' Count- Located at the Bottom of the <u>Duo</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero	0	C
D	Start of day <u>Duo 5 and 6</u> 'Ballots' Count- Located at the Bottom of the <u>Duo</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero	0	D
E	Start of day <u>Duo 7 and 8</u> 'Ballots' Count- Located at the Bottom of the <u>Duo</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero		E
F	Start of day <u>Duo 9 and 10</u> 'Ballots' Count- Located at the Bottom of the <u>Duo</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero		F
G	Start of day <u>Duo 11 and 12</u> 'Ballots' Count- Located at the Bottom of the <u>Duo</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero		G
H	Start of day Scan 'Ballots' Count- Located at the Bottom of the <u>Scan</u> Screen CAUTION: Call Elections Office if the 'Ballots' Count is not Zero		H

Record these counts IMMEDIATELY AFTER the polls close:

1	End of Day Scan 'Ballots' Count- Located at the Bottom of the <u>Scan</u> Screen	279	1
2	Number of un-scanned ballots in the Emergency Bin	0	2
3	Quantity of Ballot stock received from Elections Office	600	3
4	Number of Spoiled Ballots	3	4
5	Quantity of <u>un-used</u> Blank Ballot stock	318	5
6	Number of Thrown Out Ballots (Voter printed but did not run through the Scan before leaving. Ballot is considered abandoned.)	0	6
7	Number of Voted Ballots (should be equal to lines 1 + 2)	279	7
8	Total number of ballots/stock accounted for should equal Line 3 (add lines 4+ 5 + 6 + 7)	660	8
9	End of Day Controller 'Ballots' Count- Located at the Bottom of the <u>Controller</u> Screen	296	9
10	Number of 'Total Codes Issued' found on the Access Code Summary Report	298	10
11	Number of 'Total Codes Printed' found on the Access Code Summary Report	296	11
12	Number of 'Total Codes Expired' found on the Access Code Summary Report		12
13	Number of 'Total Codes Spoiled' found on the Access Code Summary Report	2	13
14	Number of voters checked in on the <u>Electronic Pollbook</u>	282	14
15	If line 14 does not match line 8 please provide an explanation:		15
16	Number of Provisional voters	16	16

We, the under signed election officials do hereby certify the following:

- The above is a true and correct accounting of the paper ballots used in this election.

Signed this 3rd day of Nov, 2020

Signature of Presiding Judge

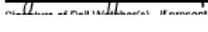
 Signature of Polling Place/ Precinct Representative


Figure 9-19: Register of Official Ballots for Election Day

Tarrant County includes much more detail on its form than on the state form for Register of Official Ballots.

Opening Polls – Register of Official Seals and Proper Installation is the form used by Tarrant County to show the seals at the opening of polls. The form is generated with the preassigned seal numbers for various pieces of election equipment. The Election Judge should review the seals on the devices and write them on the form. This form tracks a substantial amount of seal information; however, it would be ideal to add a column or section that requires verification that the seal number preprinted on the form was the seal number observed by the election judge in each instance. The form, as is, presents a risk that seals will not be properly verified and could instead simply be copied into the blank field.

OPENING POLLS - REGISTER OF OFFICIAL SEALS & PROPER INSTALLATION

This is one of the most important forms to be completed by the Election Judge. Fill in each line below.

EEC # 230

Authority Conducting Election: Joint General & Spec Elections Date of Election: November 03, 2020
 Polling Place Code/Name: 000 - Carter Park Elementary School
 Verity Scan Serial Number: 189375
 Verity Controller Serial Number: 191496

RECORD THESE SEAL NUMBERS BEFORE OPENING THE POLLS

1. From the Election Equipment Carrier (EEC)		
A	Important: Do NOT break or remove this seal until Election Day.	GR008113
B	Important: Do NOT break or remove this seal until Election Day.	
C	Important: Do NOT break or remove this seal until Election Day.	
2. From the Electronic Pollbook Case(s)		
A	Seal number removed from the Electronic Pollbook Case	YE007717
B	Seal number removed from the Electronic Pollbook Case	YE007718
3. From the Controller		
A	Seal number removed from the controller handle	OR010460
B	Seal number used on the inside door of the unit Important: Do NOT break or remove this seal.	16970
4. From the Duos		
A	Seal number removed from the Duo handle	BL011074
B	Seal number removed from the Duo handle	BL006145
C	Seal number removed from the Duo handle	BL006424
D	Seal number removed from the Duo handle	
E	Seal number removed from the Duo handle	
F	Seal number removed from the Duo handle	
G	Seal number removed from the Duo handle	
H	Seal number removed from the Duo handle	
I	Seal number removed from the Duo handle	
J	Seal number removed from the Duo handle	
K	Seal number removed from the Duo handle	
L	Seal number removed from the Duo handle	
5. From the Scan		
A	Seal number removed from the Scan handle	YE008261
B	Seal number used on the inside door of the unit Important: Do NOT break or remove this seal.	16965
6. From the Ballot Box Emergency Bin Slot		
A	Seal number used on the ballot box. Important: Do NOT break or remove this seal unless instructed by Tarrant County Elections.	

We certify that the Election Equipment Carrier (EEC), Verity Scan, Verity Controller, and all Verity Duos were kept sealed with above mentioned serial numbers until opened at this polling place on Election Day at _____ a.m.



Signature of Alternate Judge or Clerk:

Signature of Poll Watcher (if present):

White Copy - Envelope 1, 2 & 4

Yellow Copy - Judge

Figure 9-20: Opening Polls Register of Official Seals and Proper Installation

Closing Polls – Register of Official Seals and Proper Installation is Tarrant County’s final election day form. The purpose of this form is to record the seals at the closing of the polls, including the seals that the Election Judge added to the machine when the polls were closed.

CLOSING POLLS - REGISTER OF OFFICIAL SEALS & PROPER INSTALLATION
 This is one of the most important forms to be completed by the Election Judge. Fill in each line below.
 EEC # 230
 Authority Conducting Election: Joint General & Spec Elections Date of Election: November 03, 2020
 Polling Place Code/Name: 0000 - Carter Park Elementary School
 Verity Scan Serial Number: 189375
 Verity Controller Serial Number: 181496

RECORD THESE SEAL NUMBERS AFTER CLOSING THE POLLS
 Ensure that all reports have been printed and numbers have been balanced before sealing the equipment.

1. From the Electronic Pollbook Case(s)	
A Seal number used to seal the Electronic Pollbook Case handle	72471
B Seal number used to seal the Electronic Pollbook Case handle	72471
2. From the Controller	
A Seal number remaining intact on the inside door	0022128
B Seal number used to seal the Controller handle	
3. From the Duos	
A Seal number used to seal the Duo handle	Y0009549
B Seal number used to seal the Duo handle	Y0009525
C Seal number used to seal the Duo handle	Y0009238
D Seal number used to seal the Duo handle	
E Seal number used to seal the Duo handle	
F Seal number used to seal the Duo handle	
G Seal number used to seal the Duo handle	
H Seal number used to seal the Duo handle	
I Seal number used to seal the Duo handle	
J Seal number used to seal the Duo handle	
K Seal number used to seal the Duo handle	
L Seal number used to seal the Duo handle	
4. From the Scan	
A Seal number remaining intact on the inside door	
B Seal number used to seal the Scan handle	0022125
5. From the Ballot Box Emergency Bin Slot	
A Seal number remaining intact on the ballot box, or new seal if replaced	
6. From the Orange Provisional Bag	
A Seal used to seal the Orange Provisional Bag	0002232
7. From the Election Equipment Carrier (EEC)	
A Seal used to seal the EEC	Y0009598
B Seal used to seal the EEC	
C Seal used to seal the EEC	
8. From the Ballot Transfer Bags	
A Seal used to seal the Transfer Bags containing the VOTED ballots	0002285
B Seal used to seal the Transfer Bags containing the VOTED ballots	

We, the undersigned election officials do hereby certify that the voting devices were properly installed for voting in the above election; the above is a true and correct list of the serial numbers of the seals used in this election; all voting equipment was locked and/or sealed after the records.

 Alternate Judge or Clerk

 Poll Watcher (if present)

 Election Judge

Yellow Copy - Judge

Figure 9-21: Closing Polls Register of Official Seals and Proper Installation

The Audit Log Report is a log that shows the events that occurred in the election software. It logs every event that occurs. For COC purposes, the log tracks when the vDrives containing the cast ballots are read into the tally system to produce the election results. This verifies that the vDrive that left the polling location was the one read into the tally system and that it contained the correct number of ballots.

Audit Log Report		Tarrant County			
Run Time:	11:08 PM	Joint General and Special Elections 23979			
Run Date:	08/17/2021	11/3/2020			
		Page 235 of 520			
Component: VerityCount 2.4.2		Election ID: 23979			
Row	Log Date & Time	Device ID	User	Event	Event Data
3395	2020-11-03T23:55:51-06:00	D1900232112	prbenavides	vDrive read	[AUGGX%4QCJAR-]-6, State reason- ", Media type- Official vDrive read with values: Polling Place- 'St. Stephen Presbyterian Church', Ballot count = 148, Log entries = 701, Time read- 11/3/2020 11:55:51 PM, State- Read, Election ID- 23979, vDrive ID- [H--+--(2#4!78C'W)KTSX, State reason- ", Media type- Official
3396	2020-11-03T23:55:52-06:00	D1900232112	prbenavides	vDrive saved	vDrive saved with values: Polling Place- 'St. Stephen Presbyterian Church', Ballot count = 148, Log entries count = 701, Time read- 11/3/2020 11:55:51 PM, State- Read, Election ID- 23979, vDrive ID- [H--+--(2#4!78C'W)KTSX, State reason- ", Media type- Official

Figure 9-22: Audit Log Report

Voting System Equipment Key Events

Key Takeaways

- The four counties conducted their statutorily-required public Logic and Accuracy testing of voting equipment.

Methodology

A random sample of the polling locations from the four counties were chosen by FAD to determine if election officials followed applicable laws and procedures in regards to voting equipment. FAD collected screen shots of important forms to track the key events for voting equipment in each county.

I. Testing the System

If an entity has purchased or leased new voting equipment from a vendor, immediately upon accepting the delivery the entity is required to perform Acceptance Testing.⁴⁴⁰ The testing is divided into three parts: verification, performance, and system validation. Verification requires the entity to compare the model number and/or name of the system as well as the software and/or firmware version to the list of certified system equipment prescribed by the Texas Secretary of State.⁴⁴¹ The entity is required to perform a Hardware Diagnostic Test and a Logic and Accuracy (L&A) test.⁴⁴² The Hardware test ensures that the mechanical components of the election device is working properly. The final step in the Acceptance Testing phase is a system validation. The requirement must be completed to confirm that the software that is being installed and used is certified by the U.S. Election Assistance Commission (EAC).⁴⁴³

FAD also attempted to verify whether voting equipment had undergone statutorily required L&A testing. FAD used the collected documents to elucidate key polling

⁴⁴⁰ Tex. Elec. Code § 129.021.

⁴⁴¹ Tex. Elec. Code § 129.021 (1).

⁴⁴² Tex. Elec. Code §§ 129.022; 129.023.

⁴⁴³ See Election Advisory No. 2019-23 Electronic Voting System Procedures, available at: <https://www.sos.state.tx.us/elections/laws/advisory2019-23.shtml>.

location check-in information in order to compare voter check-in data to cast ballot data—the essence of the audit itself.

The L&A test is used to verify that the election equipment is able to accurately create ballots for candidates and measures and that candidate and measure receives the accurate number of votes. The test is conducted twice before the election and once immediately after the election.

Together these processes provide assurance that all acquired voting systems are functioning properly, comply with state and federal regulation, and certified for use in an election.

II. Programming the System

After Acceptance Testing is completed, pre-election configuration activities must commence. This can include programming and configuring election management software, direct recording electronic (DRE) voting machines, central scanners, or other equipment applicable that is used by an entity. One ballot programming computer is used to generate an entire election. The number of people who have access to the ballot programming computer and software should be limited. The computer must be stored in a locked and secured room that requires a code to enter or has a log to track who entered and at what time. Two individuals must be present at all times when the ballot is being programmed.⁴⁴⁴

Voting system ballots must be programmed by the owner or vendor and its programming shall be conducted in a secure location.⁴⁴⁵ After initial programming, the entity shall proof it for accuracy in addition to creating a back-up copy for proper storage keeping. These configuration materials are to be kept at a secure, off-site location with permission authorized by the election official for access.⁴⁴⁶

III. Storing the System

All electronic information storage media is inventoried and kept by the general custodian of election records.⁴⁴⁷ The general custodian is also required to adopt procedures for securely storing and transporting voting system equipment.⁴⁴⁸ The general custodian of election records shall create and maintain an inventory of items

⁴⁴⁴ Tex. Elec. Code § 129.023 (a).

⁴⁴⁵ Tex. Elec. Code § 129.051.

⁴⁴⁶ See Election Advisory No. 2019-23 Electronic Voting System Procedures, *available at*: <https://www.sos.state.tx.us/elections/laws/advisory2019-23.shtml#section12>

⁴⁴⁷ Tex. Elec. Code § 129.051.

⁴⁴⁸ Tex. Elec. Code § 129.052.

as well as document the date, time, and name(s) of person(s) that accepted the election equipment at the receiving site.⁴⁴⁹ Asset tag numbers, scan barcodes, and seal logs are common practices used amongst the entities' election officials. These pre-election security measures are in place to establish a chain of custody for whenever a transfer of custody occurs.

Materials Reviewed

Using the Texas Election Code as a framework, FAD created a checklist of items that would document proper procedures and requirements related to voting equipment were followed. The events listed below should have adequate records and/or documentation readily available:

- | | |
|--|---|
| <input type="checkbox"/> Acceptance Testing | <input type="checkbox"/> System Certification |
| <input type="checkbox"/> L&A Public Testing | <input type="checkbox"/> Equipment Inventory |
| <input type="checkbox"/> Assignment/Distribution | <input type="checkbox"/> Zero Reports |
| <input type="checkbox"/> Results Tape* | |

**Results tapes are cumulative summaries of all election activity and can only be produced at the close of election day. During early voting, close/suspend polls reports are considered.*

I. Acceptance Testing

All new election equipment goes through acceptance testing when it is purchased and received from the vendor. Acceptance testing requires an assessment that is performed on an individual unit of a voting system to verify that the unit is physically, mechanically, electronically, and functionally identical to the unit that was originally purchased.¹ Acceptance testing assures voters that the voting system is functioning correctly and properly configured for use in an election. When a piece of election equipment passes acceptance testing, the test documentation becomes the first piece of information that demonstrates proper procedures and requirements have been met for the voting equipment.⁴⁵⁰ Election officials should maintain a complete record of acceptance testing conducted on their voting equipment.

⁴⁴⁹ Tex. Elec. Code § 129.051

⁴⁵⁰ Keith Ingram, *Electronic Voting System Procedures Advisory*, Election Advisory No. 2019-23, (Oct. 23, 2019) <https://www.sos.state.tx.us/elections/laws/advisory2019-23.shtml>.

Evidence of Acceptance Testing could entail a purchase log between the entity and the vendor as well as a Hardware Diagnostic Test.⁴⁵¹ The purchase log should contain a sales order agreement, invoice of the equipment and services purchased, and a completed purchase order. Immediately after an entity accepts the equipment, the hardware diagnostic test is conducted and its findings are to be kept for evidence of the systems functioning properly.⁴⁵²

Purchase Order
 Fiscal Year: 2018 Page: 1 of 3
 THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.
 Purchase Order #: 19002111
 Delivery must be made within 60 days of specified destination.

Purchase Order
 Fiscal Year: 2018 Page: 2 of 3
 THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.
 Purchase Order #: 19002111
 Delivery must be made within 60 days of specified destination.

Purchase Order
 Fiscal Year: 2018 Page: 3 of 3
 THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.
 Purchase Order #: 19002111
 Delivery must be made within 60 days of specified destination.

