

2021-2022

Comprehensive Election Audit Report



Eastland County

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EXECUTIVE SUMMARY

Overview

In 2021, the Texas Legislature enacted [Senate Bill 1](#) (87th Leg., 2nd Called Special Session), which included a provision requiring the Office of the Secretary of State to conduct audits in four randomly selected counties. [Section 127.351](#) of the Texas Election Code provides that the Secretary of State shall conduct an audit of the elections held in the preceding two years after the most recent November uniform election occurring in an even-numbered year. On July 28, 2022, the Secretary of State conducted a drawing to determine which counties would be audited for the 2021-2022 election period. In this drawing, Eastland County, along with Cameron, Guadalupe and Harris counties, was selected as one of the counties to be audited in the 2021-2022 election cycle.

Comprehensive Findings

The audit of all elections conducted for the 2021-2022 election period revealed, as cited in this report, both election-specific concerns and broader patterns within the administration of elections in Eastland County. These findings identify areas in which the county is consistently meeting legal requirements and areas of needed improvement.

Notable Findings

Voter Registration & List Maintenance

Eastland County utilizes the statewide system as their primary voter registration system. Because of this, the Secretary of State has substantial insight into all county voter registration activities.

As of November 2022, the county reported 12,282 registered voters¹ eligible to vote in the November 8, 2022 General Election resulting in a registration rate of 87.9% of the voting age population. During the audit period, the county saw a 3.4% increase in voter registration.

Both state and federal law require counties to continuously update their voter registration lists to ensure that only eligible voters are registered to vote in the county in which they reside. Eastland County consistently performs list maintenance activities and retains all required voter registration records in accordance with state law. During the audit period, the county cancelled 519 voter registrations following a county review of voters who may have been deceased and 2 voter registrations were cancelled due to non-citizenship. There were no voter registration cancellations due to felony conviction. A total of 780 voter registrations were cancelled for duplicate registration records for voters who may have moved to other Texas counties. The

¹ <https://www.sos.state.tx.us/elections/historical/nov2022.shtml>

county cancelled 71 voter registrations following an effort to confirm residency in Eastland County.

Eastland County should continue processing voter registration applications and record updates in a timely manner. Likewise, the county should prioritize all list maintenance activities to ensure that only eligible voters are able to cast a vote in Eastland County.

Continuous Improvement & Reconciliation

After reviewing multiple elections, it is evident that Eastland County has made a considerable effort to improve their process and procedure with each election. Specifically, the evolution of their chain of custody forms demonstrates the county's effort to improve their tracking of election technology and supplies. This instills more confidence in the security of election systems, and the granularity of information also leads to a more streamlined process for reconciliation.

Areas for Improvement

Election Security & Contingency Planning

Eastland County does not have a Written Information Security Plan (WISP). Information technology services in Eastland County are provided by a third-party vendor. Though the contracted vendor representatives verbally explained the policies and procedures used to maintain, monitor, and secure the county technological infrastructure, the county does not have their own written documentation. The county should have their own Incident Response Plans and a Continuity of Operations Plan to ensure the county can consistently meet their statutory duties related to elections. Likewise, a written vendor risk management plan should be in place for all vendors providing services for the county election office and accessing sensitive and confidential voter registration and election data. Extensive training should be provided to all county personnel on security and contingency planning.

Many counties in Texas with limited resources for information technology and security services rely on third-party vendors for the oversight of these services. However, the ultimate responsibility of ensuring the security of elections falls on the county. Counties must implement effective policies and procedures that include the monitoring of these technology and security services and must have safeguards in place to ensure that services are being provided based on the contractual agreements and in compliance with all legal requirements.

Training of Election Workers

The county training program should include more detailed instructions and written documentation related to the responsibilities of a presiding judge, as the materials did not prepare election judges with adequate instruction. The county's current training lacks specificity in polling location procedures, the completion of required documentation, and a thorough understanding of the importance of these responsibilities. Training materials should, but do not,

include examples of properly completed forms, troubleshooting guidance on common equipment issues, and signature requirements which verify the essential two-person verification of chain of custody and reconciliation activities.

Retaining Election Records

While voted ballots, voting equipment, and electronic media are maintained in a secure storage area limited to only county election staff, the remaining precinct election records and election supplies were not stored in a secure area free from potential damage and destruction. Eastland County could not produce all required precinct election records upon request. This shortcoming varied from isolated documents in specific polling locations to entire categories of records from specific elections. The county must maintain all precinct election records in an organized manner and in compliance with state law.

Conclusion

While Eastland County has a comprehensive voter registration program and has made great strides in improving their physical security and documentation, these audit findings identify several key areas in need of improvement. Making necessary improvements in these areas will not only further safeguard their elections but will demonstrate to the voters of Eastland County that they can have confidence in their election process and outcomes.

COUNTY OVERVIEW

Eastland County

Eastland County, located in north central Texas, has a population of 17,725 residents.² The county encompasses a land area of 926.51 square miles and includes 7,083 households. The voting age population (VAP) of Eastland County, which includes all persons over 18 years of age, is 13,967 (78.2%).³

As of November 2022, the county reported 12,282 registered voters⁴ eligible to vote in the November 8, 2022 General Election, resulting in a registration rate of 87.9% of the voting age population. During the audit period, the county saw a 3.4% increase in voter registration.



Figure 1: Eastland County

Elections and voter registration in Eastland County are conducted by a county election administrator. The election office consists of two full time staff members and is located at the Eastland County Courthouse located in Eastland, Texas.

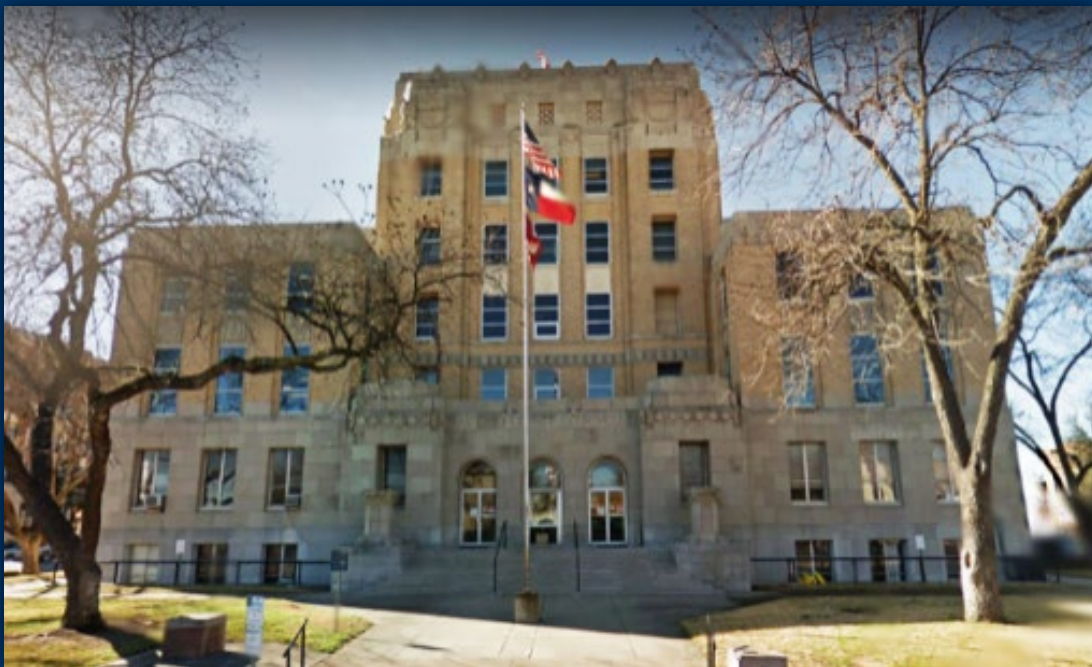


Figure 2: Eastland County Courthouse

² United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/eastlandcountytexas/POP010220#POP010220>.

³ United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/eastlandcountytexas/POP010220#POP010220>.

⁴ <https://www.sos.state.tx.us/elections/historical/nov2022.shtml>

Eastland County Elections

The Texas Election Code requires the Secretary of State to conduct an audit of the elections held in the preceding two years after the most recent November uniform election occurring in an even-numbered year.⁵ The following is a list of all elections conducted in Eastland County during 2021-2022.

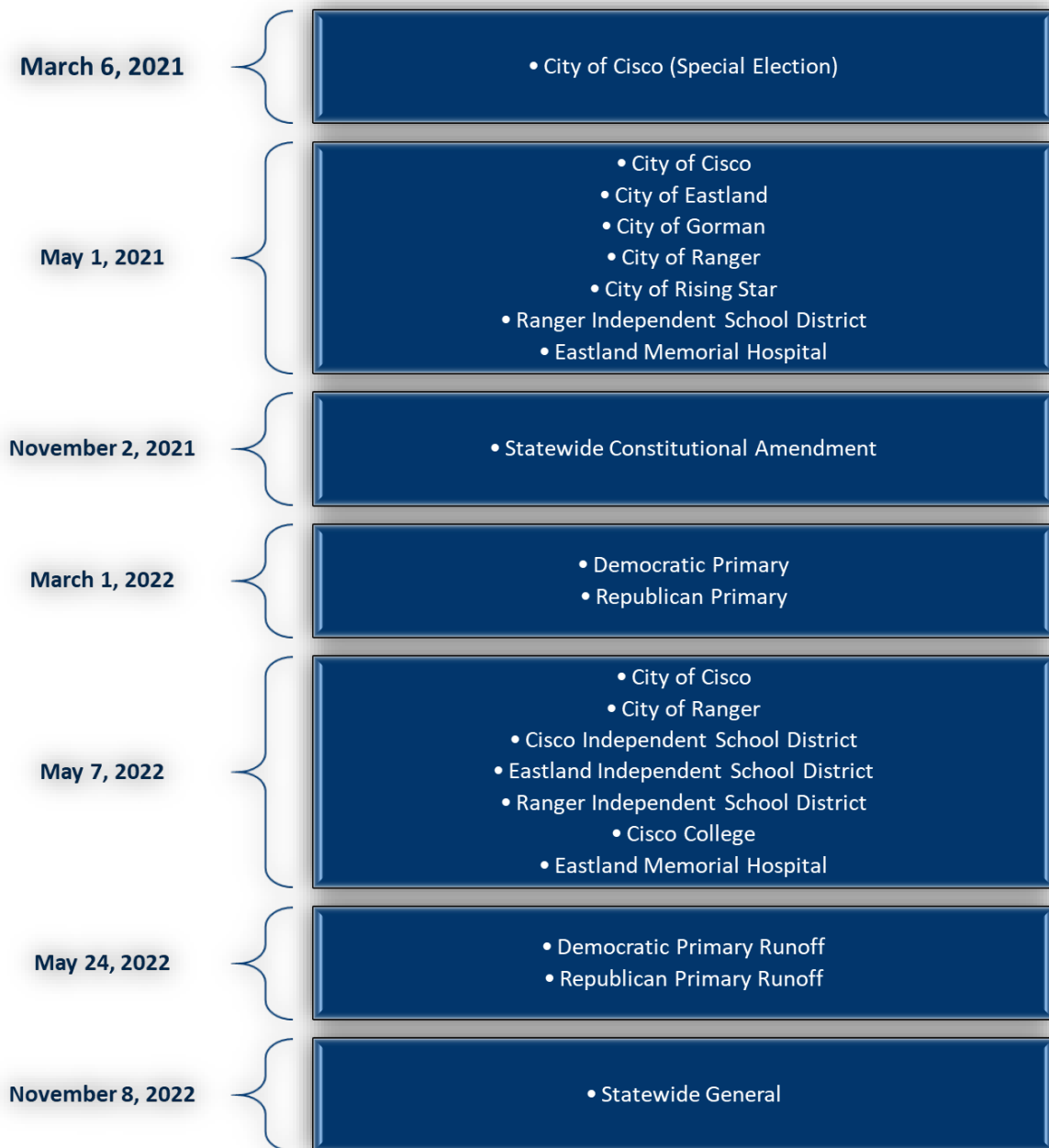


Figure 3: Eastland County Elections 2021-2022

⁵ Tex. Elec. Code § 127.351.

Primary Election Administration

In Eastland County, the March 1, 2022 Primary Election and the May 24, 2022 Primary Runoff Elections for the Republican and Democratic parties were conducted as joint elections. Contractual agreements, dated December 13, 2021, were in place to clearly identify the responsibilities of the county and the party chairs.

Election Systems

In 2016, Eastland County acquired Verity Voting 2.0 developed by Hart InterCivic, Inc. Verity Voting 2.0 was certified by the Secretary of State for use in Texas on December 16, 2016. In 2021, Eastland County converted to Verity Voting 2.5 which was certified for use in Texas on April 1, 2021. Verity Voting 2.5 was used for the first time during the November 8, 2022 General Election.

Voting Systems Used for Elections Prior to November 2022

Verity Touch DRE (2.0.3)	Verity Touch is a Direct Recording Electronic (DRE) device that allows a voter to cast his/her vote electronically via touch screen.
Verity Touch DRE with Access (2.0.3)	Verity Touch with Access is a Direct Recording Electronic (DRE) device that allows a voter to cast his/her vote electronically via touch screen, or via the Verity Access Audio Tactile interface.
Verity Build (2.0.2)	Verity Build allows users to proof data, view reports, create election definitions, print ballots, and create election media (vDrives).
Verity Central (2.0.2)	Verity Central is a high-speed, central digital ballot scanning system used for high volume processing of ballots.
Verity Count (2.0.2)	Verity Count is an application that tabulates election results and generates reports.
Verity Controller (2.0.2)	Verity Controller is a polling place device that is used to activate and accumulate results from a series of Verity Touch/ Verity Touch with Access DREs.

Figure 4: Election System in Use for Elections Prior to November 2022

Voting Systems Used for Elections After November 2022

Verity Touch Writer Duo (2.5.1)	Verity Touch Writer Duo is a ballot marking device that allows a voter to utilize the touchscreen or optional Audio Tactile Interface to generate a machine-readable and human readable printed vote record.
Verity Build (2.5.0)	Verity Build allows users to proof data, view reports, create election definitions, print ballots, and create election media (vDrives).
Verity Central (2.5.1)	Verity Central is a high-speed, central digital ballot scanning system used for high volume processing of ballots.
Verity Scanner (2.5.1)	Verity Scanner is a high-speed ballot scanning and tabulating system used for high volume processing of ballots.
Verity Count (2.5.0)	Verity Count is an application that tabulates election results and generates reports.
Verity Controller (2.5.1)	Verity Controller is a polling place device that is used to activate and accumulate results from a series of Verity Touch/ Verity Touch with Access DREs.

Figure 5: Election Hardware in Use for November 2022

It is the responsibility of the county election officers to ensure that all voting system equipment is certified by the Secretary of State⁶ and being used in a manner consistent with the terms of the certification and in accordance with state and federal law.

Electronic Pollbook

Eastland County contracts with KNOWiNK, LLC for use of the KNOWiNK Pollpad system. The KNOWiNK Pollpad version 2.4.9 was certified for use in Texas on January 23, 2020. The KNOWiNK Pollpad versions 2.5.2 and 3.0.0 were certified for use in Texas on May 31, 2022.



State Inspector Reports

The Secretary of State is required to appoint one or more state inspectors for an election upon a written request from 15 or more registered voters.⁷ Additionally, the Secretary of State has the discretion to appoint an election inspector to any election.⁸

State inspectors prepare an inspection report identifying any violation of law observed by the inspector to the Secretary of State following the election.⁹ During the audit period, the Secretary of State appointed one (1) state inspector to observe election day polling locations for the November 8, 2022 General Election in Eastland County.

The report produced by the state inspector cited a concern with accessibility at one polling location. Specifically, the report noted that the entrance into the polling location located at Carbon Community Center lacked a paved or slip-resistant pathway. The Eastland County election administrator was notified of the concern and provided a copy of the state inspector report

⁶ Tex. Elec. Code § 122.031.

⁷ Tex. Elec. Code § 34.001(b).

⁸ Tex. Elec. Code § 34.001(a).

⁹ Tex. Elec. Code § 34.002(c).

following the election. The election administrator acknowledged the concern and confirmed that the polling location is no longer in use by the county.



Figure 7: Carbon Community Center

While in Eastland County, the audit team visited several commonly used polling locations. From a visual inspection of the exterior of these locations, no immediate accessibility concerns were identified.



Figure 8: Ranger City Library



Figure 9: Lake Leon Church

Complaints

Any person who believes that a criminal violation of the Texas Election Code has occurred may file a complaint with the Secretary of State's office. In order to initiate the complaint process, a written and signed complaint must be filed with the Secretary of State.

The Secretary of State has no authority to order a new election, change an election result, or conduct a criminal investigation. However, the Secretary of State has the ability to refer election complaints to the Office of the Attorney General.¹⁰ If, after receiving a complaint alleging criminal conduct in connection with an election, the Secretary of State determines that there is reasonable cause to suspect that the alleged criminal conduct occurred, the Secretary of State shall promptly refer the complaint to the Attorney General.

The Secretary of State's Elections Division received one (1) complaint for Eastland County between 2021 and 2022. The complaint was specific to a candidacy eligibility issue and was unrelated to election process and procedure.

¹⁰ Tex. Elec. Code § 31.006.

VOTER REGISTRATION

Findings

- Eastland County uses the statewide election management system as the primary voter registration system for their official list of registered voters.
- Eastland County processes voter registration applications and registration updates in a timely manner and maintains all records in compliance with state law.
- Eastland County conducts list maintenance activities in a timely manner to ensure that the official list of registered voters includes only those that are eligible under Texas law.

Voter Registration

Eastland County utilizes the statewide system as their primary voter registration repository, meaning the county enters and manages all voter registration related information directly in the state system. The total number of registered voters by election is reflected below.

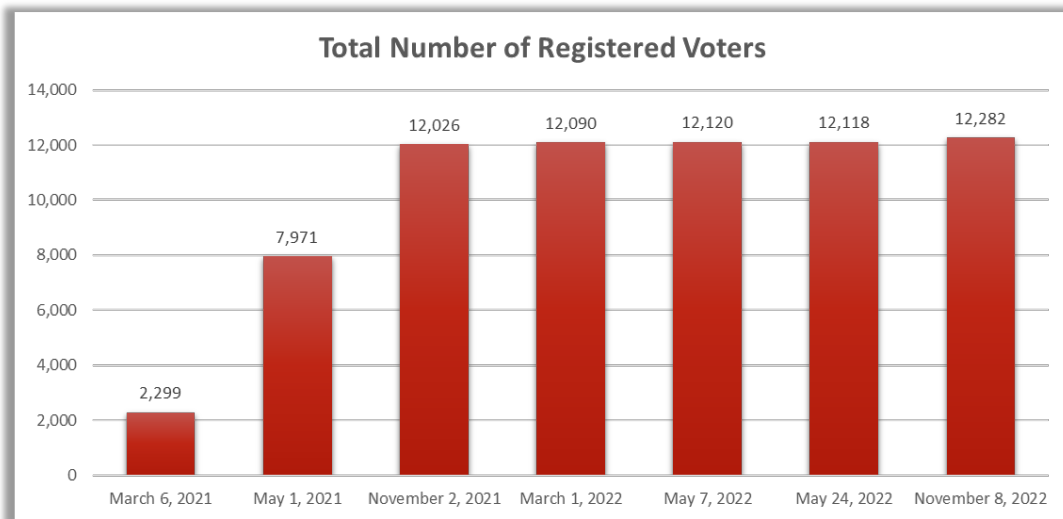


Figure 10: Eastland County Voter Registration by Election

The Eastland County election staff thoroughly explained their daily procedures with regard to the processing of incoming voter registration applications and list maintenance notifications. The procedures in place effectively meet the county's voter registration responsibilities. Further, the record management policies and storage of voter registration records were organized and in compliance with statutory requirements.