Item	Description	QTY	UOM	Unit Price	Extended Price
1	APPROVED RESOURCES AND PROJECT PLAN & SCHEDULE (10%)	1.0	EA	\$1,402,455.00	\$1,402,455.00
2	DELIVERY OF ESC CABINETS (8%)	1.0	EA	\$497,485.00	\$497,485.00
3	DELIVERY OF REQUIRED HARDWARE/SOFTWARE (20%)	1.0	EA	\$1,989,940.00	\$1,989,940.00
4	ACCEPTANCE OF EQUIPMENT AND COMPLETE TESTING (20%)	1.0	EA	\$4,974,948.00	\$4,974,948.00
5	COMPLETION OF SUCCESSFUL ELECTIONS, CERTIFICATION OF ELECTIONS RESULTS (10%)	1.0	EA	\$894,870.07	\$894,870.07

Summary:
 4336-0001-0011-41-42-0000-809502 \$9,345,898.07

Continued on Next Page

Figure 10-1: Collin County Purchase Log

⁴⁵¹ Tex. Elec. Code §§ 129.022; 129.023.

⁴⁵² Tex. Elec. Code § 129.022

Sales Order Agreement

Special Notes:

- Collin County must approve the final prototype of the Voting Booths referenced as Item 3 above in finished form prior to ES&S ordering. If Collin County does not give approval, Collin County will not be responsible for payment.
- ES&S shall charge no more than \$20.00 per hour for temporary workers used to assist in activities related to Logistics and Accuracy Testing.

3. Ballot On Demand Processing Fees:

- Ballot Processing Fee for each Black & White Ballot Sheet Printed: \$0.35 Per Sheet
- Ballot Processing Fee for each Ballot Sheet Printed with Color: \$1.45 Per Sheet

Ballot On Demand Processing Fee includes:

- Blank Sheet
- Blank Image Drum
- Color Toner
- Color Drum
- Transfer Belt
- Fuser
- Consumables Shipping & Handling
- Hardware Stock In Maintenance

Ballot On Demand Blank Ballot Stock Fee:

- Blank Ballot Stock: \$5.10 each, plus Shipping & Handling

4. Ballot on Demand Election Ballot Fee per Election Event:

- Remote Access: Remote Access: \$300 per election setup + \$1 per unique PDF (up to 4 computers); \$40 per computer over 4 units.

Milestones Invoicing Plan	
Approved Resources and Project Plan & Schedule (14.8%)	\$1,492,496.00
Delivery of ESC Cabinets (4.8%)	\$497,498.00
Delivery of Required Hardware/Software (20.3%)	
DS200	\$248,598.00
DS450	\$26,724.00
DS450	\$24,428.00
ExpressTouch	\$192,801.00
ExpressVote BMD	\$1,218,944.00
ExpressVote Booth	\$360,230.00
ExpressVote Activation Printer	\$43,333.00
Ballot On Demand System	\$2,726.00
Software & Network Components	\$20,449.00
	\$3,043,420.00
Payment Terms	
Acceptance of Equipment and Complete Testing (10%)	\$304,342.00
DS200	\$608,596.00
DS450	\$69,598.00
DS450	\$49,722.00
ExpressTouch	\$401,675.00
ExpressVote BMD	\$1,010,536.00
ExpressVote Booth	\$140,727.00
ExpressVote Activation Printer	\$106,872.00
Ballot On Demand System	\$5,727.00
Software & Network Components	\$60,567.00
	\$3,043,420.00
Completion of Successful Election (Certification of Election Results (19%))	\$1,058,338.00
	\$10,083,416.00

Warranty Period (Years): One (1) Year From Equipment Delivery

Hardware Maintenance and Software License, Maintenance and Support Services (Post-Warranty Period)

The terms, conditions, and pricing for the Hardware Maintenance and Software License, Maintenance and Support Services (Post-Warranty Period) are set forth in Exhibit A attached hereto.

SEE GENERAL TERMS AND CONDITIONS

ES&S ExpressVote Installation Checklist

EVO219381210

Visual Inspection:

- Inspect physical structure of unit for problems and all parts are included
- Ensure that EAC cert, ES&S Model & SN, Hardware revision, Patent, Windows & QR labels are in the correct location & orientation
- Ensure Warranty Seal in present and intact
- Power unit on and verify operational status with AC power applied and applicable lights are illuminated
- Open PPM door and verify CIS and Printer Plenum are fully seated

Official Mode

- Remove plastic film from touchscreen & calibrate touchscreen
- Insert USB sticks containing the EQC then Election Data (enter codes when prompted)
- Verify all USB ports are functional
- Verify Battery Status / Strength / Charge Level
- Verify Firmware

Graphical User Interface	ExpressVote <i>2.4.2.0</i>
Platform	Windows Embedded Standard 7: <i>3.0.2.0</i>
BIOS	<i>01.3.0.0.25</i>
LibCoNG	Rev: <i>6.5.2.0</i>
Scanner Printer Engine	Rev: <i>2.1.0.0</i> DLL: <i>2.4.0.0</i>
Input Output Board	Rev: <i>2.1.0.0</i> DKB: <i>1.1.0.0</i> DLL: <i>2.4.0.0</i>
Juno	SPE_USB Rev: <i>1.3.0</i> TDB Rev: <i>1.0.0</i>

- Set Date / Time / Time Zone / DST in System Maintenance menu if required
- Calibrate Scanners if required (ensure LED PWM value is greater than 150)

Viewer Mode

- Plug in audio headset and listen for prompts
- Plug in Sip & Puff simulator & test port
- Plug in keypad and verify all buttons emit a beep when pressed
- Insert a activation card and perform vote tests ensuring audio and all keypad buttons are operational on AC
- Review printed card for complete, dark print
- Reinsert voted card and review summary to confirm scanner is working properly on Battery Power
- Insert two cards to verify multi-sheet rejection on Battery Power
- Turn off unit and remove all USB Media
- Place Express Vote unit back in the Carry Bag

Inspected by CLK

Figure 10-2: Sales Order Agreement and Installation Checklist

II. Certified Voting System

Entities are required to use a voting system that is certified by the Texas Secretary of State. Entities must verify that the voting system’s model number or name of the system and software or firmware version have been certified by the Texas Secretary of State.

County	Voting System Description	Certification Date
Collin County	EVS 6.1.0.0	4/24/2020 ⁴⁵³
Dallas County	EVS 6.0.2.0	3/28/2019 ⁴⁵⁴

⁴⁵³ Jose A. Esparza, *Report of Review of Election Systems & Software EVS 6.1.0.0 System*, sos.state.tx.us (Apr. 24, 2020), <https://www.sos.state.tx.us/elections/forms/sysexam/EVS-6100-certification-order.pdf>.

⁴⁵⁴ Jose A. Esparza, *Report of Review of ES&S EVS 6.0.2.0 and the EXPRESSVOTE XL*, sos.state.tx.us (Mar. 28, 2019), <https://www.sos.state.tx.us/elections/forms/sysexam/evs6020-certification-order.pdf>.

County	Voting System Description	Certification Date
Harris County	Hart Voting System 6.1	8/9/2006 ⁴⁵⁵
Tarrant County	Verity Voting 2.4	6/26/2020 ⁴⁵⁶

Figure 10-3: Voting System Certification by County

Client	County	contact	Description	SerialNumbr	Expr1	DatePurchase	HWRev	Firmware
Dallas County, Texas	Dallas		75247 ExpressPoll Tablet	34389101131	In Service	7/26/2020		3.5.0.0
Dallas County, Texas	Dallas		75247 ExpressPoll Tablet	34390201131	In Service	7/26/2020		3.5.0.0
Dallas County, Texas	Dallas		75247 ExpressPoll Tablet	15178001151	In Service	7/27/2020 15:34		3.5.0.0
Dallas County, Texas	Dallas		75247 ExpressPoll Tablet	14291401131	In Service	7/27/2020 15:34		3.5.0.0
Dallas County, Texas	Dallas		75247 ExpressPoll Tablet	14956301131	In Service	8/2/2020		3.5.0.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120330005	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120330009	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120330011	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120330012	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120330036	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120330039	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120330042	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120330044	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120330070	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120330079	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120330081	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120330082	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120330085	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120330097	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340002	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340008	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340009	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340016	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340025	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340026	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340027	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340029	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340045	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340048	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340055	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340056	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340064	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340073	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340097	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 ExpressTouch	ET0120340125	In Service	8/25/2020		1.0.3.0
Collin County, Texas	Collin		75069 DS200 no Modem	DS0120340082	In Service	8/25/2020		2.30.0.0
Collin County, Texas	Collin		75069 DS200 no Modem	DS0120340151	In Service	8/25/2020		2.30.0.0

Figure 10-4: County ES&S Programming Installation Report

⁴⁵⁵ Buddy Garcia, *Report and Review of Hart InterCivic's Voting System 6.1*, sos.state.tx.us (Aug. 9 2006), https://www.sos.state.tx.us/elections/forms/sysexam/hart_0809.pdf.

⁴⁵⁶ Jose A. Esparza, *Report of Review of Hart InterCivic Verity Voting 2.4 System*, sos.state.tx.us (June 26, 2020), <https://www.sos.state.tx.us/elections/forms/sysexam/hart-verity-2.4-certification-order.pdf>.

III. L&A Public Testing

Like acceptance testing, Logic and Accuracy (L&A) testing is also performed prior to each election.⁴⁵⁷ Election officials validate the behavior of voting equipment by casting a known set of test ballots and confirming that these ballots produce the expected results. This ensures that the voting equipment accurately displays the ballots, collects votes, and tabulates the results.

The general custodian of election records must perform a public test of logic and accuracy as well as a hardware diagnostic on the voting system. The general custodian posts notice of the L&A testing before election day. After programming, ballots are proofed and tested at L&A testing. Each scanner comes with a seal log, one seal for each day of early voting. Each entity is supposed to proof their own language and acknowledge that it is correct by signing an approval sheet.

Certifications of the test of automated tabulating equipment, as displayed below, serve as a public notice that the equipment has been tested for any tampering or system failures.

Upon completion of L&A testing, the entity should clear the ballot records, otherwise known as “zeroing out” the machine. Once the machine has been cleared of all ballot activity, it later undergoes the “Open Poll” process. This sets the machine for use to begin early voting and/or election day activity. A seal is subsequently placed on the machine and is not removed or broken until the machine is used during the established voting timeframe.

⁴⁵⁷ Tex. Elec. Code § 129.023.



CHRIS HOLLINS
COUNTY CLERK

**PUBLIC NOTICE OF TEST OF AUTOMATIC
TABULATING EQUIPMENT**

Notice is hereby given that the automatic tabulating equipment that will be used in the Joint, General, and Special Elections held on November 3, 2020 will be tested on the following date and time, at the Tarrant County Elections Facility, 2700 Premier Street, Fort Worth, to ascertain that it will accurately count the votes cast for all offices and on all measures.

**AVISO PUBLICO DE PROBAR
EL EQUIPO PARA TABULAR AUTOMATICAMENTE**

Por la presente se da aviso que el equipo para tabular automáticamente que se usará en las Elecciones generales y especiales conjuntas tributaría que se llevará a cabo el 3 de noviembre de 2020 se probará durante las siguientes fecha y hora en la Facultad de Elecciones del Condado de Tarrant, 2700 Calle Premier, Fort Worth, para determinar si el equipo contará con exactitud los votos para todos los puestos oficiales y sobre todos los proyectos de ley.

THÔNG BÁO VỀ VIỆC KIỂM TRA CÁC THIẾT BỊ ĐẾM PHIẾU TỰ ĐỘNG

Thông báo được cho rằng các thiết bị tự động lập bảng sẽ được sử dụng trong Các Cuộc Tổng Tuyển Cử và Bầu Cử Đặc Biệt Kết Hợp tổ chức vào ngày 3 tháng 11 năm 2020 sẽ được kiểm tra vào ngày và giờ sau, tại Cơ sở bầu cử quận Tarrant, 2700 Premier Street, Fort Worth, để xác định rằng các thiết bị tự động sẽ đếm chính xác số phiếu bầu cho tất cả các văn phòng và trên tất cả các biện pháp.

**Date and Time of Test
(Fecha y Horas de Prueba)
(Ngày và Thời gian thử nghiệm)**

September 10th, 2020	9:00 a.m.
10 de septiembre, 2020	9:00 a.m.
10 tháng 9 năm 2020	9:00

[Redacted Signature]

Signature of officer (Firma del Oficial) (Chữ ký của sĩ quan)

**NOTICE OF THE LOGIC & ACCURACY TEST FOR THE
NOVEMBER 3, 2020 GENERAL AND SPECIAL ELECTIONS**

Notice is hereby given that the Harris County Logic & Accuracy Testing Board for the November 3, 2020 General and Special Elections will begin convening on the following date and time for the purpose of accurately counting the votes cast for all offices and all propositions:

Date	Time	Location
September 16, 2020	9:00 a.m.	NRG Arena, Hall D 8600 Fattinn St, Houston, TX 77054

**AVISO DE PRUEBA DE LÓGICA Y EXACTITUD PARA LAS ELECCIONES
GENERALES Y ESPECIALES DEL 3 DE NOVIEMBRE DE 2020**

Por medio del presente se informa que el Comité de Pruebas de Lógica y Exactitud del Condado Harris para las Elecciones Generales y Especiales del 3 de noviembre de 2020 empezará a reunirse en la siguiente fecha y hora con el propósito de contar con exactitud los votos emitidos para todas las oficinas y todas las proposiciones:

Fecha	Hora	Lugar
16 de septiembre de 2020	9:00 a.m.	NRG Arena, Hall D 8600 Fattinn St, Houston, TX 77054

**THÔNG BÁO CỦA BAN KIỂM TRA LOGIC & CHÍNH XÁC CHO CÁC CUỘC TỔNG
TUYỂN CỬ VÀ BẦU CỬ ĐẶC BIỆT NGÀY 3 THÁNG 11, 2020**

Theo đây, phòng thí nghiệm báo rằng Ban Kiểm Tra Logic & Chính Xác Quận Harris cho Các Cuộc Tổng Tuyển Cử và Bầu Cử Đặc Biệt Ngày 3 Tháng 11, 2020 sẽ bắt đầu họp vào các ngày giờ sau đây cho mục đích kiểm tra chính xác các phiếu bầu cho các chức vụ và các dự hoạch đề nghị:

Ngày	Giờ	Địa điểm
16 tháng 9, 2020	9:00 sáng	NRG Arena, Hall D 8600 Fattinn St, Houston, TX 77054

2020年11月3日普通選與特別選舉準確性和準確性測試公告

茲公告，Harris縣2020年11月3日普通選與特別選舉的準確性和準確性測試委員會將於下列時間及地點召開，目的在於準確計算所有公職和議案的投票。

日期	時間	地點
2020年9月16日	上午9:00	NRG Arena, Hall D 8600 Fattinn St, Houston, TX 77054

[Redacted Signature]

Chris Hollins, Harris County Clerk
Secretario del Condado Harris
Giám Đốc Nhà Hành Chính Quận Harris
Harris 縣行政廳廳長

Figure 10-5: Harris County Public Notice of Equipment Testing and Testing Procedures

Dallas County DS200 Public L&A testing procedures

General & Joint Election 11/03/20 EV Location Irving City Hall (1)

Tester 1: _____ Tester 2: _____ Test Date: _____
 Tester 3: _____ Tester 4: _____ DS200 Serial #: DS031933583
 USB PRIMARY Asset #04D10112 USB BACKUP Asset#04D2505
 Blue Seal for Door #6A: 02591151 Blue Seal for Door #6B: 02591153

You will need Test Deck packet with DS200 bag containing 3 thumb drives.

- Confirm that the USB drives and DS200 label all have the same Vote Center number
- Power Indicator Light should flash Orange or steady Green. (Flashing Green means operating on battery, power not connected)
- Use Red key to unlock scanner top. Lift up
- Use Barrel key to unlock screen. Lift. It will power itself on.
- Install Backup USB (Blue) in back media pocket (6B).
- Install Quality USB in front media pocket (6A)...(wait for screen to light up)...Press Continue
- On screen, type "C l r c r 20"...accept...Wait for screen notice "Initialization Complete"
- short configuration tape will print. Do NOT cancel
- REMOVE Quality USB from front media pocket (6A).
- Install USB Primary Stick (Green) in front media pocket (6A).
- On screen, type "D a l c o 1120"...accept...wait
- Wait for configuration tape to print. Do NOT cancel
- After Configuration tape stops on screen, press "Open Polls"
- Wait for Zero tape to print. Cancel printing after 1st signature lines appear.
- Scan all ballots... in different orientations.
- On top line of screen, check to see that the public count # is equal to number of ballots scanned.
- Look inside 6A and press Close Polls.
- On screen, press Close Polls
- Press Report Options
- Press Voting Results
- Press Print Report...cancel after 1st signature lines
- Remove scanned ballot(s) from bottom of machine...place ballot(s) back in envelop
- Fold Results Tape NEATLY.
- Place Results Tape in plastic bag.
- Press Re-open Polls
- Enter Code "O v e r 1 1 2 0" (accept)
- Press Clear Votes
- Press Clear Votes & Continue
- Look at top line of screen...The Public Count must be ZERO "0". (If not, ask for help)
- Look inside 6A and press Power
- Place a new roll of tape in tape pocket
- Seal USB media pockets 6A (front) and 6B (back) with BLUE tamper-proof seal.
- Close and Lock screen with barrel key
- Close and Lock hood with red key.
- Place plastic bag and envelop with ballot(s) on table.

Summary Results Report
2020 General and Joint Election
November 3, 2020

UNOFFICIAL RESULTS
LAND A TESTING
Dallas County, Texas

STATISTICS	TOTAL	EV In-Person	EV Mail	Election Day	EV-ED Provisional
Registered Voters - Total	0				
Ballots Cast - Total	5,844	45	5,845	45	0
Water Turnout - Total	0.05%				

Election Summary - 09/22/2020 10:55 AM
Report generated with Electionware Copyright © 2007-2018 Page 1 of 42



Figure 10-6: Dallas County Public Notice of Equipment Testing and Testing Procedures

IV. Equipment Inventory

It is essential that an entity creates, maintains, and documents the movement of any voting equipment.⁴⁵⁸ Ideally, an entity would have a log of when equipment is assigned a permanent identification number.⁴⁵⁹ The tag should be a physical tag with a number or a scan code. The tags provide information on where the equipment is stored, any time it was moved for housekeeping or routine maintenance, and, ultimately, a record of the affixed seal sticker.

The Four Counties

Collin County

Collin County kept an electronic record that reflected which DS200 ballot scanners, election media, and ballot boxes were assigned to the polling locations. This record also reflected the delivery route applicable to those election materials for the polling locations. Collin County also provided scanned copies of the delivery tickets for this equipment that included the names of the crew members on the delivery truck, the contents being delivered, departure and arrival times, and signatures from the driver

⁴⁵⁸ Tex. Elec. Code § 129.051.

⁴⁵⁹ Tex. Elec. Code § 127.154.

and warehouse staff. This delivery ticket also included a statement that had to be verified all equipment was received in good condition.

Dallas County

Dallas County maintained an electronic inventory of the polling locations to which pollbooks and vDrives were assigned. Dallas County's L&A testing records reflected the polling locations to which DS200s were assigned.

Harris County

Harris County maintained an electronic inventory of all voting equipment assigned to the 2020 General Election. This inventory included the polling location to which the equipment was assigned, the type of equipment, the equipment serial number, and the status of the equipment. This record identified MBBs according to the serial number of the MBB card. The inventory did not record the 4-digit code on the front of the MBB card. Harris County also provided delivery tickets that included how many pieces of voting equipment and other materials were delivered to a polling location, who delivered and received the equipment, times of delivery and receipt, and the delivery route.

Tarrant County

Tarrant County's electronic inventory utilized a barcoded system that logged key events that took place for the voting equipment throughout the election. Examples of the events tracked by the system were: the assignment of a vDrive to a DS200 scanner, serial numbers for the voting equipment, the location to which the equipment was assigned, the receipt of the equipment at a rally site after the election, and seal verification.

Facility	Action	Logon	Scan Date	Document	Loc. From	Loc. To	Item	Asset Tag	Mfg S/N	Qty	Event
1 PC	JM		10/3/2020 10:52	CASE090217	COMM 2	PB RACK32	MIFI Verizon	8178023479	V19	1	1120
1 PC	JM		10/3/2020 10:52	CASE090217	PB RACK38	PB RACK32	Printer	EP502W0530	EP502W0530	1	1120
1 PC	AG		10/3/2020 11:00	187323	ZONE 4	E553	V DRIVE	VDR00262	VDR00262	1	1120
1 PC	AG		10/3/2020 11:01	189345	ZONE 4	E553	V DRIVE	VDR02546	VDR02546	1	1120
1 A1	TK		10/3/2020 11:04	GR013093		J01	EV JBC Cart	EVJBC001	EVJBC001	1	1120
1 A1	TK		10/3/2020 11:04	GR013092		J02	EV JBC Cart	EVJBC002	EVJBC002	1	1120
1 A1	TK		10/3/2020 11:05	GR013099		J03	EV JBC Cart	EVJBC003	EVJBC003	1	1120
1 PC	JM		10/3/2020 11:05	CASE050530	PB RACK38	PB RACK32	Printer	EP504W0857	EP504W0857	1	1120
1 PC	JM		10/3/2020 11:05	CASE050530	PB RACK03	PB RACK32	EPOLLBOOK	EPB010267	184379	1	1120
1 PC	JM		10/3/2020 11:05	CASE050530	PB RACK03	PB RACK32	EPOLLBOOK	EPB010260	184372	1	1120
1 A1	TK		10/3/2020 11:05	GR025100		J04	EV JBC Cart	EVJBC004	EVJBC004	1	1120
1 A1	AG		10/3/2020 11:05	13828	OR010382	E553	VERITY CONTROLLER	187323	C1902395107	1	1120
1 A1	AG		10/3/2020 11:06	13864	YB007113	E553	VERITY SCAN	189345	S1902659408	1	1120
1 A1	TK		10/3/2020 11:06	GR013091		J05	EV JBC Cart	EVJBC005	EVJBC005	1	1120
1 PC	JM		10/3/2020 11:06	CASE050530	COMM 2	PB RACK32	MIFI Verizon	8177514555	V48	1	1120
1 A1	TK		10/3/2020 11:06	GR025095		J06	EV JBC Cart	EVJBC006	EVJBC006	1	1120
1 A1	TK		10/3/2020 11:07	GR013098		J07	EV JBC Cart	EVJBC007	EVJBC007	1	1120
1 A1	TK		10/3/2020 11:07	GR023097		J08	EV JBC Cart	EVJBC008	EVJBC008	1	1120
1 A1	TK		10/3/2020 11:08	GR013096		J09	EV JBC Cart	EVJBC009	EVJBC009	1	1120
1 A1	TK		10/3/2020 11:09	GR023094		J10	EV JBC Cart	EVJBC010	EVJBC010	1	1120
1 A1	TK		10/3/2020 11:09	GR013090		J11	EV JBC Cart	EVJBC011	EVJBC011	1	1120
1 A1	TK		10/3/2020 11:10	GR023089		J12	EV JBC Cart	EVJBC012	EVJBC012	1	1120
1 PC	AG		10/3/2020 11:11	187188	ZONE 4	E552	V DRIVE	VDR00091	VDR00091	1	1120
1 PC	JM		10/3/2020 11:11	CASE050450	PB RACK02	PB RACK32	EPOLLBOOK	EPB010179	184291	1	1120
1 PC	AG		10/3/2020 11:11	187588	ZONE 4	E552	V DRIVE	VDR02582	VDR02582	1	1120
1 PC	JM		10/3/2020 11:11	CASE050450	PB RACK38	PB RACK32	Printer	EP502W0304	EP502W0304	1	1120
1 PC	JM		10/3/2020 11:11	CASE050450	PB RACK03	PB RACK32	EPOLLBOOK	EPB010280	184392	1	1120

Figure 10-7: Equipment Log

V. Assignment/Distribution

Seals are affixed to voting equipment so that unauthorized operation is prevented. Seal numbers should be assigned and tracked. Two people are required to verify and sign their names affirming that all equipment was securely sealed before opening the polling place.⁴⁶⁰ After verification, the broken seals are retained in the Seal Assignment Envelope. Early voting records should show multiple seals over the course of the early voting period,⁴⁶¹ whereas election day records would only have one seal number recorded. Reconciliation of this information would be best captured in a log.

⁴⁶⁰ Tex. Elec. Code § 127.066.

⁴⁶¹ Tex. Elec. Code § 85.033.

EARLY VOTING LOCATION ASSET AGREEMENT & RECEIPT FOR EQUIPMENT
EARLY VOTING LOCATION: Redbud Blvd **DATE OF SET UP:** 10/20/20

NAME OF ELECTION: General of set 1 (Print Name)
Date: County Election 10/20/20 (Print Date) and agree that you are responsible for the care and custody of Collin County Election equipment.

SUPPLY PICK UP

1. ExpressPull (EPB)
 Express Pull (EPB)
 EPB Serial Numbers in the bags below
0185
0186
0187

2. Orange Transfer Case
 Orange Transfer Case with Power Cords

3. Shoulder Bag/Blue Pouch
 Shoulder Bag/Blue Pouch
 ✓ Seal Fracture - when applicable
 ✓ Check Seal, Yellow and Blue Tab (if used)
 ✓ Early Voting Queue Book
 ✓ Security Keys
 ✓ Queue Book (if applicable)
 ✓ Mark Transfer with Receiver Party Bag for USA states
 ✓ Sample Ballots

4. Election Forms
 ✓ Queue Folder with queue sheets
 ✓ Call Phone (with charger if applicable)
 ✓ Early Voting Location List
 ✓ Lead Worksheet
 ✓ Ballot & Seal Certificate of Official Station
 ✓ Sample Ballots
 ✓ List of Districtal Writen Candidates of Appointed
 ✓ Names of those in writing Queue (Printer Bag)
 ✓ Total Number of Voters (Queue)
 ✓ List of Other Items (Queue)
 ✓ Mark Carrier Equipment
 ✓ Early Voting Queue Register
 ✓ Approval of Early Voting Queue Register
 ✓ Early Voting Voter Register
 ✓ Early Voting Transfer Register
 ✓ Election Forms - 70 of packages

SUPPLY DROP OFF TO REGIONAL SITE

1. ExpressPull (EPB) - 478 Transfer Case
 Express Pull (EPB)
 EPB Serial Numbers in the bags below

2. Orange Transfer Case
 Orange Transfer Case with Power Cords

3. Sealed Pouch/Blue Pouch
 Sealed Pouch/Blue Pouch (1 from Shop 04-04)
 Seal Fracture, Yellow, Blue & Blue Tab (if used)
 Mark Transfer with 578 Tab
 Security Keys
 Ballot and Seal Report

4. Election Forms
 Queue Folder with Queue sheets
 Mark Carrier Equipment with all Daily Reports
 Mark Carrier Queue with all Daily Reports - other
 Applicable
 Seal Fracture (if applicable)
 Call Phone (if applicable)

5. Provisional Bag
 Provisional Bag for each Party - Other
 Applicable
 COMPLETED - Provisional Station Affidavit
 Provisional Voter Register
 Log of Provisional Station

6. Violated Ballots - Blue Ballot from the 042200 with Seal attached.
 Log Violated Ballots - to the Blue Transfer Bag with Seal attached.

Drop Off: Signature of Providing Election Officer & Date
 Early Voting Technician: _____
 Warehouse Staff & Date: _____

Election Day Delivery Ticket Office of Harris County Clerk Chris Hollins
 Printed 2/15/2018 2:07:37 AM

Route 27 **General and Special Elections**
Stop 7 **11/3/2020**
Location 0325

Election Equipment
 Cables 1
 Tables 0
 DNs 2
 NCA Ball 1
 Sheet Guards 4

High School Ahead Academy
 3320 Yale Street
 Houston TX 77091
 Contact Matthew Conner
 Contact Phone 713-696-2643
 Key Map: 4520

Driver Yale Street at Donovan Street
Instruction (713) 556-8869

Delivered By: _____
Date/Time Del: 10/22/20
PIU By: _____
PIU By: _____

Received By: _____ **Date/Time:** 10-22-20

Keep this copy for the HCCO Election Technology Center

ALL POINTS PIONEER COMMERCIAL TIMESHEETS

Customer Collin County Elections	Route EV Route 1	Drop Off Stop 3	Drop Off Stop 5
Contact / Phone	Route	Pick Up Stop	
Only Contact: Billy Pratt 972-647-1934 or 214-562-8159	CSOE	Change Order #	
Bill of Lading # 0920-01	CSOE	Change Order #	
Building / Location Origin Address Collin County Elections 2010 Redbud Blvd, Suite 102 McKinney, TX 75069	Destination Address Melissa City Hall 3411 Barker Avenue		
Crew Member / Truck	Date	Arrive AM/PM	Departure AM/PM
1	10/20/20	11:00	1:10
2			
3			
4			
Lead From Warehouse Place # 3	Deliver To Site Place #	Lead From Site Place #	Deliver To Warehouse Place #
ESC	ESC	ESC	ESC
Small Cabinet	Small Cabinet	Small Cabinet	Small Cabinet
Clear Sheet	Clear Sheet	Clear Sheet	Clear Sheet
Total # 3	Total #	Total #	Total #
Driver Signature: _____ Date: <u>10/20/20</u>	Driver Signature: _____ Date: <u>10/20/20</u>	Driver Signature: _____ Date: <u>10/20/20</u>	Driver Signature: _____ Date: <u>10/20/20</u>
Warehouse Signature: _____	Warehouse Signature: _____	Warehouse Signature: _____	Warehouse Signature: _____
All has been received in good condition except as noted below.	All has been received in good condition except as noted below.	All has been received in good condition except as noted below.	All has been received in good condition except as noted below.
Initials: _____	Initials: _____	Initials: _____	Initials: _____

HOME PRECINCT: 0325

MBB TRANSFER ENVELOPE

MBB SERIAL NUMBER	245854
# of ACCESS CODES ISSUED	81
# of ACCESS CODES VOTED	79
# of ACCESS CODES EXPIRED	1
# of ACCESS CODES CANCELLED	1

RALLY STATION LOCATION: NRG

Read and Verified Initials: _____

COMMENTS:

Figure 10-8: Seal Tracking Records (Collin County and Harris County)

OFFICIAL BALLOT AND SEAL CERTIFICATE/REGISTER OF OFFICIAL BALLOTS

Election Name: 2020 General and Special Date: November 3, 2020
 Vote Center: 0600 - THE WHITE HIGH SCHOOL 09200 SN

INSTRUCTIONS: This is THE most important form to be completed by the ELECTION JUDGE. Please fill in each of the lines below, sign the form, have each clerk and poll watcher (if present) sign the form, and then place this form in the designated Return Pouch. **OFFICIAL BALLOT REPORT**

1. Total Number of Ballots for this Vote Center (Line 1 + Supplemental Ballots)	<u>1022</u>	REMARKS:
2. Number of Valid Ballots Counted from 19200 (outside tape)	<u>192</u>	
3. Number of Valid Provisional Ballots Issued in Adjacent Envelopes, mailed to the Blue Provisional Ballot Box delivered to the Elections Department (KHOE) (check Line 7)	<u>4</u>	Ballot Serial Numbers are now issued by ePollbook
4. Number of Spoiled Ballots (Ballots returned by voters for replacement. Recorded on "Statement of Spoiled Ballots" form and placed in Green #4 envelope)	<u>0</u>	
5. Total Number of Ballots Accounted For (Lines 2 + 3 + 4)	<u>196</u>	Percent Quantity Issued and returns on Line 1
6. Total Number of Express/Votes Issued for this Location from EPI tape	<u>146</u>	
7. Total Number of Provisional Express/Votes Issued for this Location from EPI tape (The number should also match the count on the List of Provisional Voters)	<u>4</u>	
8. Total Number of Cancelled Checks for this Location from EPI tape	<u>0</u>	
9. Number of Unused Ballots (Return Line 9 from Line 1)	<u>854</u>	
10. Number of Ballots on "Statement of Spoiled Ballots"	<u>0</u>	

Reconciliation - Add Lines 6 + 7 + 10. If there is a difference of 4 or more from Line 5, Report this to Central Count.