Accuracy of Voter Registration List

The Texas Election Code enumerates the importance of maintaining accurate voter registration lists through defining the acquisition of data from other specified agencies, outlining the procedures and processes required of the Secretary of State and county voter registrars, and identifying the criteria used to match this information with the statewide voter registration list.¹¹ The Secretary of State is required to send this information to county voter registrars for further review. It is the responsibility of the county voter registrar to review these records on the grounds of eligibility and/or to eliminate duplicative records to ensure the accuracy and integrity of the county voter registration list. Additionally, if the county voter registrar has reason to believe that a voter is no longer eligible for registration, the registrar may use any lawful means to investigate a voter’s continued eligibility to ensure an accurate list of registered voters.¹²

Ineligibility Due to Death

In 2021, 275 strong matched records¹³ were cancelled by the state in Eastland County and 244 strong matched records were cancelled by the state in 2022. An additional nine (9) weak matched records were provided to the county for further review in 2021 and ten (10) weak matched records were provided to the county for further review in 2022. All nine (9) records were cancelled either on confirmation of a deceased status or for a failure to respond to an examination letter in 2021 and all ten (10) records were cancelled in 2022.

Overall, a total of 263 voter registrations were cancelled by Eastland County in 2021 and 254 were cancelled in 2022 due to the notifications of potential deceased voters received from the statewide system and subsequent investigations.

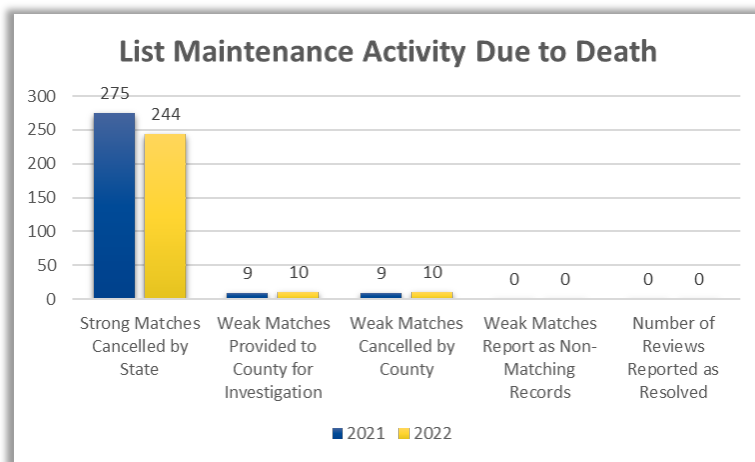


Figure 11: Cancellation of Voter Registration Due to Death

¹¹ Tex. Elec. Code §§ 18.068, 18.0681.

¹² Tex. Elec. Code § 16.033.

¹³ 1 Tex. Admin. Code § 81.6(a).

Ineligibility due to Felony Conviction

No potential felony notifications were provided to the county for further review during the audit period through the statewide system. Therefore, no cancellations for felony conviction¹⁴ were reported by the county.

Ineligibility due to Non-U.S. Citizenship

A total of five (5) potential non-U.S. citizen voters were identified and provided to the county for further review in 2021.¹⁵ Upon receipt, Eastland County investigated the records of all five (5) voters and requested proof of U.S. citizenship. Of those, two (2) voter registration records were cancelled for non-U.S. citizenship. The county reported the receipt of the required confirmation response and proof of citizenship for the remaining three registrations. No additional notifications were provided and no cancellations for non-U.S. citizenship were reported in 2022.

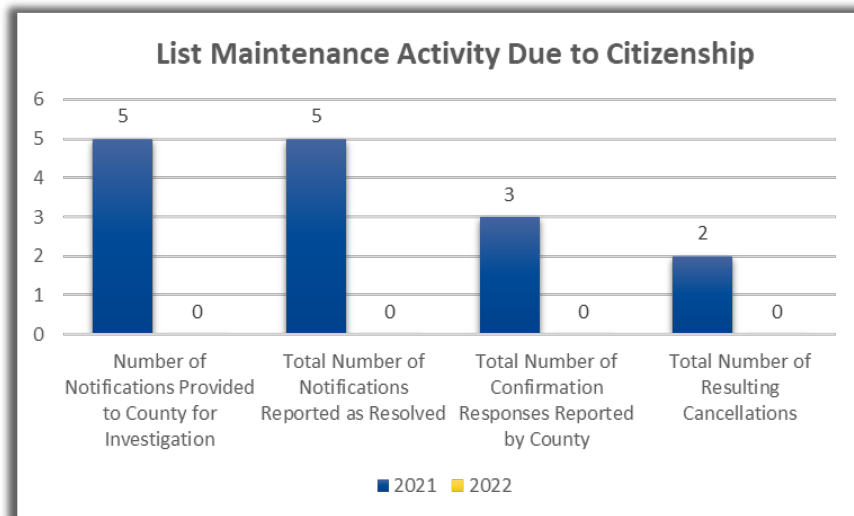


Figure 12: Cancellation of Voter Registration Due to Non-U.S. Citizenship

Duplicate Registration Records

In 2021, ten (10) duplicative records were identified and cancelled within the county and 363 duplicative records were identified and cancelled for voters having a more recent registration in another county.¹⁶ In 2022, twelve (12) duplicative records were cancelled within the county and 395 duplicative records were cancelled for voters having a more recent registration in another county. In total, 780 duplicate registrations were removed from the Eastland County voter registration list during the period of this audit.

¹⁴ Tex. Elec. Code § 16.003.

¹⁵ Tex. Elec. Code §§ 18.068, 16.0332; Tex. Gov't Code § 62.113.

¹⁶ Tex. Elec. Code §§ 15.022, 16.031(a)(1).

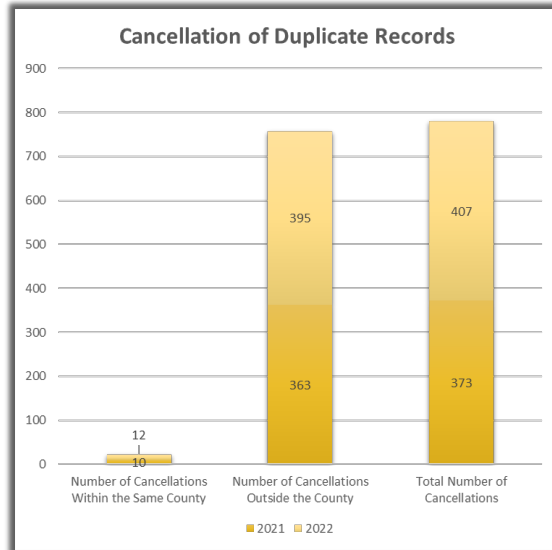


Figure 13: Cancellation of Duplicate Voter Registration Records

Residency

County voter registrars are tasked with ensuring voter eligibility based on current residency. If the registrar has reason to believe that a voter’s current residence is different from that indicated on the registration records, or that the voter’s residence address is a commercial post office box or similar location that does not correspond to a residence, the registrar shall deliver to the voter a written confirmation notice requesting confirmation of the voter’s current residence.¹⁷

A review of cancellation reports for Eastland County indicated that a total of thirty-five (35) confirmation responses were received by Eastland County in 2021 and thirty-six (36) confirmation responses were received by the county in 2022. In total, seventy-one (71) voter registrations were cancelled during the audit period based on confirmation responses indicating that the individuals no longer lived in Eastland County.

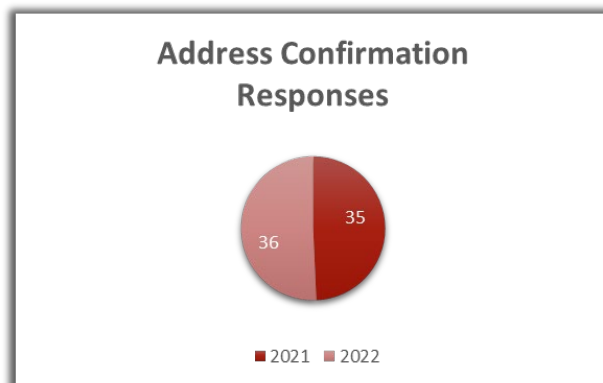


Figure 14: Cancellations Due to Receipt of Address Confirmation from Voter

¹⁷ Tex. Elec. Code § 15.051.

Volunteer Deputy Registrars

The Eastland County website publicizes all relevant information for those interested in becoming a volunteer deputy registrar.¹⁸ The detailed information includes links to an online training and resource guide hosted by the Secretary of State as well as detailed instructions on how to complete the application process for Eastland County.

Eastland County had two (2) volunteer deputy registrars during the audit period. The county tracks completion of volunteer deputy registrar training and notifies current volunteer deputy registrars of impending certification expiration dates. The election administrator confirmed that though they honor reciprocity for training of volunteer deputy registrars in another county, Eastland County does require the successful completion of an examination.



Figure 15: Eastland County Volunteer Deputy Registrar Program

¹⁸ Tex. Elec. Code § 13.031.

ELECTION SECURITY

Findings

- The county must develop a comprehensive Written Information Security Policy (WISP), including a properly documented Incident Response Plan and Continuity of Operations Plan, to clearly document and train all appropriate personnel on required procedures and security measures. Failure to have adequate plans in place and appropriately trained stakeholders could be problematic for the administration of elections in Eastland County.
- The county is strongly encouraged to develop a Vendor Risk Management Plan with all vendors, including the county third-party technology vendor, that stores, maintains, and processes sensitive voter registration and election data.
- Eastland County must implement effective policies and procedures that include the monitoring of contracted technology and security services and must have safeguards in place to ensure that services are being provided based on the contractual agreements and in compliance with all legal requirements.
- The county must maintain all precinct election records in an organized manner and in compliance with state law.
- Eastland County must ensure that all election records and materials are maintained in a secure area free from the potential damage or destruction of such records.
- The county has effectively implemented numerous measures, including the use of security cameras and controlled access to the county election office and all storage facilities, to ensure that all facilities are safe and secure.