SEAL REPORT

Seals filled out by Election Staff and Verified by Election Judge.

0054889 Delivery Seal Number placed on Door of (Remove all supplies before voting)

0067455 Delivery Seal Number placed on Door of

0067456 Delivery Seal Number placed on Door of

Seals Reported by Election Judge:

007350 Return Seal Number placed on the Blue Ballot Box to secure the voted ballots. (Don't forget to look at the return seal on the package)

007350 Return Seal Number placed on Blue Provisional Ballot bag for return to Elections Department.

817367 Return Seal Number placed on Blue Provisional Ballot bag for return to Elections Department.

Comments, if needed:

AFFIDAVIT - I, the undersigned Presiding Election Judge, do hereby certify that the above foregoing statement of Official Ballots of said Election is true and correct, and that all valid ballots were locked and sealed in the Blue Ballot Box returned by me and/or one of the clerks to the Elections Department.

WITNESS MY HAND this 3 day of NOV 2020

Presiding Judge: _____ Clerk: _____
 Alternate Judge: _____ Clerk: _____
 Poll Watcher: _____ (if present) Poll Watcher: _____ (if present)

Distribution:
 Gold Envelope - Designated Return Pouch; White Copy - (Envelope #1); Yellow Copy - (Envelope #2); Pink Copy - (Envelope #3)

CLOSING POLLS - REGISTER OF OFFICIAL SEALS & PROPER INSTALLATION

This is one of the most important forms to be completed by the Election Judge. Fill in each line below.

REG # 682 Authority Conducting Election: Joint General & Spec Elections Date of Election: November 03, 2020
 Polling Place Code/Name: 0600 - S. Fischer High School
 Verity Scan Serial Number: 180390
 Verity Controller Serial Number: 187819

RECORD THESE SEAL NUMBERS AFTER CLOSING THE POLLS
 Ensure that all reports have been printed and numbers have been balanced before sealing the equipment.

1. From the Electronic Pollbook Case(s)	
A Seal number used to seal the Electronic Pollbook Case handle	<u>00002819</u>
B Seal number used to seal the Electronic Pollbook Case handle	<u>00002818</u>
2. From the Controller	
A Seal number remaining intact on the inside door	<u>017530</u>
B Seal number used to seal the Controller handle	<u>0000069</u>
3. From the Duo	
A Seal number used to seal the Duo handle	<u>0020639</u>
B Seal number used to seal the Duo handle	<u>0022533</u>
C Seal number used to seal the Duo handle	<u>0001678</u>
D Seal number used to seal the Duo handle	<u>0016567</u>
E Seal number used to seal the Duo handle	<u>0014837</u>
F Seal number used to seal the Duo handle	<u>0014199</u>
G Seal number used to seal the Duo handle	<u>0012822</u>
H Seal number used to seal the Duo handle	<u>0023520</u>
I Seal number used to seal the Duo handle	<u>0016376</u>
J Seal number used to seal the Duo handle	<u>00018071</u>
K Seal number used to seal the Duo handle	<u>00012622</u>
L Seal number used to seal the Duo handle	<u>00014508</u>
4. From the Scan	
A Seal number remaining intact on the inside door	<u>017536</u>
B Seal number used to seal the Scan handle	<u>0000166</u>
5. From the Ballot Box Emergency Bin Slot	
A Seal number remaining intact on the ballot box, or new seal if replaced	<u>0000203</u>
6. From the Orange Provisional Bag	
A Seal used to seal the Orange Provisional bag	<u>0028144</u>
7. From the Election Equipment Carrier (EEC)	
A Seal used to seal the EEC	<u>0000051</u>
B Seal used to seal the EEC	<u>0000094</u>
C Seal used to seal the EEC	<u>0</u>
8. From the Ballot Transfer Bags	
A Seal used to seal the Transfer Bags containing the VOTED ballots	<u>0029302</u>
B Seal used to seal the Transfer Bags containing the VOTED ballots	<u>0</u>

We, the undersigned election officials do hereby certify that the voting devices were properly installed for voting in the above election, the above is a true and correct list of the serial numbers of the seals used in this election, all voting equipment was locked and/or sealed after the records.

Signature of Presiding Judge: _____ Signature of Alternate Judge on Clock: _____
 Signature of Poll Watcher (if present): _____ (if Name of Poll Watcher is present)

White Copy - Envelope 1, 2 & 4 Yellow Copy - Judge

JBC RECONCILIATION LOG ELECTION DAY (One form per JBC)
 Ballot & Seal Certificate / Register of Official Ballots

ELECTION TITLE: November General/Spec DATE: November 3, 2020
 HARRIS COUNTY, TEXAS

[SIGNATURE OF JUDGE]: X _____ POLL CODE: 0325

OPEN POLLS
 Sign the form; enter the Start of Day Public Count from the PUB COUNT on the JBC screen (Bottom right hand corner of JBC screen)

RED SEAL ON JBC (located on right side of JBC)	<u>105980</u>
START OF DAY PUBLIC COUNT (located on the bottom right hand corner of JBC screen - PUB)	<u>0</u>
JBC Serial No. [#] (located on white sticker on top of JBC - near printer lid)	<u>204EF6</u>

CLOSE POLLS
 Enter the End of Day Public Count from the PUB COUNT on the JBC screen (Bottom right hand corner of JBC screen).

END OF DAY PUBLIC COUNT (located on the bottom right hand corner of JBC screen - PUB)	<u>79</u>
Number of Provisional Voters (Count the number of completed Provisional Affidavits)	<u>3</u>

ACCESS CODE SUMMARY
 Enter the number of Access Codes ISSUED, VOTED, EXPIRED and CANCELLED from the Access Code Summary.

# of Access Codes ISSUED	<u>81</u>
# of Access Codes VOTED	<u>79</u>
# of Access Codes EXPIRED	<u>1</u>
# of Access Codes CANCELLED	<u>1</u>

COMMENTS:
3 total Provisional

EXPRESSTOUCH RECORD OF ELECTION DAY SEALS

DATE OF ELECTION: 11-3-2020
 ELECTION NAME: General
 POLLING LOCATION: Seis Legos
 ASSET TAG NUMBER: 00290

I certify that the serial numbers of the seals used to detect unauthorized opening of the ExpressTouch Voting Unit were the following:

A. 303218 This green seal was placed by the Elections Office on Latch 1B of the ExpressTouch Voting Unit for transport to the Vote Center.

B. 315467 This green seal was placed by the Elections Office on the ExpressTouch Voting Unit on Door 2B. If door is opened, record new seal numbers here.

C. 411110 This green seal was placed by the Presiding Election Judge on Latch 1B of the ExpressTouch Voting Unit at the end of the day. There is no need to re-seal Door 1B.

D. _____ End of Day Total for ExpressTouch TOTAL 2

Signature of Presiding Election Judge: _____ Signature of Alternate Judge: _____

Place completed top Yellow copy in Yellow Envelope and bottom Pink copy in Judge's Pink Envelope

Figure 10-9: Seal Tracking Records (Dallas, Harris and Collin)

VI. Zero Reports

Before any votes are cast, the equipment must be free of any ballot counts. This “zero report” is printed from the machine on the first day of the early voting period and again on election day.⁴⁶² The zeros printed on the tape is evidence that no unauthorized activity or tampering has occurred from the equipment’s previous activity to the present.

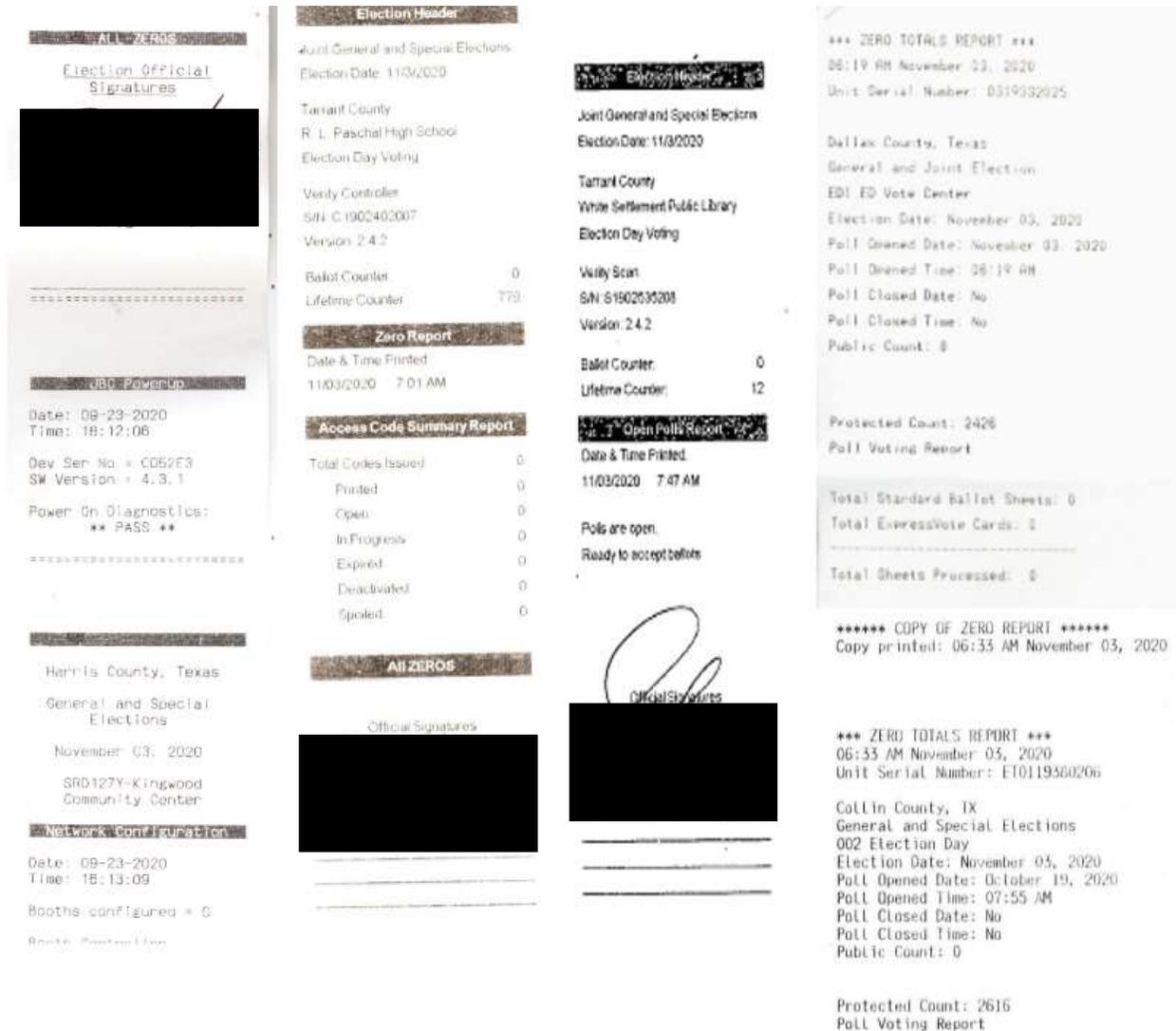


Figure 10-10: Election Day Zero Report

⁴⁶² Tex. Elec. Code § 61.002 (a) (effective December 2, 2021); Tex. Admin. Code § 81.52 (h)(1). Prior to the enactment of Senate Bill 1, there was no requirement in the Texas Election Code that a “zero” tape be printed. The Texas Administrative Code contained a requirement for precinct ballot scanners in the polling place, however, there was no requirement that applied to DREs.

VII. Polls Suspended/Results Tapes

At the end of the early voting period, a polls suspended report should be generated and available to crosscheck with the summation of voters checked in on the pollbooks. Similarly, at the end of election day, there is a closing poll report with a cumulative summary of the ballot activity.⁴⁶³ Seal numbers should also be reconciled and recorded during this closing procedure.

<pre>*** VOTING RESULTS REPORT *** 07:07 PM November 03, 2020 Unit Serial Number: 0318411601 Collin County, TX General and Special Elections 002 Election Day Election Date: November 03, 2020 Poll Opened Date: November 03, 2020 Poll Opened Time: 05:51 AM Poll Closed Date: November 03, 2020 Poll Closed Time: 07:06 PM Public Count: 305 Protected Count: 358 Poll Voting Report Total Standard Ballot Sheets: 0 Total ExpressVote Cards: 305 ----- Total Sheets Processed: 305</pre>	<pre>*** VOTING RESULTS REPORT *** 07:51 PM November 03, 2020 Unit Serial Number: 0319310409 Dallas County, Texas General and Joint Election ED1 ED Vote Center Election Date: November 03, 2020 Poll Opened Date: November 03, 2020 Poll Opened Time: 06:41 AM Poll Closed Date: November 03, 2020 Poll Closed Time: 07:49 PM Public Count: 456 Protected Count: 1603 Poll Voting Report Total Standard Ballot Sheets: 0 Total ExpressVote Cards: 456 ----- Total Sheets Processed: 456</pre>
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⁴⁶³ Harris County printed access code reports at the end of Election Day voting.

Figure 10-11: Example of Collin County results tapes showing the public count and total sheets processed on these particular units matched perfectly, with no discrepancy.

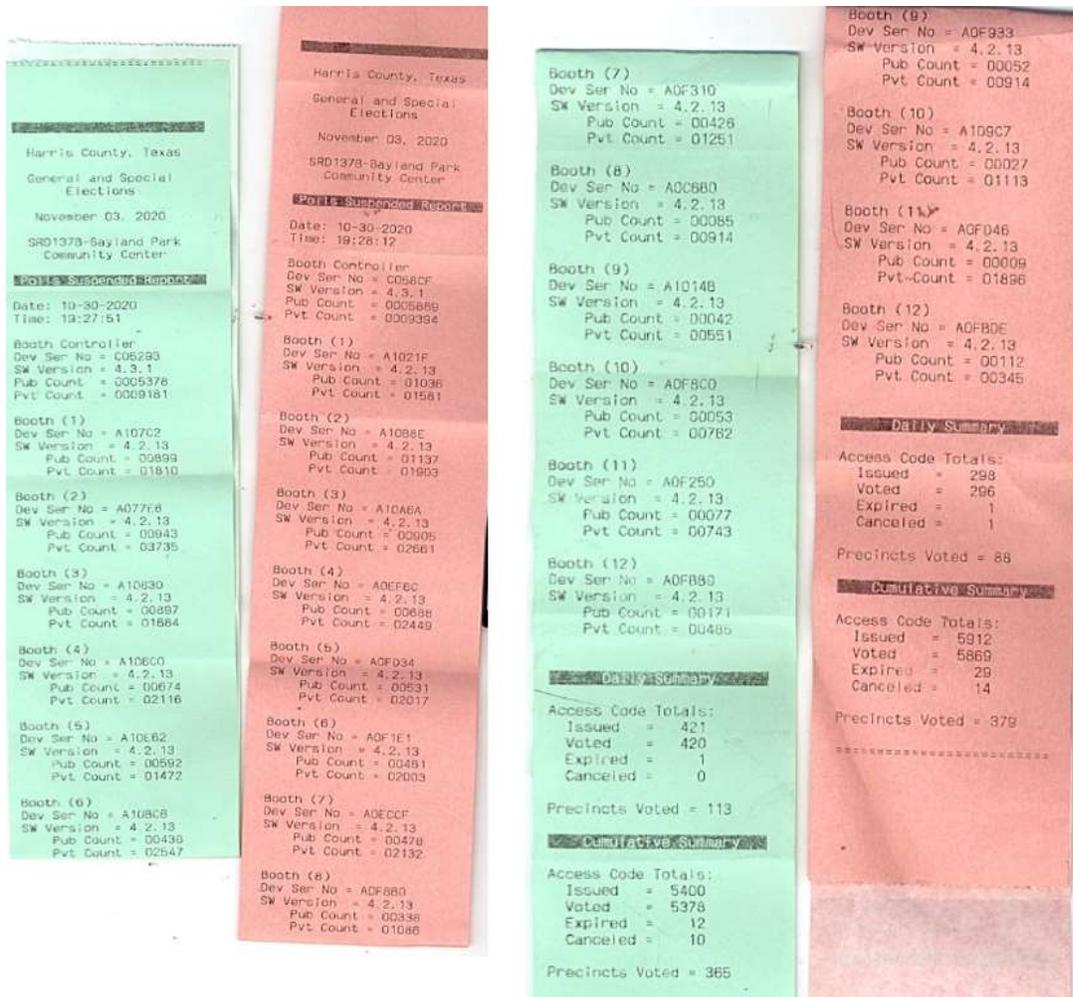


Figure 10-12: Example of Harris County polls suspended tapes.

County-by-County Breakdown

Next to each item in the checklist, a 'Y' denotes that the county did produce adequate/sufficient records and/or documentation to verify the event in question occurred, and 'N' denotes that the county did not produce adequate records. A denotation of 'N' does not necessarily mean the county produced *no* records, just that the records produced could not be used to verify whether the event or activity described took place.

Collin County

FAD sampled ten voting locations in Collin County. Five of the locations were early voting locations and five were election day locations. Acceptance Testing Evidence from the vendor, ES&S, demonstrates that Collin County paid for acceptance testing of their voting machines.⁴⁶⁴

The vendor also provides electronic pollbooks for in-person voter check-ins. No documentation was provided for these devices. Lovejoy ISD was the only voting location not found in the provided timesheets of the commercial moving company that delivered voting equipment from Collin County's warehouse. FAD was also unable to locate a suspend polls report for this location as well. The remaining sampled locations had sufficient documentation for each of the key events.

Collin County – Allen Event Center – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape (Close/Suspend Report)	

Collin County – Farmersville City Hall – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape (Close/Suspend Report)	

⁴⁶⁴ See Acceptance Testing evidence and invoices.

Collin County – Lovejoy ISD Admin Building – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	N__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
N__ Results Tape (Close/Suspend Report)	

Collin County – Shiloh MBC – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape (Close/Suspend Report)	

Collin County – Wylie Senior Rec Center – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape (Close/Suspend Report)	

Collin County – Collin College Plano Campus – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape	

Collin County – McKinney Fire Station #5 – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape	

Collin County – Prosper Town Hall – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape	

Collin County – Seis Lagos CSA – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape	

Collin County – Wylie Senior Rec Center – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape	

Dallas County

FAD sampled ten polling locations in Dallas County. Five of the locations were early voting locations and five were election day locations. Dallas County maintained documentation for each of the key events relative to the respective voting periods. While the equipment inventory provided includes information regarding the DS200 and e-Pollbooks, there was no information provided for the ExpressVote machines. ExpressVote machines were also the only equipment logged for acceptance testing. FAD cannot confirm the acceptance testing for the DS200s.

Dallas County – Carrollton Senior Center – EV

Y__ Acceptance Testing*	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory*
Y__ Assignment/Distribution*	Y__ Zero Reports
N__ Results Tape (Close/Suspend Report)	

**Acceptance testing data found for ExpressVote only; no seal logs or results tapes for DS200; Serial numbers match daily report form; no data for ExpressVote delivery to polling location*

Dallas County – Irving Arts Center – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
N__ Results Tape (Close/Suspend Report)	

Dallas County – Florence Recreation Center – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
N__ Results Tape (Close/Suspend Report)	

**Acceptance testing data found for ExpressVote only; no data for ExpressVote delivery to polling location*

Dallas County – Richardson Civic Center – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
N__ Results Tape (Close/Suspend Report)	

** Acceptance testing data found for ExpressVote only; no seal logs or results tapes for DS200 S/Ns match daily report form; no data for ExpressVote delivery to polling location*

Dallas County – Glenn Heights City Hall – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
N__ Results Tape (Close/Suspend Report)	

** Acceptance testing data found for ExpressVote only; no data for ExpressVote delivery to polling location*

Dallas County – Nueva Vida Life Assembly – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
N__ Results Tape	

**Acceptance testing data found for ExpressVote only; no data for ExpressVote delivery to polling location*

Dallas County – W.T. White High School – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape	

**Acceptance testing data found for ExpressVote only; no data for ExpressVote delivery to polling location*

Dallas County – University of Texas – Dallas Visitor Center – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape	

**Acceptance testing data found for ExpressVote only; no data for ExpressVote delivery to polling location*

Dallas County – Grauwlyer Park Recreation Center – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape	

**Acceptance testing data found for ExpressVote only; no data for ExpressVote delivery to polling location*

Dallas County – A.S. Johnston Elementary School – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape	

**Acceptance testing data found for ExpressVote only; no data for ExpressVote delivery to polling location*

Harris County

FAD sampled sixteen total polling locations in Harris County. Five of the locations were early voting locations and eleven were election day locations. Network configuration reports during Early Voting provided evidence of a zero count prior to the beginning of voting. A review of the tapes available for the sampled locations revealed insufficient records of the "Results Tape" for some polling locations.⁴⁶⁵ Harris County's Election Day Reconciliation Packets did not contain the zero reports for voting equipment, however, election judges were required to document a public count of zero on polling location forms.

Harris County – Bayland Park Community Center – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	N__ Equipment Inventory*
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape (Close/Suspend Report)	

**No delivery ticket for delivery of equipment to polling location*

Harris County – County Attorney Conference Center – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory

⁴⁶⁵ As noted above, Harris County printed "Polls Suspended Reports" at the end of Early Voting and "Access Code Reports" at the end of Election Day voting.

Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape (Close/Suspend Report)

Harris County – Kingwood Community Center – EV

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing Y__ Equipment Inventory
Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape (Close/Suspend Report)

Harris County – San Jacinto Community Center – EV

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing N__ Equipment Inventory*
Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape (Close/Suspend Report)

**No delivery ticket for delivery of equipment to polling location*

Harris County – Toyota Center – EV

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing N__ Equipment Inventory*
Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape (Close/Suspend Report)

**No delivery ticket for delivery of equipment to polling location*

Harris County – Shearn Elementary School – ED

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing Y__ Equipment Inventory*
Y__ Assignment/Distribution N__ Zero Reports

Y__ Results Tape (Access Code Report)

**Delivery tickets shows JBC's delivered before the inventory shows it routed*

Harris County – Cunningham Elementary School – ED

Y__ Acceptance Testing

Y__ System Certification

Y__ L&A Public Testing

Y__ Equipment Inventory

Y__ Assignment/Distribution

N__ Zero Reports

Y__ Results Tape (Access Code Report)

Harris County – Red Bluff Elementary School – ED

Y__ Acceptance Testing

Y__ System Certification

Y__ L&A Public Testing

Y__ Equipment Inventory

Y__ Assignment/Distribution

N__ Zero Reports

Y__ Results Tape (Access Code Report)

Harris County – High School Ahead Academy – ED

Y__ Acceptance Testing

Y__ System Certification

Y__ L&A Public Testing

Y__ Equipment Inventory

Y__ Assignment/Distribution

N__ Zero Reports

Y__ Results Tape (Access Code Report)

Harris County – Clear Lake Church of the Nazarene – ED

Y__ Acceptance Testing

Y__ System Certification

Y__ L&A Public Testing

Y__ Equipment Inventory

Y__ Assignment/Distribution

N__ Zero Reports

Y__ Results Tape (Access Code Report)

Harris County – Judson Robinson, Jr. Community Center – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	N__ Zero Reports
Y__ Results Tape (Access Code Report)	

Harris County – St. Justin Martyr Catholic Community – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	N__ Zero Reports
Y__ Results Tape (Access Code Report)	

Harris County – Hobart Taylor Park Comm Center – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	N__ Equipment Inventory
Y__ Assignment/Distribution	N__ Zero Reports
Y__ Results Tape (Access Code Report)	

**No delivery ticket for delivery of equipment to polling location*

Harris County – Thompson Elementary School – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	N__ Equipment Inventory
Y__ Assignment/Distribution	N__ Zero Reports
Y__ Results Tape (Access Code Report)	

**No delivery ticket for delivery of equipment to polling location*

Harris County – Genoa Staff Development Center – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	N__ Equipment Inventory*
Y__ Assignment/Distribution	N__ Zero Reports
N__ Results Tape (Access Code Report)*	

**No delivery ticket for delivery of equipment to polling location; only one Access Code Report located*

Harris County – Dekaney High School – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution*	N__ Zero Reports
N__ Results Tape (Access Code Report)*	

**MBB's show polling location as Hampton Inn & Suites; Access Code Reports in Reconciliation Packet reflected a different polling location*

Tarrant County

FAD sampled a total of twenty-six polling locations in Tarrant County. Of those twenty-six locations, six were early voting locations and twenty were election day locations. It is important to note that FAD considered "Ballot Count Summary" and "Tally Summary Report" as results tape for Tarrant County. These are cumulative reports that are generated by a Verity Controller.

Tarrant County – Keller Town Hall – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory*
Y__ Assignment/Distribution	N__ Zero Reports
N__ Results Tape* (Close/Suspend Report)	

**Verity Scan's open polls/zero reports provided do not match event history; unable to match seal logs to Verity Controller, Scan; no results tape found for last day of early voting*

Tarrant County – Center for Comm Service Junior League of Arlington – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	N__ Zero Reports*
Y__ Results Tape (Close/Suspend Report)	

**No reports were found for day 1 of early voting*

Tarrant County – Villages of Woodland Springs Amenity – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	N__ Zero Reports
Y__ Results Tape (Close/Suspend Report)	

**No reports were found for day 1 of early voting*

Tarrant County – The REC of Grapevine – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory*
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape* (Close/Suspend Report)	

**No tapes were found for 10/30/2020*

Tarrant County – Pack Up & Play Afterschool – EV

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory*

Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape (Close/Suspend Report)

**Unable to match seal logs to Verity Controller, Scan, and Duos*

Tarrant County – Worth Heights Community Center – EV

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing Y__ Equipment Inventory*
Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape (Close/Suspend Report)

**No data found on Verity Duos for this location*

Tarrant County – Benbrook YMCA – ED

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing Y__ Equipment Inventory
Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape

Tarrant County – Crouch Event Center at Bicentennial – ED

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing Y__ Equipment Inventory*
Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape

**The equipment inventory contained data regarding the assignment of the e-pollbooks and Verity Scan to the polling location, however, this data did not exist for the 12 Verity Duos.*

Tarrant County – Hillwood Middle School – ED

Y__ Acceptance Testing Y__ System Certification

Y__ L&A Public Testing Y__ Equipment Inventory
Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape

Tarrant County – Independence Elementary School – ED

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing Y__ Equipment Inventory
Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape

Tarrant County – Jones Academy – ED

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing Y__ Equipment Inventory
Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape

Tarrant County – Northeast Courthouse – ED

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing Y__ Equipment Inventory*
Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape

**Seal numbers not completed with closing the e-Pollbooks*

Tarrant County – R. L. Paschal – ED

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing Y__ Equipment Inventory*
Y__ Assignment/Distribution Y__ Zero Reports

Y__ Results Tape

**No delivery date confirmation for the e-Pollbooks back to warehouse*

Tarrant County – Ruby Ray Swift Elementary School – ED

Y__ Acceptance Testing

Y__ System Certification

Y__ L&A Public Testing

Y__ Equipment Inventory*

Y__ Assignment/Distribution

Y__ Zero Reports

Y__ Results Tape

**No delivery date confirmation for delivery to polling location for Verity Duos and e-Pollbooks; no delivery confirmation for the Verity Duos and e-Pollbooks back to warehouse*

Tarrant County – St. Martin in-the-Fields Episcopal – ED

Y__ Acceptance Testing

Y__ System Certification

Y__ L&A Public Testing

Y__ Equipment Inventory*

Y__ Assignment/Distribution

Y__ Zero Reports

Y__ Results Tape

**Seal log provided does not indicate closing seal numbers for e-Pollbooks*

Tarrant County – White Settlement Public Library – ED

Y__ Acceptance Testing

Y__ System Certification

Y__ L&A Public Testing

Y__ Equipment Inventory*

Y__ Assignment/Distribution

Y__ Zero Reports

Y__ Results Tape

**Different seal number on all 10 Verity Duos than assigned at warehouse; delivery date confirmation not on file for e-Pollbooks*

Tarrant County – Donna Shepard Intermediate School – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape	

Tarrant County – Victory Tabernacle Holiness – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory*
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape	

**Seal number scanned on the equipment received did not match the seal assigned at delivery back to the rally site*

Tarrant County – Atwood McDonald Elementary School – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape	

Tarrant County – Carter Park Elementary School – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory
Y__ Assignment/Distribution	Y__ Zero Reports
Y__ Results Tape	

Tarrant County – Edify Community Fellowship Church – ED

Y__ Acceptance Testing	Y__ System Certification
Y__ L&A Public Testing	Y__ Equipment Inventory

Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape

Tarrant County – Pantego Town Hall Council Chambers – ED

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing Y__ Equipment Inventory
Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape

Tarrant County – St. Matthews Lutheran Church – ED

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing Y__ Equipment Inventory
Y__ Assignment/Distribution N__ Zero Reports*
N__ Results Tape*

**No tapes were found (open polls report, tally summary, ballot count summary, etc.)*

Tarrant County – Van Zandt-Guinn Elementary School – ED

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing Y__ Equipment Inventory
Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape

Tarrant County – Versia L Williams Elementary – ED

Y__ Acceptance Testing Y__ System Certification
Y__ L&A Public Testing Y__ Equipment Inventory
Y__ Assignment/Distribution Y__ Zero Reports
Y__ Results Tape

Tarrant County – Western Hills Church of Christ – ED

Y__ Acceptance Testing

Y__ System Certification

Y__ L&A Public Testing

Y__ Equipment Inventory

Y__ Assignment/Distribution

Y__ Zero Reports

N__ Results Tape*

**No closing tapes were found for 11/3/2020*

Post-Election Processes

Key Takeaways

- A hand count of ballots in two local races in Dallas and Collin counties – selected at random by FAD – revealed a 100% accurate match to the electronic count.

Canvassing the Election

A canvass refers to the compilation of election returns and validation of the outcome of the election that forms the basis of the official results by political subdivision.⁴⁶⁶ Essentially, the canvass report is the counting of election returns at the local or state level.⁴⁶⁷

Local Canvass

Except as otherwise provided by law, the canvassing authority for an election ordered by the governor or a county authority is the commissioners court of the county in which the election is held.⁴⁶⁸

For county and precinct races, the final canvass is the local canvass.⁴⁶⁹ The local canvass for the November 3, 2020 General Election had to take place no later than the 14th day after the election (November 17, 2020).⁴⁷⁰ The canvass cannot take

⁴⁶⁶ National Conference of State Legislatures, *Canvass, Certification and Contested Election Deadlines and Voter Intent Laws*, ncsf.org, <https://www.ncsl.org/research/elections-and-campaigns/after-the-voting-ends-the-steps-to-complete-an-election.aspx> (last visited Dec. 12, 2022); see also U.S. Election Assistance Commission, *Election Results, Canvass, and Certification*, eac.gov, <https://www.eac.gov/election-officials/election-results-canvass-and-certification#Canvass> (last visited Dec. 12, 2022).