Policies & Procedures

The Secretary of State is tasked with providing guidance and training on the classifications of election data and establishing best practices for identifying and reducing risk to the electronic use, storage, and transmission of election data and the security of election systems. County election officials are required to implement security measures to ensure that all devices with access to election data comply with the guidance adopted by the Secretary of State.¹⁹ This guidance includes, but is not limited to, the [Election Security Best Practices Guide](#)²⁰ and the Texas Election Security Toolkit which provide county election officials with documentation templates, effective procedures and industry proven best practices.

Eastland County contracts with Biz Protect to provide information technology services. The county has been working with this company, which provides support for multiple counties, for

¹⁹ Tex. Elec. Code § 279.003.

²⁰ 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>.

approximately eight (8) or nine (9) years. Representatives from the company and the county election administrator indicated that at one time written policies and procedures between the county and the contracted vendor had been in place. However, neither the county nor company personnel could recall where the written security plans were located or when they were last updated. No written security plans were in place such as:

- an Incident Response Plan;
- a Continuity of Operations Plan; or
- a Vendor Risk Management Plan.

Incident Response Plans and Continuity of Operations Plans are an essential part of contingency planning. Likewise, a vendor risk management plan should be in place with all vendors providing services for the county election office and accessing sensitive and confidential voter registration and election data.

Cybersecurity & Infrastructure

The county vendor representatives discussed, in detail, the practices and protocols in place to ensure data security, network monitoring, and threat prevention. The company indicated that they diligently follow all patching and infrastructure updating best practices and adhere to guidance provided by state and federal security advisories and notifications. However, no written documentation of these practices was in place.

Many counties in Texas with limited resources for information technology and security services rely on third-party vendors for the oversight of these services. However, the ultimate responsibility of ensuring the security of elections falls on the county. Counties must implement effective policies and procedures that include the monitoring of these technology and security services and must have safeguards in place to ensure that services are being provided based on the contractual agreements and in compliance with all legal requirements.

Physical Security

Physical security of voting systems, election equipment, election records, ballots and election workers are an essential part of securing elections and increasing voter confidence in the election process.

Access to General Offices

The Eastland County Courthouse and the Eastland County Elections Office have numerous measures in place to ensure the facilities are safe and secure. All visitors to the courthouse are required to pass through a security checkpoint that includes passage through a walkthrough metal detector. All personal items are examined utilizing an x-ray screening machine.

Video cameras are located throughout the interior of the courthouse and election office for additional security purposes. Supplemental storage areas, outside of the election office suite but

within the courthouse, are also monitored by the security cameras. Essentially, Eastland County has ensured that all areas of the courthouse and election facilities, excluding voting areas, are under constant security monitoring.

All doors within the elections office and supplemental storage areas were securely locked. Keys to access the election office are stored in the office suite and are only accessible by the two (2) full-time election staff members. The supplemental storage areas, shared with different departments, are locked and only accessed by those needing access from the various departments. All visitors are required to sign the county visitor log prior to entering the election offices.

Voting Equipment and Media

Voting system equipment must be secured when not in use, utilizing control keys or passwords.²¹ The use of an access control key or password must be witnessed by one or more authorized individuals and must be documented in an audit log dedicated for that purpose until the disposition of the equipment.

All voting equipment is stored in locked closets and in an organized manner. Storage media are stored in safes located in the election office suite and are monitored by security cameras at all times. Access to these areas is limited to only election personnel.



Figure 16: Storage Area with Cameras



Figure 17: Voting Equipment Storage



Figure 18: Locked Ballot Boxes

Eastland County elections staff maintain an inventory spreadsheet of all voting equipment. This information includes a listing of all voting equipment, respective serial numbers or asset tag numbers. During an election, the spreadsheet is updated to include seal numbers and location

²¹ Tex. Elec. Code § 129.053.

information. Seal logs are maintained and updated when the equipment is returned to the election office.

Elections Supplies

Election supplies are well organized and locked at all times. Proper labeling was observed on all items to identify the content of storage boxes and folders. Security cameras monitor all areas where election supplies are stored.

Eastland County has effective procedures for the determination of needed equipment and supplies. All polling locations were adequately supplied for early voting and on election day in all elections.



Figure 19: Storage Area with Cameras



Figure 20: Locked Ballot Boxes

Records Management

The election administrator indicated that all historical election records are maintained in compliance with legal retention requirements. All ballots and electronic media are maintained in the county election office vault throughout the retention period of twenty-two (22) months and only accessible by the election staff. Additional historical election records are kept in several supplemental storage areas with limited access by county personnel. Security cameras monitor access to all sensitive voter registration and election storage areas.

One supplemental storage area included the building's water heater. Water damage from previous issues was observed to some historical election records and storage bins. Though the damage appeared to be minimal, when questioned,

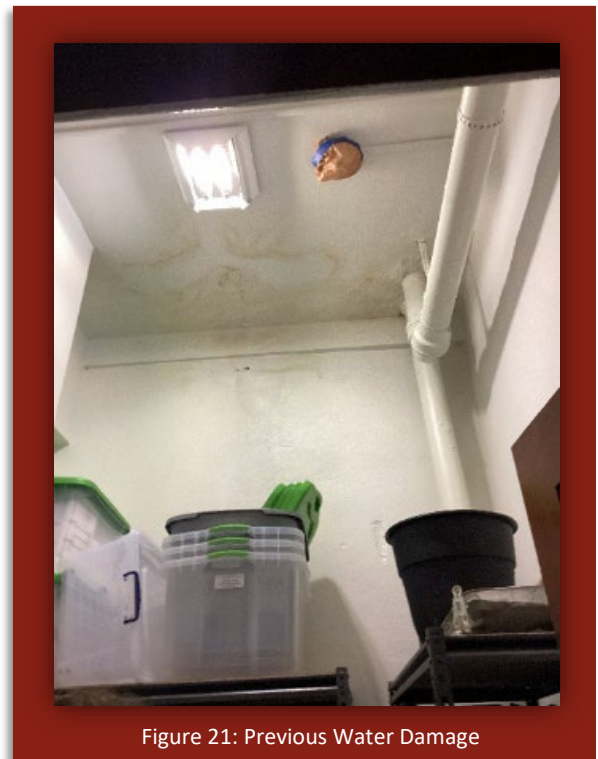


Figure 21: Previous Water Damage

the election administrator acknowledged concern for the possibility of future damage due to a lack of storage space for election records.

Eastland County could not produce some precinct election records upon request. The election administrator could not confirm whether the records were maintained or were simply unable to be located. Therefore, the audit team could not confirm that all required precinct election records are being maintained in compliance with state law.

Following the required retention period, record destruction is performed by the election office staff in the election office. The records are shredded and discarded.

Personnel

The general custodian of election records must ensure that a criminal background check is conducted for election officials, staff, and temporary workers who are engaged in pre-election programming, testing, and preparing of the voting system equipment.²²

The election administrator indicated that all permanent staff goes through a background check at the time of employment. Since no temporary staff members are engaged in the programming and preparation of voting system equipment, they are not subjected to these checks. Therefore, no criminal background checks have been conducted for any temporary workers. However, the election administrator indicated that, should the need arise to use additional workers, the county would be prepared to conduct the background checks as required.

²² Tex. Elec. Code § 129.051(g); Election Advisory No. 2019-23.

TRAINING ELECTION WORKERS

Findings

- Eastland County must post all public notices related specifically to the training of election workers according to state law.
- Eastland County must include more specificity related to the completion of chain of custody paperwork, polling place documentation, and equipment troubleshooting reference materials in the county training program and training materials.

Training

County election officials are required to provide one or more sessions of training specifically for election judges and clerks appointed to serve in elections ordered by the Governor or a county authority.²³ For election judges, the training must include procedures for opening and closing the polls, processing voters, and securing election equipment and voted ballots. Additionally, election workers that are assigned to the early voting ballot board and central counting station must have training specific to those requirements. For election clerks, the training must include procedures relating to the acceptance and handling of voter identification. The training is open to the public and the county is required to post a notice of the time and place of each session on the county's website.

Eastland County conducts training prior to each election. The training is conducted at the election office by the election administrator and lasts approximately 1.5 hours. The training consists of:

- Election law changes;
- Voter identification requirements;
- Processing voters through the ePollbook;
- Opening, closing, and sealing voting system equipment; and
- Completion of required paperwork.

The audit team confirmed the posting of the training notice for the November 2, 2021 Special Election. However, there was no record of posting of a training notice, as required, for other elections in the audit period. The election administrator indicated that the office contacts the workers to inform them of all required trainings.

²³ Tex. Elec. Code § 32.114.

Instructional Materials

All training materials provided by Eastland County were reviewed to identify county procedures and to ascertain if those procedures were legally compliant. The review included all training manuals, instructional presentations, and all supporting documentation. This review revealed that training materials were not consistent across all elections held during the audit period. The training materials provided were basic overviews of limited procedures. A training presentation was introduced for the first time for the November 8, 2022 General Election. Though improvement in the training material was noted, the training did not include comprehensive instructions of the election process for election judges and workers.

A detailed review of the training documentation provided indicated a lack of depth regarding county procedures and polling place responsibilities. Specifically, instructional materials did not include:

- thorough instructions on qualifying a voter who is not listed on the official list of registered voters;
- the proper identification used for qualifying a voter;
- directions for how to accept provisional voters; or
- instruction on how to appropriately cancel mail ballots.

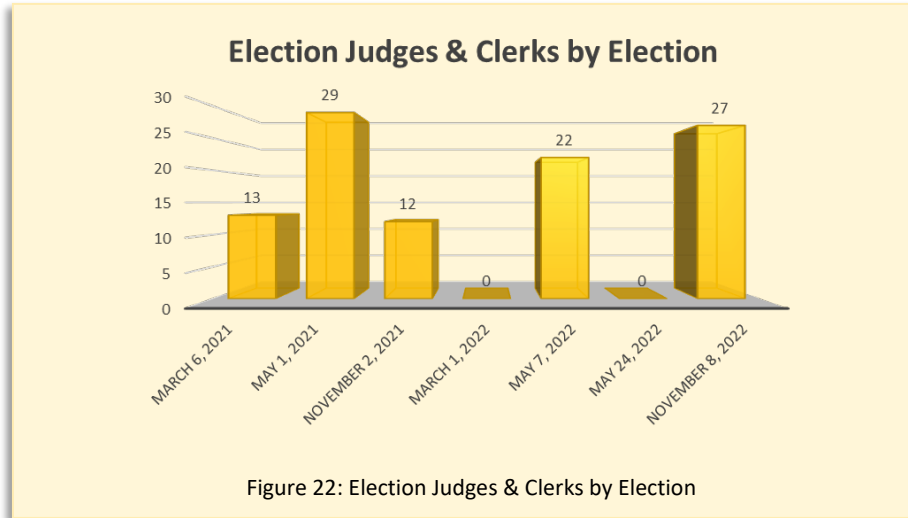
Procedures for provisional voting and the cancellation of ballots instructed election workers to call the election office for assistance.

The instructional material did not include directions on how to set up or tear down equipment and supplies in a polling location. There were no specific instructions related to chain of custody documentation or equipment troubleshooting issues. The training material did include a directive to complete all polling location forms but did not include samples or detailed instructions on how to complete the paperwork. The elections administrator indicated that she encourages all election workers to visit the Secretary of State (SOS) website to print out the training resources available as additional information.

Election Workers

In Eastland County, the election administrator compiles a list of potential election judges recommended by each political party. The election office contacts the listed individuals to confirm their willingness and availability to serve in this capacity. The list is presented to the commissioners court for selection and appointment as presiding and alternate judges every two (2) years.

All election judges and clerks must complete an Oath of Election Judges and Clerks.²⁴ Additionally, presiding judges, alternate judges, and early voting clerks must take Constitutional Oath of Office and Statement of Officer.²⁵ In Eastland County, the oaths are administered verbally during the county training. The official forms are then signed and dated. This paperwork is maintained by the county election office.



²⁴ Tex. Elec. Code § 62.003.

²⁵ Article XVI, Section 1, Texas Constitution; Tex. Elec. Code § 1.016.

CHAIN OF CUSTODY

Findings

- Eastland County must continue to review and improve all chain of custody documentation to ensure the inclusion of all needed information to accurately track the distribution, security, and return of all voting system equipment, election supplies, and voted ballots.
- Eastland County must confirm that all chain of custody and polling location forms are completed thoroughly and consistently to support the reconciliation of voting activity and are maintained with other election records in compliance with state law.
- Eastland County must ensure that all equipment distribution documentation includes specificity related to equipment type, date of distribution, serial numbers, and seal numbers.

Overview

Establishing a detailed and transparent chain of custody documentation trail for election systems and ballots is critical to the security and integrity of the entire election process. Election officials must develop a procedure for tracking the custody of election system equipment and electronic storage media from storage location, to programming, through the entire election process, and final return to storage.²⁶

The audit team conducted a thorough examination of the chain of custody documentation for all polling locations in each election conducted in Eastland County.

Number of Polling Locations

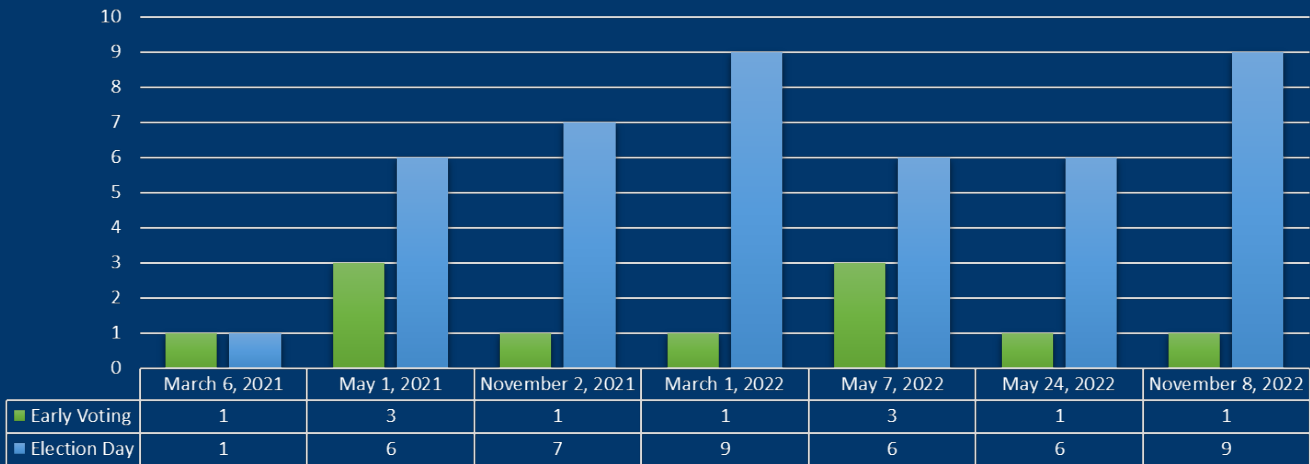


Figure 23: Number of Polling Locations by Election

²⁶ Tex. Elec. Code § 129.051.

Methodology

For the purpose of this analysis, election activities were grouped into six (6) categories. The chain of custody documentation provided by Eastland County was inspected to ensure compliance with the law as well as the implementation of best practices related to election security to protect the integrity of voting system equipment, ballots, and election results.

The six (6) categories include:

1. Pre-Election Testing;
2. Distribution of Equipment & Supplies;
3. Opening the Polls;
4. Securing the Polls;
5. Closing the Polls; and
6. Return of Equipment & Supplies.

1. Pre-Election Testing

A public test of logic and accuracy (L&A) must be conducted before all elections and must be completed no later than 48 hours before voting begins on the voting system.²⁷ This testing is intended to verify that votes cast for a given race, contest, or measure are tabulated to produce accurate results. This ensures that a selection made by a voter is counted as intended by that voter. During the public L&A test, the general custodian of election records is also required to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered.²⁸ This software validation process occurs through hash validation.²⁹

Election	1st Public and Logic and Accuracy Test
March 6, 2021	1/26/21 (2:00 PM)
May 1, 2021	3/15/21 (2:00 PM)
November 2, 2021	9/21/21 (2:00PM)
March 1, 2022	1/18/22 (2:00 PM)
May 7, 2022	3/22/22 (2:00 PM)
May 24, 2022	4/5/22 (2:00 PM)
November 8, 2022	9/20/22 (2:00 PM)

Figure 24: Logic & Accuracy Dates/Times

Eastland County conducted logic and accuracy testing prior to all elections administered during the audit period. Public notice was provided for all testing as required and the county completed all certification documentation. However, the certification documentation did not indicate what specific equipment was included in the representative sample required for the accuracy testing.

²⁷ Tex. Elec. Code § 129.023.

²⁸ Tex. Elec. Code § 129.023.

²⁹ Hash Validation Procedures for Logic and Accuracy Testing, Election Advisory No. 2022-30 (Sep. 19, 2022), <https://www.sos.state.tx.us/elections/laws/advisory2022-30.shtml>.

17-0000 Test Certificates, Automated Tabulating Equipment (BE)
 Prescribed by Secretary of State
 Section 127.001(2), 127.006, Texas Election Code
 ABW-2, ABW-25, ABW-27, 5307

**CERTIFICATION OF 1ST TEST OF
 AUTOMATED TABULATING EQUIPMENT**

I, Summer Olvera, the presiding judge of the central counting station do hereby certify that the test of the automated tabulating equipment to be used to count the ballots for the 2022 November 8th General Election (date of election)

Election to be held on 9-20-2022 (date of election) was conducted by a pre-audited group of ballots marked to record a predetermined number of valid votes for each candidate and on each measure. The test also included ballots which had votes cast in excess of the number allowed by law in certain races, in order to determine the ability of the automatic tabulating equipment to reject such votes and ballots with other improper votes.

The test was successful and was concluded at @ 3:12 p.m. on 9-20-2022 (date)

Summer Olvera
 Signature of Presiding Judge of
 Central Counting Station

**CERTIFICATION OF 2ND TEST OF
 AUTOMATED TABULATING EQUIPMENT**

I, Laurie Mangum, the presiding judge of the central counting station do hereby certify that the test of the automated tabulating equipment to be used to count the ballots for the 2022 November 8th General Election (date of election)

Election to be held on 11-8-2022 (date of election) was conducted by a pre-audited group of ballots marked or punched to record a predetermined number of valid votes for each candidate and on each measure. The test also included ballots which had votes cast in excess of the number allowed by law in certain races, in order to determine the ability of the automatic tabulating equipment to reject such votes and ballots with other improper votes.

The test was successful and was concluded at 6:52 pm on 11-8-2022 (date)

Laurie Mangum
 Signature of Presiding Judge of
 Central Counting Station

**CERTIFICATION OF 3RD TEST OF
 AUTOMATED TABULATING EQUIPMENT**

I, Laurie Mangum, the presiding judge of the central counting station do hereby certify that the test of the automated tabulating equipment to be used to count the ballots for the 2022 November 8th General Election (date of election)

Election to be held on 11-8-2022 (date of election) was conducted by a pre-audited group of ballots marked to record a predetermined number of valid votes for each candidate and on each measure. The test also included ballots which had votes cast in excess of the number allowed by law in certain races, in order to determine the ability of the automatic tabulating equipment to reject such votes and ballots with other improper votes.