⁴⁶⁷ *Canvass, Certification and Contested Election Deadlines and Voter Intent Laws*.

⁴⁶⁸ Tex. Elec. Code § 67.002 (a)(1). The canvassing authority for elections ordered by an authority of a political subdivision *other than a county* is the governing body of the political subdivision. Tex. Elec. Code § 67.002 (a)(2).

⁴⁶⁹ Tex. Elec. Code § 67.005.

⁴⁷⁰ Tex. Elec. Code § 67.003.

place until the EVBB has counted all provisional ballots cast in the election or until all timely received BBMs from addresses outside the United States have been counted.⁴⁷¹

The presiding officer of the canvassing authority shall deliver the sealed precinct returns to the authority for the local canvass.⁴⁷² The canvassing authority shall prepare a tabulation stating the total number of votes received in each precinct for each candidate, and for or against each measure, and the sum of the precinct totals tabulated.⁴⁷³ The canvassing authority must also include the total number of voters in each precinct who cast a ballot for a candidate, or for or against a measure, in the election.⁴⁷⁴ The canvassing authority may prepare the tabulation as a separate document or enter the tabulation directly in the local election register.⁴⁷⁵

The local canvassing authority may compare the precinct returns to the corresponding tally list.⁴⁷⁶ If there is a discrepancy found between the vote totals from the precinct returns and those shown on the tally list the presiding judge must examine the returns and make the necessary corrections on the returns.⁴⁷⁷

Once complete, the presiding officer of the canvassing authority shall deliver the precinct returns to the custodian of the local election register unless the tabulation is entered directly in the election register.⁴⁷⁸ This custodian must preserve the tabulation for 22 months.⁴⁷⁹

Additionally, the presiding officer of the canvassing authority must deliver the precinct returns, tally lists, and early voting precinct report used in the canvass to the general custodian of election records.⁴⁸⁰ The custodian shall preserve these records for 22 months.⁴⁸¹

Statewide Canvass

For district, federal, and statewide races, the final canvass is the state canvass.⁴⁸² The final canvassing authority for these elections is the governor.⁴⁸³ The state

⁴⁷¹ Tex. Elec. Code § 67.003.

⁴⁷² Tex. Elec. Code § 67.004 (a).

⁴⁷³ Tex. Elec. Code § 67.004 (b).

⁴⁷⁴ Tex. Elec. Code § 67.004 (b)(1).

⁴⁷⁵ Tex. Elec. Code § 67.004 (c).

⁴⁷⁶ Tex. Elec. Code § 67.004 (d).

⁴⁷⁷ *Id.*

⁴⁷⁸ Tex. Elec. Code § (e).

⁴⁷⁹ *Id.*

⁴⁸⁰ Tex. Elec. Code § 67.004 (f).

⁴⁸¹ *Id.*

⁴⁸² Tex. Elec. Code § 67.010.

⁴⁸³ Tex. Elec. Code § 67.010 (a).

canvass for the 2020 General Election had to take place no earlier than the 18th day after the election (November 21, 2020) and no later than the 33rd day after the election (December 7, 2020).⁴⁸⁴

The presiding officer of the canvassing authority is the Texas Secretary of State.⁴⁸⁵ At the time set for canvassing, the Secretary of State shall deliver the county returns to the governor.⁴⁸⁶ The Secretary of State shall prepare a tabulation stating the total number of votes received in each county and the sum of the county totals tabulated for each candidate and for and against each measure required to be canvassed by the governor.⁴⁸⁷ The governor shall certify the tabulations and the Secretary of State shall retain the county election returns used in the canvass for 22 months.⁴⁸⁸

Partial Manual Count

The Partial Manual Count (PMC) is a post-election audit of the electronic voting system used in an election to ensure the accuracy of the tabulation of the votes.⁴⁸⁹ The PMC involves a manual count of all the races in at least one percent of the election precincts or in three precincts (whichever is greater) in which the electronic voting system was used.⁴⁹⁰ The PMC must be conducted after every election that uses paper ballots that are counted with an electronic voting system. As a general rule, the general custodian of election records shall select the precincts at random.⁴⁹¹ However, in the general election for state and county officers, primary election, or an election involving a proposed amendment to the state constitution or other statewide measure submitted by the legislature, the Secretary of State shall select the precincts to be counted in the PMC.⁴⁹² For counties that participate in the Countywide Polling Place Program (CWPP), the Secretary of State can provide a list of polling locations

⁴⁸⁴ Tex. Elec. Code § 67.012.

⁴⁸⁵ Tex. Elec. Code § 67.010 (b).

⁴⁸⁶ Tex. Elec. Code § 67.013.

⁴⁸⁷ Tex. Elec. Code § 67.013 (b).

⁴⁸⁸ Tex. Elec. Code § 67.013.

⁴⁸⁹ Texas Secretary of State Elections Division, *Partial Manual Count and other Post-Election Activities*, Texas Secretary of State <https://www.sos.state.tx.us/elections/forms/post-election-procedures-november-2022.pdf#search=canvass%20and%20precinct%20by%20precinct> (last visited Dec. 12, 2022).

⁴⁹⁰ Tex. Elec. Code § 127.201 (a).

⁴⁹¹ Tex. Elec. Code § 127.201 (a).

⁴⁹² Tex. Elec. Code § 127.201 (b).

that may be used for Election Day voting in lieu of the precinct-based method.⁴⁹³ The general custodian must begin the count no later than 72 hours after the polls close.⁴⁹⁴

As of November 6, 2018, all counties that use electronic voting systems to tabulate their votes must conduct a PMC.⁴⁹⁵ DREs on which voters cast a paperless ballot are exempt from the PMC.⁴⁹⁶

General Requirements

The designated election official must take every necessary precaution to protect the confidentiality and security of the ballots cast by the voters. On selection or notification of the precincts to be counted, the general custodian of election records shall post notice of the date, hour, and place of the count.⁴⁹⁷ Although the notice is posted publicly, the PMC itself is not open to the public.⁴⁹⁸ The general custodian must be present along with any staff they appoint to assist with the count.⁴⁹⁹ Each candidate is also entitled to be present at the count and is entitled to have a representative present.

The general custodian of election records is authorized to enter into the ballot box or container containing election records for the purpose of the partial manual count.⁵⁰⁰ When the count has been completed, the records shall be restored to their secured condition for the preservation period.⁵⁰¹ The general custodian of election records shall track chain of custody of ballot boxes, and document the breaking of any tamper-evident seals used on ballot boxes.⁵⁰²

⁴⁹³ Texas Secretary of State Elections Division, *Partial Manual Count and other Post-Election Activities*, Texas Secretary of State (<https://www.sos.state.tx.us/elections/forms/post-election-procedures-november-2022.pdf#search=canvass%20and%20precinct%20by%20precinct>) (last visited Dec. 12, 2022).

⁴⁹⁴ Tex. Elec. Code § 127.201 (a).

⁴⁹⁵ *Id.*

⁴⁹⁶ Tex. Elec. Code § 127.201 (g); Election Advisory No. 2018-30.

⁴⁹⁷ Tex. Elec. Code § 127.201 (c).

⁴⁹⁸ Election Advisory 2018-30.

⁴⁹⁹ Keith Ingram, *Revised Procedures for the Partial Manual Count*, Election Advisory No. 2018-30, (Sept. 25, 2018). <https://www.sos.state.tx.us/elections/laws/advisory2018-30.shtml>.

⁵⁰⁰ Keith Ingram, *Revised Procedures for the Partial Manual Count*, Election Advisory No. 2018-30, (Sept. 25, 2018). <https://www.sos.state.tx.us/elections/laws/advisory2018-30.shtml>.

⁵⁰¹ Tex. Elec. Code § 213.007.

⁵⁰² Keith Ingram, *Revised Procedures for the Partial Manual Count*, Election Advisory No. 2018-30, (Sept. 25, 2018). <https://www.sos.state.tx.us/elections/laws/advisory2018-30.shtml>.

Process

General for Procedure for Conducting the Partial Manual Count

First, the general custodian shall identify which employees will participate in the partial manual count.⁵⁰³ The general custodian of election records must identify the applicable ballot boxes containing voted ballots to be assessed in the partial manual count.⁵⁰⁴ Prior to beginning the PMC, the general custodian with at least one individual of the counting team shall inspect the ballot boxes to verify that all locks and seals are intact.⁵⁰⁵ When the boxes containing the voted ballots are opened, the breaking of the seals must be documented and the counting teams must then begin counting the applicable races. The counting teams must follow procedures for hand counting ballots.⁵⁰⁶ If a discrepancy in the count arises, the election official shall attempt to determine the source of the discrepancy.⁵⁰⁷ The count shall be completed no later than the 21st day after Election Day.⁵⁰⁸

Procedures for the PMC for Counties participating in the CWPP

Counties that participate in the CWPP have the option of completing the partial manual count in the traditional way by counting applicable ballots for a specific precinct, or they may opt to conduct the partial manual count by polling place. The procedures for a PMC at selected polling place that participate in the program are identical to the general procedures listed above with the addition that the general custodian of election records shall compare the manual count from selected polling places with the printed results tapes for that polling place to verify the vote count for that race.⁵⁰⁹

⁵⁰³ *Id.*

⁵⁰⁴ *Id.*

⁵⁰⁵ *Id.*

⁵⁰⁶ *Id.*; see also Appendix A of Qualifying Voters on Election Day 2022, Office of the Secretary of State. July 2022. <https://www.sos.state.tx.us/elections/forms/judges-clerks-handbook.pdf>

⁵⁰⁷ Keith Ingram, *Revised Procedures for the Partial Manual Count*, Election Advisory No. 2018-30, (Sept. 25, 2018). <https://www.sos.state.tx.us/elections/laws/advisory2018-30.shtml>.

⁵⁰⁸ Tex. Elec. Code § 127.201.

⁵⁰⁹ *Id.*

Results Reported to the Secretary of State

No later than the third day after the date the PMC is completed, the general custodian of election records shall deliver a written report of the results to the Secretary of State.⁵¹⁰ The report must contain:

1. The count of the specific race or races as provided on the summary report printed at the close of polls or the report generated for the audit;
2. The count of the specific race as manually verified;
3. An explanation of any discrepancy found.⁵¹¹

Entities may report their results via a spreadsheet to Secretary of State or through the electronic Partial Manual Count system.⁵¹²

The Four Counties

Collin County

Collin County provided FAD with their official precinct results, seal logs for the chosen locations, names and signatures of the members of the Count Team, as well as a tally sheet breakdown for each election voting period evaluated – early voting by mail, early voting in person, and election day.

Collin County’s PMC involved three precincts: 126, 209, and 66.

Precinct	Mail Ballot Electronic Count	Mail Ballot Hand Count	Count Discrepancy	Early Voting in Person Electronic Count	Early Voting in Person Hand Count	Count Discrepancy
126	198	197	1	2,906	2,899	7
209	32	32	0	611	609	2

⁵¹⁰ Tex. Elec. Code §127.201 (e).

⁵¹¹ Keith Ingram, *Precinct by Precinct Report for May 5, 2018 Elections*, Election Advisory No. 2018-20, (Sept. 25, 2018) <https://www.sos.state.tx.us/elections/laws/advisory2018-20.shtml>.

⁵¹² Texas Secretary of State Elections Division, *Partial Manual Count and other Post-Election Activities*, Texas Secretary of State (<https://www.sos.state.tx.us/elections/forms/post-election-procedures-november-2022.pdf#search=canvass%20and%20precinct%20by%20precinct>) (last visited Dec. 12, 2022)

Precinct	Mail Ballot Electronic Count	Mail Ballot Hand Count	Count Discrepancy	Early Voting in Person Electronic Count	Early Voting in Person Hand Count	Count Discrepancy
66	141	137	4	1,266	1,263	3
Mail Discrepancy			5	EV Discrepancy		12

Figure 11-1: Collin County Partial Manual Count November 2020 by Precinct

There was a discrepancy of five votes between the electronic and hand count of the mail ballots. Collin County believes they did not locate all of the ballots for the races which caused this discrepancy.

There was a discrepancy of 12 votes between the electronic and hand count of the early voting ballots for the above-identified precincts. Collin County indicated that the reason for the discrepancy was due to the use of direct-recording electronic (DRE) voting machines in curbside voting that do not produce a paper record and are not included in the PMC. As Collin County participates in the CWPP—for both Early Voting and Election Day— data is captured, stored, and organized on a polling location rather than a precinct basis therefore this explanation cannot be verified.

The three alternative election day locations chosen for the PMC were Richardson Office Complex, Josephine City Hall, and First Melissa. There were no discrepancies found in these three polling locations during the PMC.

Polling Location	Election Day Electronic Count	Election Day Hand Count	Count Discrepancy
Richardson Office Complex	175	175	0
Josephine City Hall	308	308	0
First Melissa	127	127	0
Election Day Discrepancy			0

Figure 11-2: Collin County Partial Manual Count November 2020 by Location

Dallas County

Dallas County provided FAD with their official precinct results, serial numbers from the seals, signatures of those members of the Count Team, as well as a tally sheet breakdown for each election voting period evaluated– early voting by mail, early voting in person, and election day.

Dallas County’s PMC involved seven precincts: 1062, 1111, 1726, 2003, 3401, 4046, and 4629.

Precinct	Mail Ballot Electronic Count	Mail Ballot Hand Count	Count Discrepancy	Early Voting in Person Electronic Count	Early Voting in Person Hand Count	Count Discrepancy
1062	2	2	0	16	16	0
1111	23	23	0	540	550	10
1726	121	121	0	805	805	0
2003	294	294	0	1,764	1,764	0
3401	0	0	0	3	3	0
4046	50	50	0	434	434	0
4629	51	51	0	656	656	0
Mail Discrepancy:			0	EV Discrepancy:		10

Figure 11-3: Dallas County Partial Manual Count November 2020 by Precinct

Only one precinct from the PMC had a difference between the electronic count and the hand count. The 10-vote discrepancy was in precinct 1111 for early voting in person. Dallas County indicated that the discrepancy was due to a data entry error by county officials when transmitting the PMC report to the Secretary of State. Based

on FAD’s review of the records, there does appear to be a data entry error made by Dallas County in submitting the results of their PMC to the Secretary of State.

The five alternative election day locations chosen for the PMC in Dallas County were Irving City Hall, L.K. Lewis Auxiliary Service, Northside Baptist Church, St. Paul Lutheran Church and Harry C. Withers Elementary. There were no discrepancies between the electronic and hand counts for these locations.

Polling Location	Election Day Electronic Count	Election Day Hand Count	Count Discrepancy
Irving City Hall	427	427	0
L.K. Lewis Auxiliary Service	91	91	0
Northside Baptist Church	336	336	0
St. Paul Lutheran Church	137	137	0
Harry C. Withers Elementary	113	113	0
Election Day Discrepancy:			0

Figure 11-4: Dallas County Partial Manual Count November 2020 by Location

Harris County

Harris County provided FAD with their official precinct results, the bin numbers of ballots involved, the names of members of the Count Team, as well as a tally sheet breakdown of the PMC process for early voting by mail.

Harris County’s PMC involved 10 precincts: 130, 188, 553, 600, 668, 783, 791, 924, 984, and 952.

Precinct	Mail Ballot Electronic Count	Mail Ballot Hand Count	Count Discrepancy
130	352	348	4
188	68	68	0
553	127	127	0
600	354	353	1
668	278	278	0
783	15	15	0
791	3	3	0
924	0	0	0
948	0	0	0
952	7	7	0
Mail Discrepancy			0

Figure 11-5: Harris County Partial Manual Count November 2020 by Precinct.

Among these 10 precincts, the results of the PMC demonstrated a five-vote discrepancy between electronic and hand counts. Harris County was only able to provide electronic and manual count figures for mail ballots cast because Harris used DRE devices during the 2020 General Election, which made a hand count of early and election day ballots impossible. Harris County indicated that the five-ballot discrepancy occurred due to an error in the manual counting of mail-in ballots.

Tarrant County

Tarrant County provided FAD with their official precinct results for the General Election, their tally sheets, a receipt of submission for the PMC to the Secretary of State, the public notice of the PMC, the manual count data entry sheet, and the results from the precincts that were subject to the PMC.

Tarrant County's PMC involved seven precincts: 1061, 1460, 2381, 3160, 4285, 4452 and 4591.

Precinct	Mail Ballot Electronic Count	Mail Ballot Hand Count	Early Voting in Person Electronic Count	Early Voting in Person Hand Count	Count Discrepancy
1061	17	17	103	103	0
1460	109	109	1,295	1,295	0
2381	14	14	287	287	0
3160	118	118	1,358	1,358	0
4285	23	23	331	331	0
4452	69	69	2,029	2,029	0
4591	89	89	1,780	1,780	0
Total Discrepancy					0

Figure 11-6: Tarrant County Partial Manual Count November 2020 by Precinct

There was no discrepancy reported between the electronic and hand counts for these precincts.

The four alternative election day locations chosen for the PMC were Forest Hill Civic Center, Fort Worth Event Center, North East Courthouse, and Truett Boles Jr. High.

Polling Location	Election Day Electronic Count	Election Day Hand Count	Count Discrepancy
Forest Hill Civic	594	594	0
Fort Worth Event Center	106	106	0
North East Courthouse	437	437	0
Truett Boles Jr. High	402	402	0

Polling Location	Election Day Electronic Count	Election Day Hand Count	Count Discrepancy
Total Discrepancy			0

Figure 11-7: Tarrant County Partial Manual Count November 2020 by Location

There were no discrepancies between the hand and electronic counts in these polling locations.

FAD Hand Count

During FAD’s audit of the 2020 election, FAD conducted a hand count of one race to verify the accuracy of the voting equipment used during the 2020 General Election.

Collin and Dallas counties were able to provide digital ballot images for particular races, which enabled the hand count. Due to Harris County not having paper ballots in 2020, and having no access to their digital ballots, FAD was unable to conduct a hand count of a race in Harris County. Tarrant County did not keep the images of the ballots which made accurately isolating a particular race virtually impossible. Tarrant has changed their procedures and now is keeping ballot images.

General Procedures

Prior to the hand count, FAD drafted procedures to be followed that mirrored those used in the partial manual recount process. FAD distributed the procedures to staff that would be involved in the counting process during a meeting for review and to discuss any questions. Three original tally lists were used.⁵¹³ The tally lists contained the following information:

- names and offices of candidates and/or propositions;
- date;
- county;
- type of election; and
- signature of the person keeping the tally list.

⁵¹³ For the purposes of this manual count, a modified version of form AW8-1 was utilized.

The process was conducted using teams of FAD staff to count the votes from the races selected for Collin and Dallas counties. The teams were assigned different categories of ballots based on the type of voting involved: Early Voting in Person, Election Day, Provisional (if applicable), and Voting by Mail. Each team was comprised of four members. One member was assigned to be a “reader.” The reader to maintained custody of the ballots. Each reader was instructed to read and distinctly announce the name of each candidate for which there was a vote. The other three team members were “tally takers.” After the reader announced a vote, the tally takers made a tally mark by the corresponding name on their tally sheet. Throughout the process, team members were instructed to periodically check the number of tallies on each sheet to make sure there were no discrepancies.

This process for each of the three teams was timed. The teams started the timer when the reader read the first ballot and stopped the timer when the reader announced there were no more ballots.

Hand Count in Collin & Dallas Counties

Collin County

Collin County’s count took place on November 8, 2022. The race used was the race for Mayor for the city of Josephine.

Mayor CITY OF JOSEPHINE						
Vote For 1						
	TOTAL	VOTE %		Election Day	Early Voting	Mail
Kenneth McCarty	204	29.57%		36	165	3
Joe Holt	486	70.43%		34	438	14
Total Votes Cast	690	100.00%		70	603	17
Overvotes	0			0	0	0
Undervotes	136			16	118	2
Contest Totals	826			86	721	19

Figure 11-8: Collin County’s reported results for the race

The results of FAD’s hand count and the time it took each team to complete the process are delineated below.

Mail Ballots: 1 minute 8 seconds

Tally Taker	1	2	3
<i>Kenneth McCarty</i>	3	3	3
<i>Joe Holt</i>	14	14	14
<i>Undervotes</i>	2	2	2
Total:	19	19	19

Figure 11-9: Mail ballot hand count results

Election Day: 4 minutes 47 seconds

Tally Taker	1	2	3
<i>Kenneth McCarty</i>	36	36	36
<i>Joe Holt</i>	34	34	34
<i>Undervotes</i>	16	16	16
Total:	86	86	86

Figure 11-10: Election Day hand count results

Early Voting hand count results

Early Voting in Person: 50 minutes

Tally Taker	1	2	3
<i>Kenneth McCarty</i>	165	165	165
<i>Joe Holt</i>	438	438	438
<i>Undervotes</i>	118	118	118
Total:	721	721	721

Figure 11-11: Early Voting hand count results

During the count for Collin County, there was no discrepancy found and it was determined that the machine was 100% accurate for this particular race.

Dallas County

Dallas County’s count took place on December 6, 2022 and December 7, 2022.

The race used was the race for the Mayor of Cockrell Hill.

Cockrell Hill Mayor

Vote For 1

	TOTAL	VOTE %	EV In-Person	EV Mail	Election Day	EV-ED Provisional
Mike McCoy	240	30.30%	164	9	66	1
Luis David Carrera	552	69.70%	407	16	129	0
Total Votes Cast	792	100.00%	571	25	195	1
Overvotes	0		0	0	0	0
Undervotes	32		21	2	9	0

Figure 11-12: Dallas County’s reported results for the race

The results of FAD’s hand count and the time it took each team to complete the process are delineated below.

Mail Ballots: 1 minute 48 seconds

Tally Taker	1	2	3
Mike McCoy	9	9	9
Luis David Carrera	16	16	16
Undervotes	2	2	2
Total:	27	27	27

Figure 11-13: Mail ballot hand count results

Election Day: 12 minutes 10 seconds

Tally Taker	1	2	3
Mike McCoy*	67	67	67
Luis David Carrera	129	129	129
Undervotes	9	9	9
Total:	196	196	196

*Mike McCoy had one provisional vote.

Figure 11-14: Election Day hand count results

Early Voting in Person: 38 minute 13 seconds

Tally Taker	1	2	3
Mike McCoy	164	164	164
Luis David Carrera	407	407	407
Undervotes	21	21	21
Total:	592	592	592

Figure 11-15: Early Voting hand count results

EV-ED Provisional: 0 minute 1 seconds

Tally Taker	1	2	3
Mike McCoy	1	1	1
Luis David Carrera	0	0	0
Undervotes	0	0	0
Total:	1	1	1

Figure 11-16: Provisional hand count results

During the count for Dallas County, there was no discrepancy found and it was determined that the machine was 100% accurate for this particular race.

Records Management

Key Takeaways

- Harris County maintained no central inventory for the full scope of its own election records.
- The contents of all Mobile Ballot Boxes (MBB) in Harris County could not be accessed because Harris County disposed of the hardware capable of reading the media, contrary to guidance from the Texas Secretary of State.
- Dallas County was unable to locate multiple boxes that were listed on their inventory.
- Collin and Tarrant counties had digitized all of their records, which they were readily able to produce upon request.

Retention

Under Texas law, precinct election records must be preserved for at least 22 months after election day.⁵¹⁴ Precinct election records include precinct election returns, voted ballots, and other records of an election that are assembled and distributed under Chapter 66 of the Texas Election Code.⁵¹⁵ This requirement also applies to the electronic records created as part of an election.⁵¹⁶ Similarly, federal law requires certain federal election records to be retained and preserved for a period of 22 months following election day.⁵¹⁷ Election records that are public information must

⁵¹⁴ Tex. Elec. Code § 66.058.

⁵¹⁵ *Id.* at 66.002.

⁵¹⁶ Tex. Elec. Code § 66.058 (g) (regarding electronic records); see also Keith Ingram, *Electronic Voting System Procedures Advisory*, Election Advisory No. 2019-23, (Oct. 23, 2019) <https://www.sos.state.tx.us/elections/laws/advisory2019-23.shtml>.

⁵¹⁷ 52 U.S.C. § 20701.

be made available to the public during the regular business hours of the record's custodian.⁵¹⁸

While each county must comply with record preservation requirements, counties are given considerable leeway in prescribing procedures for the logistical operation of recordkeeping and maintenance. The Secretary of State Elections Division has promulgated best practices for records management and maintenance and provides training on this topic at its Election Law seminars.⁵¹⁹

The four counties under this audit have each adopted their own methods for records management with varying degrees of specificity. In some counties, procedural compliance with the records management system in place was inconsistent and it proved difficult in many cases to locate the records sought by the audit teams. Many election records are produced at the polling location and are returned to the Elections Administrations after either early voting or election day. The counties depend on their workers to fill out forms correctly, print tapes, and return all records, often resulting in an inconsistent execution of processes depending on the individual(s) involved. Poll workers, in all counties, must strive to be more diligent in collecting their records and returning them to the Elections Administration. Likewise, Elections Administrators must adopt – and follow – best practices to ensure poll workers and staff are complying with their statutory obligations to maintain election records in a transparent format. These recommended steps would enhance every Texas county's ability to promptly produce election records to address any outstanding questions or concerns regarding the security and integrity of a given election.

Collin County

Collin County digitized virtually every available record from the 2020 General Election and was, therefore, able to provide records to FAD promptly. Collin County has noted that the audit process has already improved their records organization. For example, Collin County did not organize or segment ballots in a particular manner when storing them after the 2020 General Election but they have since adopted procedures to better organize ballots so they can more easily be retrieved following an election.

⁵¹⁸ Tex. Elec. Code § 1.012; *see also id.* at (b) ("For the purpose of safeguarding the election records or economizing the custodian's time, the custodian may adopt reasonable rules limiting public access.").

⁵¹⁹ Chain of Custody Best Practices, Texas Secretary of State Annual Election Law Seminar (August 2022), [https://www.sos.state.tx.us/elections/forms/chain-of-custody-best-practices-ab-august-2022%20\(1\).pdf#search=records%20management](https://www.sos.state.tx.us/elections/forms/chain-of-custody-best-practices-ab-august-2022%20(1).pdf#search=records%20management).

Dallas County

In Dallas County, the Dallas County Records Center has published a guide that details, amongst other things, the procedures for filing documents, labeling storage boxes, and retrieving documents.⁵²⁰ This includes a detailed chain of custody form that tracks the movement of boxes. Dallas County Elections Department and Dallas County's EVBB each maintained and provided FAD access to their records inventory for the 2020 General Election. If properly followed, these inventory records are considered a best practice in the labeling and organization of election records.

BOX#	YEAR	FILE RANGE	DESCRIPTION
419610	2020	MRS VICKEY	
419704	2020	VB ORIGINAL COMPLAINTS	
419729	2020	Nov. 2020 General/Joint Election	
419865	2020	Nov. 2020 General/Joint Election	

Figure 12-1: An example of Dallas County Elections Department Records Inventory

14/12

DALLAS COUNTY RECORDS CENTER
REQUEST TO TRANSFER RECORDS

Date:	11-3-20	Approved by Records Management Officer:	
Department/Division:	Ballot Board	Date:	
Name:	[REDACTED]	Picked Up By:	
Address:	1520 Round Table	Date Picked Up:	
Telephone:	[REDACTED]		

Retention Code Number	Box Bar Codes Numbers	Records Series Title or Description	Dates MO/YR - HO/YR	Microfilmed (Y: or No)	Quantity (Boxes or Volumes)
	[REDACTED]	RICH E. SMITH CADDOH HILL REC CTR			
	[REDACTED]	WIPED J. LOOS Sports Complex			
	[REDACTED]	American Airlines CTR (MEGA STP)			
	[REDACTED]	American Airlines CTR (MBA STP)			
	[REDACTED]	American Airlines CTR (BGA STP)			
	[REDACTED]	Aradela Road Branch Library			
	[REDACTED]	Dutch Springs Civic CTR			
	[REDACTED]	Bear Creek Community CTR			
	[REDACTED]	Betty Wammack Library			
	[REDACTED]	Betty Wammack Library			

Form RM-01 Revised 01/2004

Distribution: Send Original and two copies to Records Management Officer

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⁵²⁰ Records Center General Guide, *Dallas County Record Center*, available at: <https://www.dallascounty.org/Assets/uploads/docs/consolidated-svcs/records-management/Records-Management-General-Training-Packet.pdf>.

Figure 12-2: An example of Dallas County's EVBB Records Inventory

When utilized properly, the inventory system proved useful in locating specific records and documents as Dallas County labels their boxes numerically and uses a bar code system.



Figure 12-3: Examples of Dallas County's Record Management System involving barcoded and numbered boxes.

Unfortunately, however, records management procedures were not always properly followed. At times, inventory sheets were inaccurate with some boxes missing or inadequately labeled. For example, the records inventory reflected a box labeled as being associated with the year 2020 for the entire year. The description of the contents of the box was only the name of one individual. There was no further description regarding the contents of the box. Dallas County's inventory reflected this box was to be deleted from the record storage inventory list as they had only located an empty box with the corresponding barcode attached.

The inventory reflected that certain records were stored by precinct number. Upon inspection, the inventory proved inaccurate as boxes contained records from multiple precincts. Additionally, entire boxes related to documents from early voting locations

could not be found by Dallas County, precluding the analysis FAD sought to perform regarding those particular locations.

Harris County

Harris County's records management plan can be found on its website.⁵²¹ The records related to the 2020 General Election were contained in over 500 boxes stored at the Election Technology Center (ETC) warehouse without any inventory or directory.⁵²² The only way to determine what was potentially contained in a box was to review what was written on the outside of the boxes. Harris County provided FAD with access to all of the boxes in the warehouse related to the 2020 General Election and Harris County Elections Department staff assisted with moving boxes as necessary to provide them to the audit team for review.



Figure 12-4: Examples of the labeling system for boxes in the ETC warehouse.

⁵²¹

See records.harriscountytexas.gov/Portals/records/Documents/Records_and_Information_Management_Plan_2021.pdf

https://records.harriscountytexas.gov/Portals/records/Documents/Records_and_Information_Management_Plan_2021.pdf?ver=zIq9vyjffoR4ljaYBXmkNw%3d%3d

⁵²² We believe that the warehouse contained 534 boxes based upon our count. Without an inventory, however, we are unable to verify that this number is correct.



Figure 12-5: Examples of the labeling system for boxes in the ETC warehouse.⁵²³

In many cases, boxes were mislabeled or the contents of the boxes did not appear to be correct.



Figure 12-6: Harris County maintained some MBBs and Central Count Packets in a gray tub, separate from the other boxes containing Central Count Packets. As seen in the photos, there were loose MBBs and incomplete records regarding the reason for such storage.

⁵²³ The boxes in the ETC warehouse were all stored on pallets. During on-site inspection, these boxes were removed from the pallets to review documents as evidenced by the photos depicting them having been moved off of a pallet.