The test was successful and was concluded at 11:58 pm on 11-8-2022 (date)

Laurie Mangum

Figure 25: Certification of Logic & Accuracy Testing November 8, 2022 Election

2. Distribution of Equipment & Supplies

The audit team reviewed the county equipment distribution and poll pad assignment logs that identify the equipment assigned to each polling location for all elections. The voting system equipment distribution identifies the date and time the equipment is picked up by the election judges or delivered to the polling locations. However, the voting system equipment assignment list maintained by Eastland County does not include detailed equipment types, serial numbers, or total items of equipment distributed. The distribution forms do not include a signature verification of who received the information or the exact date or time of when the equipment pick-up occurred. There is no clear tracking on what voting system equipment is going to what location and who is signing off to verify the transfer of equipment.

In contrast, the poll pad assignment log lists the poll pad cases assigned to each location and the seal for that case. However, the log does not indicate the total number of poll pads included in each case or the number assigned to each location. There is no tracking of the serial numbers for

the individual poll pads being used or verification of to whom and when the poll pads are distributed. Additionally, these forms were not used consistently across all elections conducted during the audit period.

Precincts	Training	Equipment Pickup	Confirmed
Early Voting	Training @ 10:00 a.m. Thursday 10-20-22	Equipment Setup Friday 10-21-22	✓
Pct 1	Training @ 1:00 p.m. Saturday 11-5-22	Pickup @ 4:00 p.m. Monday 11-7-22	✓
Pct 2	Training @ 9:00 a.m. Saturday 11-5-22	Pickup @ 8:00 a.m. Monday 11-7-22	✓
Pct 3	Training @ 9:00 a.m. Saturday 11-5-22	Pickup @ 9:00 a.m. Monday 11-7-22	✓
Pct 4	Training @ 9:00 a.m. Saturday 11-5-22	Pickup @ 10:00 a.m. Monday 11-7-22	✓
Pct 5	Training @ 9:00 a.m. Saturday 11-5-22	Pickup @ 11:00 a.m. Monday 11-7-22	✓
Pct 6	Training @ 1:00 p.m. Saturday 11-5-22	Pickup @ 12:00 p.m. Monday 11-7-22	✓
Pct 7	Training @ 1:00 p.m. Saturday 11-5-22	Pickup @ 1:00 p.m. Monday 11-7-22	✓
Pct 8	Training @ 1:00 p.m. Saturday 11-5-22	Pickup @ 2:00 p.m. Monday 11-7-22	✓
Pct 9	Training @ 1:00 p.m. Saturday 11-5-22	Pickup @ 3:00 p.m. Monday 11-7-22	✓

Figure 27: Equipment Pick-up Time & Date for the November 8, 2022 Election

Figure 26: Poll Pad Assignment & Seal Number Log for the November 8, 2022 Election

POLL PAD ASSIGNMENT & SEAL #		
PRECINCT	POLL PAD #	SEAL #
EARLY VOTING	11	
EASTLAND	1	#082405
OLDEN	10	#082420
RANGER	3	714724
DESDEMONA	4	#082404
GORMAN	5	#082401
CARBON	6	#082424
RISING STAR	7	317761
CISCO	8	317770
LAKE LEON	9	317763

3. Opening the Polls

Prior to opening a polling location for voting, the election workers must set up all equipment, supplies, and required signage in the polling location. After breaking the equipment seals and logging the seal numbers, the voting equipment must be prepared for voting. Proper assembly of equipment is essential to the operation of the voting system components.

Beginning with the November 8, 2022 General Election, the election administrator implemented a device preparation checklist to ensure necessary steps were followed during the set-up and preparation of all equipment. However, no similar instructional form was in place for previous elections administrated during the audit period.

DEVICE PREP CHECKLIST EV ED

Election: **2022 November 8th General Election**

Polling Place: **Eastland County Courthouse** Prep Date: **10-19-2022**

CONTROLLER Serial # **C 11600281911** 18467

Election # 17099

CHECK OFF	TASK #	TASK
<input checked="" type="checkbox"/>	1	Check Battery Level / Connect Battery
<input checked="" type="checkbox"/>	2	Unlock , Dock, Lock Tablet and Power on device
<input checked="" type="checkbox"/>	3	Insert vDrive vDrive #:
<input checked="" type="checkbox"/>	4	Use Verity Key and Assign Polling Location
<input checked="" type="checkbox"/>	5	CHECK DATE AND TIME
<input checked="" type="checkbox"/>	6	Print Two (2) Zero Reports: 1 for book, 1 to leave on Device (SIGN IT)
<input checked="" type="checkbox"/>	7	Power Off Device
<input checked="" type="checkbox"/>	8	When screen is black, Stow and Lock Tablet
<input checked="" type="checkbox"/>	9	Clean Screen
<input checked="" type="checkbox"/>	10	Connect port for Barcode Reader & SEAL INSIDE plate Seal #: 1558397
<input checked="" type="checkbox"/>	11	Label outside of case with polling place
<input checked="" type="checkbox"/>	12	Close lid and lock latches
<input checked="" type="checkbox"/>	13	Put RED SEAL around the handle Seal #: 0802494
<input type="checkbox"/>	14	Record all SEAL #'s on the SEAL LOG sheet

Comments: _____ Preparer's Initials: _____

DEVICE PREP CHECKLIST EV ED

Election: **2022 November 8th General Election**

Polling Place: **Eastland County Courthouse** Prep Date: **10-19-2022**

SCANNER Serial # **S 221788105** 18465

Election # 17099

CHECK OFF	TASK #	TASK
<input checked="" type="checkbox"/>	1	Check Battery Level / Connect Battery
<input checked="" type="checkbox"/>	2	Unlock , Dock, Lock Tablet and Power on device
<input checked="" type="checkbox"/>	3,	Insert vDrive vDrive #:
<input checked="" type="checkbox"/>	4	Use Verity Key and Assign Polling Location
<input checked="" type="checkbox"/>	5	CHECK DATE AND TIME
<input checked="" type="checkbox"/>	6	Print Two (2) Zero Reports: 1 for book, 1 to leave on Device (SIGN IT)
<input checked="" type="checkbox"/>	7	Power Off Device
<input checked="" type="checkbox"/>	8	When screen is black, Stow and Lock Tablet
<input checked="" type="checkbox"/>	9	Clean Screen
<input checked="" type="checkbox"/>	10	SEAL INSIDE plate Seal #: 1557918
<input checked="" type="checkbox"/>	11	Label outside of case with polling place TAG
<input checked="" type="checkbox"/>	12	Close lid and lock latches
<input checked="" type="checkbox"/>	13	Put RED SEAL around the handle Seal #: 0802498
<input type="checkbox"/>	14	Record all SEAL #'s on the SEAL LOG sheet

Comments: _____ Preparer's Initials: _____

Figure 28: Device Prep Checklists for Eastland County Courthouse (ED) for the November 8, 2022 Election

Once the equipment is set-up and prior to any ballots being cast, the presiding judge must print a report³⁰ from the Verity Controller and the Verity Scan to ensure that the counter is set to zero. This report, known as a “zero” report or tape, is printed on the first day of early voting and on election day. Zero tapes were inspected for all polling locations for all elections in the audit period with the exception of one polling location. Specifically, the county could not locate the zero tape for one election day location for the May 1, 2021 Uniform Election.

³⁰ Tex. Elec. Code § 61.002.

Election Header	
2022 November 8th General Election Election Date: 11/8/2022	2022 November 8th General Election Election Date: 11/8/2022
Eastland County Eastland County Courthouse Election Day Voting	Eastland County Eastland County Courthouse Election Day Voting
Verity Controller S/N: C1600281911 Version: 2.5.1	Verity Controller S/N: C1600281911 Version: 2.5.1
Ballot Counter: 0 Lifetime Counter: 2442	Ballot Counter: 0 Lifetime Counter: 2442
Zero Report	Open Polls Report
Date & Time Printed: 10/19/2022 1:46 PM	Date & Time Printed: 11/08/2022 7:00 AM
Access Code Summary Report	
Total Codes Issued: 0 Printed: 0 Open: 0 In Progress: 0 Expired: 0 Deactivated: 0 Spoiled: 0	Polls are open. Ready to accept ballots
All ZEROS	
Official Signatures	Official Signatures

Figure 29: Zero Report and Open Polls Report for the Controller for Eastland County Courthouse for November 8, 2022

Election Header	
2022 November 8th General Election Election Date: 11/8/2022	2022 November 8th General Election Election Date: 11/8/2022
Eastland County Eastland County Courthouse Election Day Voting	Eastland County Eastland County Courthouse Election Day Voting
Verity Scan S/N: S2217188105 Version: 2.5.2	Verity Scan S/N: S2217188105 Version: 2.5.2
Ballot Counter: 0 Lifetime Counter: 3	Ballot Counter: 0 Lifetime Counter: 3
Zero Report	Open Polls Report
Date & Time Printed: 10/19/2022 3:05 PM	Date & Time Printed: 11/08/2022 7:00 AM
Tally Summary Report By Contest	
Precincts/Splits Included: 9	Polls are open. Ready to accept ballots
Ballot Count	
Pcts/Splits Voted Total: 0 Total Ballots Cast: 0	
All ZEROS	
Official Signatures	Official Signatures

Figure 30: Zero Report and Open Polls Report for the Scanner for Eastland County Courthouse for November 8, 2022

4. Securing the Polls

Eastland County utilizes a serial log form for the Verity Duo, Verity Controller, Verity Touch and Touch Access. This form documents the verification of serial numbers on each day of early voting and on election day. The election worker must sign and validate the numbers on the serial log as part of the daily reconciliation process. Forms used before the November 8, 2022 General Election did not include a listing of the number checked at the start of the polling location opening or checked at the end of the polls closing. Though the serial logs required a signature, there was no time or date included on the form.

No forms or seal log documentation were produced by the county for the March 1, 2022 Primary Election.