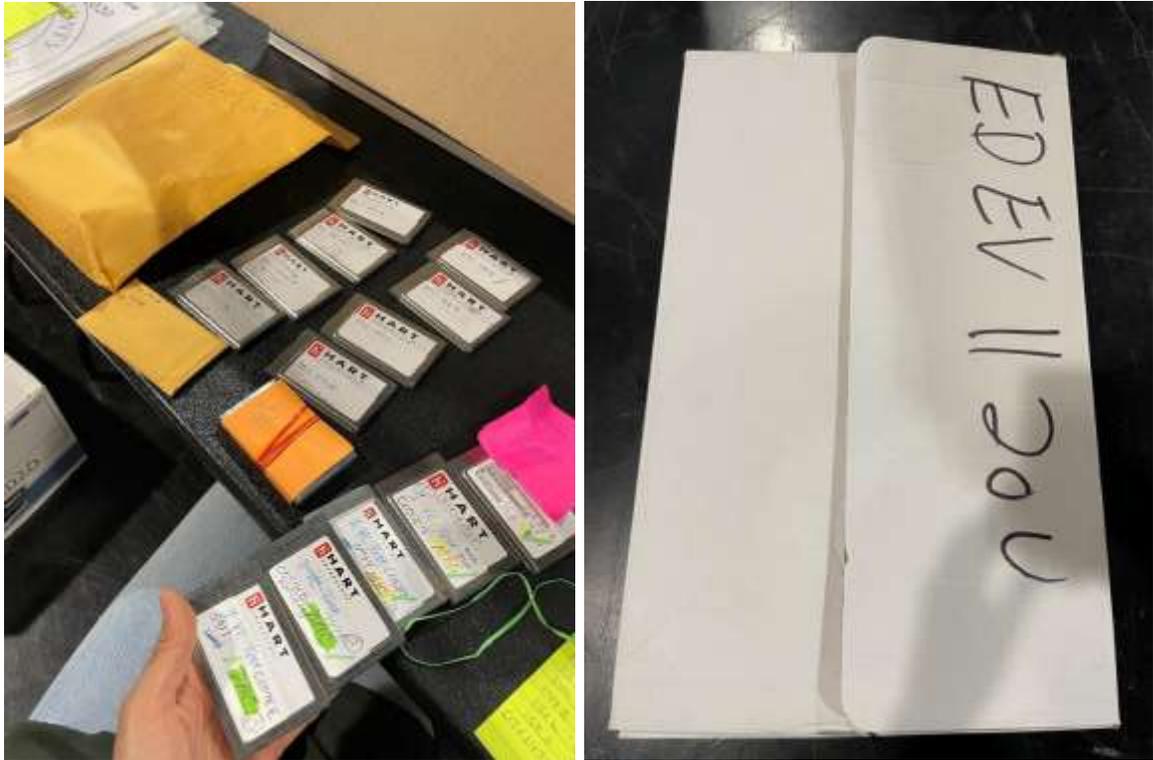


Figure 12-7: A manila envelope located in a box labeled as associated with uncontested races that contained 16 MBBs from drive-through voting polling locations.



Figure 12-8: A manila envelope located in a box labeled as associated with a Recount that contained MBBs from Early Voting polling locations.

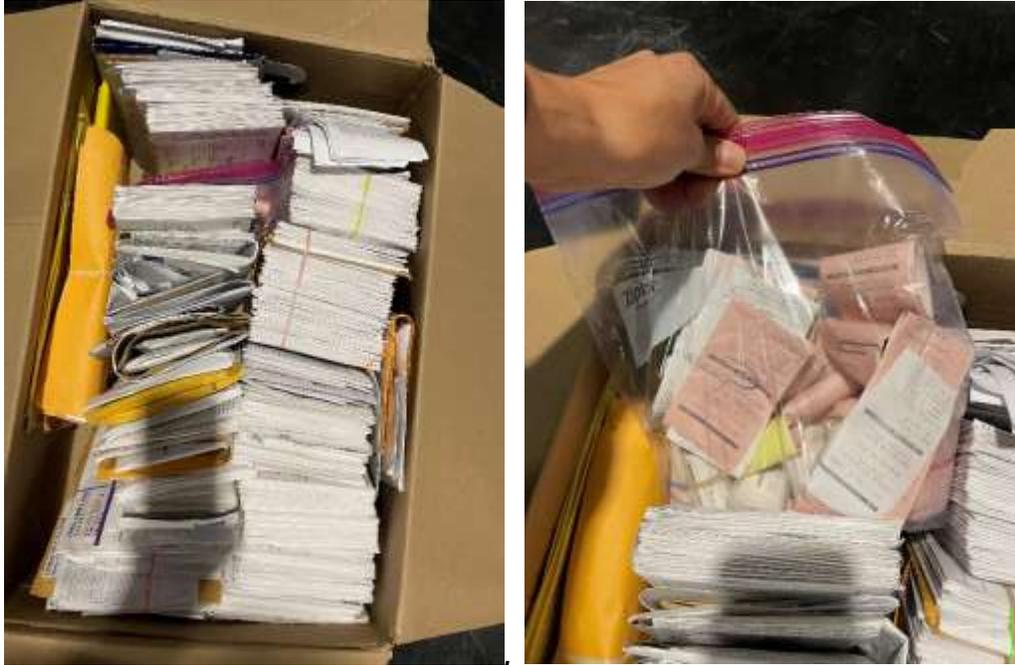


Figure 12-9: A box containing BBMs as well as tapes from voting equipment.

When descriptions on the outsides of the boxes were accurate and complete they proved helpful in locating documents. A more formal inventory, however, is recommended with greater attention to detail placed on the storage and maintenance of records.

Tarrant County

Tarrant County had digitized virtually every record related to the 2020 General Election or was in the process of doing so during the audit.⁵²⁴ Tarrant County also went through the extra effort of posting these records on its public website for the 2020 General Election and subsequent elections for increased transparency. This is a best practice and should reduce the burden on the county to respond to Public Information Act requests. Upon request for more specific paper documents, Tarrant County readily produced the records requested for inspection and review. For inventory, Tarrant County uses a barcoded and numbering system, including labels describing the content of the boxes of election records for its recordkeeping.

⁵²⁴ In some circumstances, however, Tarrant County did appear to be missing tapes or forms from particular locations that were otherwise expected or required. For example, Tarrant County was missing zero tapes for certain Early Voting locations and results tapes from certain Early Voting and Election Day locations. See Voting System Equipment Key Events.



Figure 12-10: Tarrant County Cancelled BBMS and BBMs Returned to Tarrant County as Undeliverable

Complaints

Key Takeaways

- The Texas Secretary of State's office received 138 complaints of Election Code violations from the four counties:
- 7 in Collin County
- 35 in Dallas County
- 63 in Harris County; and
- 33 in Tarrant County

Submission

The presiding judge of a polling place is required to post notice in a form prescribed by the Secretary of State that informs voters of who to call or write to if a voter has a complaint about the conduct of the election.⁵²⁵ The notice must include the telephone number for the Secretary of State's voting rights hotline,⁵²⁶ include any available telephone number dedicated to reporting complaints about the local election official administering the election, and include the mailing address or website to which voters may direct complaints to the federal, state, or local governments about the conduct of elections.

Complaints may be submitted to the Elections Division of the Texas Secretary of State's Office utilizing the form located on the Texas Secretary of State's website.⁵²⁷ The Secretary of State has the ability to refer election complaints to the Office of the Attorney General if the Secretary of State determines there is reasonable cause to suspect that criminal conduct occurred.⁵²⁸ As stated on the form:

⁵²⁵ Tex. Elec. Code § 62.0112; see also Texas Secretary of State, *Voter Complaint Information Poster* (2018), available at: <https://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml>.

⁵²⁶ The toll-free phone number is: 1-800-252-VOTE (8683); see Tex. Elec. Code § 31.055.

⁵²⁷ Texas Secretary of State, *Election Complaint to the Texas Secretary of State* (2014), available at: https://www.sos.state.tx.us/elections/laws/resources_legal.shtml.

⁵²⁸ Tex. Elec. Code § 31.006.

The Secretary of State has no authority to order a new election, change an election result, or conduct a criminal investigation. This form is to be used solely to document alleged election irregularities and submit allegations of criminal violations of the Code to be referred to the Attorney General. Often complaints will be Code violations that do not amount to criminal violations or acts. These violations are election irregularities which may form the basis of an election contest, but do not carry a criminal penalty. These election irregularities will not be referred to the Attorney General for possible criminal prosecution.

Data provided by the Elections Division reflects that they received numerous complaints regarding the 2020 General Election in the four counties. The Elections Division received a total of 138 complaints regarding Collin, Dallas, Harris, and Tarrant County. These complaints were reviewed by the Elections Division, and disposed of in the manner described by *Figure 13-1*.⁵²⁹

County	Number of Complaints	Response Type					Status			
		Letter	Email	Phone	Fax	Other	Final	Referred to OAG	No Response Required	Other
Collin	7	0	5	0	0	2	6	0	0	1
Dallas	35	0	18	1	0	16	21	3	5	6
Harris	63	5	38	0	1	19	44	12	2	5
Tarrant	33	1	19	0	0	13	20	3	4	6

Figure 13-1: Complaints by County for 2020 General Election

Once referred to the Office of the Attorney General, the complaint and documents submitted are not considered public information until an investigation has been completed or the Attorney General has made a determination that the information referred does not warrant an investigation.⁵³⁰

⁵²⁹ Records indicate Collin County’s single “other disposition” is due to no formal complaint ever having been submitted to the SOS on the SOS form or by email. Records also reflect that some of these complaints may have been forwarded to the Elections Administrator or to the Ethics Commission as part of their disposition.

⁵³⁰ Tex. Elec. Code § 31.006 (b)(2).

Overview

Dallas County, Collin County, and the Elections Division of the Secretary of State all received multiple complaints during the 2020 election.⁵³¹ Each complaint was categorized by the Forensic Audit Department as follows:

- **Procedure:** Complaints about procedures not being followed at the polling locations. This can include not following COVID protocols, having a voter sign the wrong document, or not following marker guidelines.
- **Conduct:** Complaints about a person's conduct at the polling location. This can include complaints about the attitudes of poll workers, voters, or supervisors as well as any type of alleged discriminatory actions a voter might have witnessed or experienced.
- **Intimidation:** Complaints about a voter feeling pressured or forced to do something a certain way by someone in authority.
- **Fraud:** Whether the voter reported an event that could lead to possible voter fraud.
- **Technology:** Issues with machines at polling locations or issues with the ballots themselves.

During the 2020 election there were complaints about multiple people and locations. The Forensic Audit Division assigned the following labels to each party involved in the complaint:

- **Voter:** Anyone who is at the polling location for purposes of casting a ballot.
- **Poll worker:** A person who is employed by the polling location or works in elections but is not in a supervisory role such as judge.
- **Supervisor:** People who are in charge of the operations of the polling locations. This includes, for example, presiding judges, alternate judges, or election administrators.
- **USPS:** Complaints regarding the loss of ballots by mail or absentee ballots.

⁵³¹ Harris County did not respond to the initial request for copies of complaints they received during the 2020 election. Harris is now gathering the complaints. Tarrant County provided their complaints for the 2022 primaries, but not the 2020 election. Tarrant is in the process of providing the correct complaints.

- **Location:** Complaints about long wait times, confusing layouts, or out-of-service machines.
- **Unknown:** When it is unclear whether a poll worker, voter, or supervisor is complaining or being complained about based on the facts provided.

Complaints to the Secretary of State

The Elections Division received 138 complaints regarding Harris, Dallas, Tarrant, and Collin County during the 2020 General Election. The Elections Division received the following number of complaints about each county:

County	Number of Complaints
Collin	7
Dallas	35
Harris	63
Tarrant	33
Total	138

Figure 13-2: Total Complaints sent to Elections Division from each County

The complaints break down in the following way:

Complaining Party	Voter	Poll Worker	Supervisor	Location	USPS	Unknown	Candidate	Total Complaints
Voter	13	24	11	38	5	3	4	98
Poll Worker	4	2	5	1	0	0	0	12
Supervisor	0	1	0	0	0	0	0	1
Candidate	0	0	1	0	0	0	0	1

Complaining Party	Voter	Poll Worker	Supervisor	Location	USPS	Unknown	Candidate	Total Complaints
Unknown	3	4	4	4	0	4	7	26
Total	20	31	21	43	5	7	11	138

Figure 13-3: Complaint Source and Subject

Figure 13-3 breaks down who the subject of the complaint is and who made the complaint. For example, the figure shows that voters filed 24 complaints against poll workers. In total, there were 98 complaints from voters, 12 from poll workers, 1 from a supervisor, 1 from a candidate, and 26 complaints from an unknown source.

Similarly, the types of complaints break down in the following ways:

	Voter	Poll Worker	Supervisor	Location	USPS	Unknown	Candidate	Total Complaints
Procedures	0	14	9	25	3	5	5	61
Intimidation	0	3	0	1	1	0	0	5
Conduct	7	12	9	4	1	1	6	40
Fraud	13	1	3	5	0	1	0	23
Technology	0	1	0	8	0	0	0	9
Total	20	31	21	43	5	7	11	138

Figure 13-4: Complaint Category and Subject

Figure 13-4 breaks down the category as well as the target of the complaint. For example, 12 complaints were filed about the conduct of poll workers.

The Elections Division provided the following dispositions for the complaints as follows:

	Resolved	Referred to the Office of the Attorney General	Unknown
Procedures	52	1	8
Intimidation	3	0	2
Conduct	23	11	6
Fraud	16	6	1
Technology	7	0	2
Total	101	18	19

Figure 13-5: Complaint Disposition

Figure 13-5 shows that out of the 138 complaints received 101 have reached a resolved or final status. The disposition of the 18 sent to the OAG has not been provided. There are a total of 19 complaints that do not have a disposition.

Complaints to Collin County

During the 2020 election, Collin County received 20 complaints. The complaints are broken down into the following categories:

Complaining Party	Voter	Poll Worker	Supervisor	Location	Total Complaints
Voter	0	13	3	3	19
Poll Worker	0	0	1	0	1
Supervisor	0	0	0	0	0
Total	0	13	4	3	20

Figure 13-6: Collin County Complaint Source and Subject

Figure 13-6 shows that a majority of the complaints that took place on election day were voters complaining about a poll worker. The types of complaints are as follows:

	Voter	Poll Worker	Supervisor	Location	Total
Procedures	0	11	2	2	15
Intimidation	0	0	0	0	0
Conduct	0	2	2	0	4
Fraud	0	0	0	1	1
Technology	0	0	0	0	0
Total	0	13	4	3	20

Figure 13-7: Collin County Complaint Category and Subject

Figure 13-7 shows that a majority of complaints against poll workers involved a procedure that was allegedly not followed properly. Collin County has provided dispositions for the complaints in the figure above. Those dispositions are broken down as follows:

	Resolved	Unknown
Procedures	11	4
Intimidation	0	0
Conduct	3	1
Fraud	1	0
Technology	0	0
Total	15	5

Figure 13-8: Collin County Complaint Disposition

The 5 unknown disposition complaints are the following:

- A delayed absentee ballot (Procedure)
- Waited 15 minutes at curbside voting (Procedure)
- Poll workers not wearing masks (Procedure)

- A judge “screamed” at a voter (Conduct)
- Voter was told he needed to wear a mask (Procedure)

Complaints to Dallas County

Dallas County received a total of 135 complaints. The complaints are broken down into the following categories.

Complaining Party	Voter	Poll Worker	Supervisor	Location	Total Complaints
Voter	6	31	17	36	90
Poll Worker	2	5	32	1	40
Supervisor	0	0	3	2	5
Total	8	36	52	39	135

Figure 13-9: Dallas County Complaint Source and Subject

Figure 13-9 breaks down the complaints with the complainant and the subject of the complaint. For example, Figure 13-9 shows that voters had 31 complaints about poll workers at various polling locations during the 2020 election.

	Voter	Poll Worker	Supervisor	Location	Total
Procedures	0	23	18	30	71
Intimidation	0	2	0	0	2
Conduct	8	11	33	2	54
Fraud	0	0	0	2	2
Technology	0	0	1	5	6
Total	8	36	52	39	135

Figure 13-10: Dallas County Complaint Category and Subject

Figure 13-10 breaks down the complaints by the subject of complaint and complaint target. For example, there were 23 complaints regarding poll worker procedures. The righthand column shows the total number of complaints by subject.

Dallas did not provide the disposition for their complaints.

Complaints to Harris County

Harris County did not respond to requests for complaints from the 2020 General Election.

Complaints to Tarrant County

Tarrant County provided complaints from the 2022 Primary, but these were not subject to the 2020 General Election audit.