For the November 8, 2022 General Election, the county implemented a new seal log form. The form includes the serial numbers for all voting machines, controllers, scanners, poll pads, provisional ballot bags, and ballot boxes. The form also includes instructions specifying that all seals were to be placed in the seal assignment envelopes.

PCT 1 EASTLAND

SEAL LOG - ELECTION DAY 2022 NOVEMBER 8TH GENERAL ELECTION POLLING LOCATION _____

SERIAL # FOR EACH DEVICE			POLL PAD SERIAL	PROVISIONAL BAG SEAL #'S	
CONTROLLER	SCANNER	POLL PAD ID #	PROVISIONAL BAG SEAL # AT PICKUP	PROVISIONAL BAG SEAL # ISSUED BY JUDGE	
1600281911	0817188105	001	0675758	0675757	
OUTSIDE RED SEAL # ON EACH DEVICE AT PICKUP					
0802494	0802498	0802405			
SEAL #'S PUT ON BALLOT BOX ONCE SETUP					
INSIDE DEVICE RED SEAL # - DO NOT REMOVE THESE SEALS			BALLOT BOX FRONT	BALLOT BOX BACK	BALLOT BOX TOP
1558397	1557918		1558341	1558367	1558272
RED SEALS ASSIGNED AT PICKUP TO RESEAL THE HANDLE EACH DEVICE AFTER POLLS CLOSE <i>see attached</i>					
0802442	0802421	0802446	0802460	0802453	0802437
0802448	0802423	0802407	0802464		
ELECTION MORNING					
1) Match RED seal #'s 2) Remove RED seals 3) Verify that the ballot box/bag is empty 4) Reseal ballot box & record seal # 5) Opening Judge print and sign.					
OPENING JUDGE			IS THE BALLOT BOX EMPTY?	YES	NO
Nancy M Hughes			IS THE BALLOT BAG EMPTY?	YES	NO
Nancy M Hughes			SEAL BALLOT BOX & RECORD SEAL # → 1558341		
COMMENTS:					

EASTLAND

SEAL LOG - ELECTION DAY PG 2 2022 NOVEMBER 8TH GENERAL ELECTION POLLING LOCATION _____

PUT ALL SEALS INTO THE SEAL ASSIGNMENT ENVELOPE

SERIAL # FOR EACH DEVICE										
DUO #1	DUO #2	DUO #3	DUO #4	DUO #5	DUO #6	DUO #7	DUO #8	DUO #9	DUO #2	DUO #9
1600297311	15200	14708	1600294411	1520149510	1600265301	1500197110	160025501	1600289111		
OUTSIDE RED SEAL # ON HANDLE OF EACH DEVICE										
0719799	0714738	0714740	071779	071791	0714737	0802490				
INSIDE DEVICE RED SEAL # - DO NOT REMOVE THESE SEALS										
1558239		1558390	1558313	1558314	1558353	1558350	1557911			
RED SEALS ASSIGNED AT PICKUP TO RESEAL THE HANDLE OF EACH DEVICE AFTER POLLS CLOSE										
0802460		0802469	0802437	0802442	0802446	0802467	0802421			
ELECTION NIGHT										
1) Put a new RED seal on the: Device Case Handle, Provisional Ballot Slot, & Grey Ballot Bag Zipper (from inside Ballot Box) 2) Record Seal #'s 3) Closing Judge print & sign										
CLOSING JUDGE										
Nancy M Hughes										
Nancy M Hughes										
Seal Grey Ballot bag & Record Seal # → 0802451										
COMMENTS:										
<i>Scanner 0802423</i>										

Figure 31: Seal Log for Eastland County Courthouse for November 8, 2022 Election

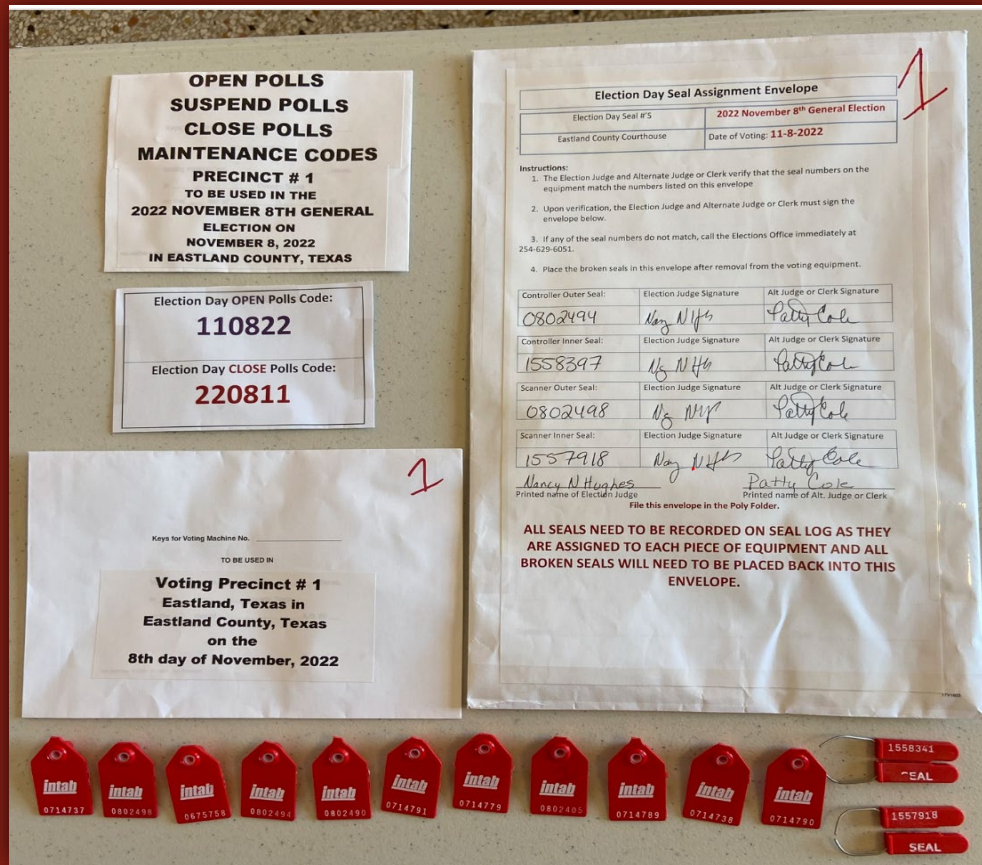


Figure 32: Election Day Seal Assignment Envelope for Eastland County Courthouse (ED) for the November 8, 2022 Election

5. Closing the Polling Location

Once voting has completed, there are multiple steps required to accurately and securely close a polling location. These steps include the printing of reports, securing the media for transport, and securing the remaining equipment and supplies.

At the close of voting on the last day of early voting and on election day, each location must print a closing report for all voting system equipment. All required reports were inspected for all locations with the exception of one location. Specifically, the audit team was unable to locate a Ballot Count Summary Report for the Cisco First Baptist Church (FBC)-Family Life Center on election day for the May 1, 2021 Uniform Election.

Election Header

2022 November 8th General Election
 Election Date: 11/8/2022

Eastland County
 Eastland County Courthouse
 Election Day Voting

Verity Controller
 S/N: C1600281911
 Version: 2.5.1

Ballot Counter: 608
 Lifetime Counter: 3050

Close Polls Report

Date & Time Printed:
 11/08/2022 7:46 PM

Polls are Closed

Ballot Count Summary Report

Qty Pcts/Splits Included: 9

Pcts/Splits Voted Total: 9
 Total PVRs Printed: 608

Figure 33: Verity Controller Ballot Count Summary Report for Eastland County Courthouse for November 8, 2022 Election

Election Header

2022 November 8th General Election
 Election Date: 11/8/2022

Eastland County
 Eastland County Courthouse
 Election Day Voting

Verity Controller
 S/N: C1600281911
 Version: 2.5.1

Ballot Counter: 608
 Lifetime Counter: 3050

Ballot Count Summary Report

Date & Time Printed:
 11/08/2022 7:47 PM

Qty Pcts/Splits Included: 9

Pcts/Splits Voted Total: 9
 Total PVRs Printed: 608

Report includes a total of 14 provisional ballot(s)

Figure 34: Verity Controller Access Code Summary/ Ballots Issued Report for Eastland County Courthouse for November 8, 2022 Election

Access Code Summary Report

Date & Time Printed:
 11/08/2022 7:50 PM

Total Codes Issued	609
Printed	608
Open	0
In Progress	0
Expired	0
Deactivated	0
Spoiled	1

Election Header

2022 November 8th General Election
 Election Date: 11/8/2022

Eastland County
 Eastland County Courthouse
 Election Day Voting

Verity Controller
 S/N: C1600281911
 Version: 2.5.1

Ballot Counter: 608
 Lifetime Counter: 3050

Ballots Issued Report

Date & Time Printed:
 11/08/2022 7:50 PM

Individual Ballots Issued

Total ballots issued: 608

Figure 35: Verity Controller Close Polls Report for Eastland County Courthouse for November 8, 2022 Election

Election Header

2022 November 8th General Election
 Election Date: 11/8/2022

Eastland County
 Eastland County Courthouse
 Election Day Voting

Verity Scan
 S/N: S2217188105
 Version: 2.5.2

Ballot Counter: 593
 Lifetime Counter: 596

Tally Summary Report By Contest

Date & Time Printed:
 11/08/2022 7:49 PM

Precincts/Splits Included: 9

Ballot Count

Pcts/Splits Voted Total: 9
 Total Ballots Cast: 593

Official Signatures



Figure 36: Verity Scan Tally Summary Report for Eastland County Courthouse for November 8, 2022 Election

6. Return of Voting Equipment and Supplies

At the conclusion of early voting and on election day, the election judge is responsible for returning the election media, or vDrive, from the respective polling location to Central Count. Eastland County documents this transfer with a Ballot and Seal Certificate that enumerates the number of cast ballots as indicated on the Controller. This form is signed by both the presiding judge and alternate judge. The vDrive Transfer Envelope documents the vDrive number, seal number and serial number of the vDrive for that polling location.

On election day, all equipment and ballots are returned to the Eastland County Courthouse. The election judges and the election administrator verify the seal log for the Verity Duo. Once verified, the election administrator validates the internal seal, breaks the seal, and removes the vDrives from both the controller and the scanner.

Finally, all polling location forms are returned in designated envelopes. These forms are essential in tracking the receipt of election equipment and supplies as well as the reconciliation of election results.

AW7-4
Prescribed by Secretary of State
Section 65.013, Texas Election Code
3/07

EASTLAND

Polling Location: _____

REGISTER OF OFFICIAL BALLOT PAPER AND BALLOTS

1. Number of ballot paper initially received 1000
2. Number of ballot paper replenished by Election Official _____

TOTAL NUMBER OF BALLOT PAPER RECEIVED (#1 + #2)	<u>1000</u>
---	-------------

3. Number of ballot paper RE-PRINTED 2
4. Number of SPOILED ballot paper 0
5. Number of ballots VOTED including Provisionals
(As shown by number of voters on Pollpad & Controller) 607
6. Number of unused ballot paper 385

TOTAL NUMBER (#3 + #4 + #5 + #6)	<u>994</u>
----------------------------------	------------

This should equal the total of #1 + #2 missing 4 Blanks

I the undersigned, Presiding Judge of the Election held on the 11 day of Nov, 2022 in the Eastland County, Texas, do hereby certify that the above and foregoing statement of Official ballot and Ballot paper of said Election is true and correct, and that all ballot paper and ballots returned were locked in the appropriate ballot box as required by law.

WITNESS MY HAND this the 8 day of Nov, 2022.

Presiding Judge

Alternate Judge

Note: RETURN THIS FORM IN MAIN RECONCILIATION ENVELOPE

Figure 37: Register of Official Ballot Paper and Ballots for Eastland County Courthouse for November 8, 2022 Election

Ballot & Seal Certificate – Scan and Controller

A copy of the Ballot & Seal Certificate accompanies the vDrive and the voting device from the warehouse to the polling place and then to the counting station.

1

Polling Place I.D.:	
Polling Place Name: <u>Eastland County Courthouse</u>	
Scan Serial Number: <u>2217188105</u>	
Controller Serial Number: <u>1100281911</u>	

Seal Information

The vDrive compartment of the voting device was secured with a numbered seal. The door seal number, and initials of the technician who placed the seal on the device are recorded on this form. A record of the seal numbers assigned to each location is kept by the Administrative Offices.

The seal number placed on the **Scan** prior to the election to detect unauthorized opening of vDrive compartment was:

vDrive Seal Number: <u>1557918</u>	Installer's Initials: <u>SO</u>
------------------------------------	---------------------------------

The seal number placed on the **Controller** prior to the election to detect unauthorized opening of vDrive compartment was:

vDrive Seal Number: <u>1558397</u>	Installer's Initials: <u>SO</u>
------------------------------------	---------------------------------

Ballot Information

We, the undersigned election officials, do hereby certify that the voting device was transferred to the counting station, or the vDrive was placed in the transfer envelope to be transferred to the counting station, and the above is a true and correct list of the seals used. The number of ballots cast on the **Scan**, read from the Scan tape and/or ballot count, was as follows:

Number of Ballots Cast (SCAN): <u>593</u>

The number of ballots cast on the **Controller**, read from the Controller tape and/or ballot count, was as follows:

Number of Ballots Cast (CONTROLLER): <u>608</u>

The number of Access Codes issued on the **Controller**, read from the tape attached to the device, was as follows:

Issued: <u>609</u>	Voted: <u>608</u>
Deactivated: <u>0</u>	Expired: <u>0</u>
Spoiled: <u>1</u>	

On completing this certificate, the presiding official shall place the original in the envelope/container used to store the vDrives. The presiding official shall retain a copy of the certificate and preserve it for the mandated period for preserving the precinct election records.

Signature of Presiding Official

Signature of Alternate Official

Verity Ballot & Seal Certificate – Scan and Controller 179008

Figure 38: Ballot & Seal Certificate Eastland County Courthouse for November 8, 2022 Election

ELECTION DAY – Provisional Ballot Bag Seal Log

1

Date of Election:	November 8, 2022	Polling Location:	Eastland
Seal # at Pickup:	0675758	Seal # at Delivery:	0675758
Staff's Signature:	Summer Olvera		

Open: 1. Judge signs that the seal on the Red Provisional Ballot Bag matches the recorded # above.

Close: 1. Fill out Election Night data below
2. Affix a new seal for closing and record # below & Sign

Date	OPEN		CLOSE	
	Judge Sign	New Seal #	Judge Sign	
Tuesday November 8, 2022	<i>[Signature]</i>	067589	<i>[Signature]</i>	

ELECTION NIGHT

I, the Election Judge for this Election in Eastland County, Texas, do hereby certify that the above statement of ballots is true and correct, and that all ballots were returned in a sealed case or cases.

DATE	NAME	PRINT	SIGN
11-8-22	Nancy N. Hughes		<i>[Signature]</i>

OFFICE USE ONLY	Seals Match	Comments:	Elec Staff Initials
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		80

Please complete, sign, and put into Main Envelope.

Figure 39: Provisional Ballot Bag Seal Log for Eastland County Courthouse for November 8, 2022 Election

MAIN RECONCILIATION LOG ENVELOPE

Election Day (Scan & Controller)

Fill out form below. (See Example Tape for Details)

Election: 2022 November 8th Election Polling Place: Pct 1 - Eastland

OPEN POLLS		CLOSE POLLS	
1. CONTROLLER	Start of Day Ballot Count	0	0
2. SCAN	Start of Day Ballot Count	0	0
CLOSE POLLS			
CONTROLLER - From Ballot Count Summary Report Tape			
3. End of Day Ballot Count	609	608	
4. Total of PROVISIONAL Ballots Issued	14	14	
SCANNER - From Ballot Count Summary Report Tape			
5. End of Day Ballot Count	593	593	
CHECK-INS - From the IPAD TABLET at Check-in Station			
6. Number of Voters Checked In		593	
CONTROLLER - From Access Code Summary Report Tape			
7. Access Codes Issued	609	Access Codes Deactivated	0
Access Codes Printed	608	Access Codes Spoiled	1
Access Codes Expired	0		
PAPER SPOILED BALLOTS - From Spoiled Ballot Log			
8. Paper Ballots Spoiled	8	Paper Replacement Ballots Issued	2

Lines 3-4 should match line 5. If they do not, please explain below in Comments.

Comments:

Judge Signature: *[Signature]* Date: 11-8-22

REMINDER: Judge MUST sign the OPEN and CLOSE POLLS Report Tape

Figure 40: Main Reconciliation Log Envelope for Eastland County Courthouse for November 8, 2022 Election

A-98-24
Prescribed by Secretary of State
Section 127.006, Texas Election Code
3/07

Type of Election	Date of Election
General	November 8, 2022
Authority Conducting Elections	
Eastland County	

RECEIPT FOR TRANSFER CASE

I, the undersigned presiding judge of the central counting station, do hereby acknowledge receipt of the transfer case for precinct 1

The transfer case was delivered by Partly Cole and Nancy Hughes, two authorized election officers of that precinct and the seal of the transfer case was unbroken/broken (circle one) at the time of delivery.

[Signature]
Signature of Presiding Judge or designated representative

Figure 41: Receipt for Transfer Case for Eastland County Courthouse for November 8, 2022 Election

vDrive & Tape Reports Transfer Envelope

Early Voting Election Night

Date: 11-8-22 Election: 2022 Nov 8th General

Polling Place: Pct 1 - Eastland

SCAN TAPE REPORT:

• Ballot Count: 593

COMMENTS:

OFFICE USE - VDRIVE from SCAN:

• Ballot Count: _____

Check here if vDrive(s) has been counted

Provisionals
yes no
Ballot + Seal
yes no

Figure 42: vDrive Transfer Envelope for Eastland County Courthouse for November 8, 2022 Election

In Eastland County, the vDrives for the scanner are read into the tabulating system. All media returned for all elections matched the vDrive identification numbers as listed on the vDrive Tracking Log. Once the vDrives are tabulated, the final Audit Log Report is generated to confirm that the election results are accurate and complete.

Audit Log Report		Eastland County		2022 May 24th Joint Primary Runoff Election		5/24/2022		Page 15 of 29		Unofficial results	
Run Time	12:10 PM									Registered Voters	
Run Date	05/31/2022									1036 of 12118 = 8.55 %	
										Polling Places Reporting	
										7 of 7 = 100.00 %	
Component: VerityCount 2.0.2						ElectionId: 24946					
Row	Log Date & Time	Device ID	User	Tags	Event	Event Data					
234	5/24/2022 8:12:07 PM	D1500178209	laurie	DataExchange, Info	vDrive saved	vDrive saved with values: Polling Place- '7-Rising Star Fire Station', Ballot count = 70, Log entries count = 1111, Time read- 5/24/2022 8:12:06 PM, State- Read, Election Id- 24946, vDrive ID- 15, State reason- "", Media type- Official					

Figure 43: Hart Audit Log Report for Eastland County Courthouse for the November 8th 2022 Election

In previous elections, there was an inconsistent use of forms. Some forms lack detailed information to accurately track voting system equipment and supplies and the security of the equipment while at the polling locations. However, due to modifications made for the November 8, 2022, as indicated in this section, the county has made significant improvements in standardizing the information that is tracked across forms.

VOTING BY MAIL

Findings

- Eastland County must continue to accurately report the current status of all mail ballots from receipt of an application through the final determination of a mail ballot in the statewide system.
- Eastland County must meet all public notice requirements related to the convening of the early voting ballot board and the delivery of balloting materials to the board.
- Eastland County must confirm that ballot transmittal forms are thoroughly completed by the early voting ballot board with required signatures prior to the delivery of balloting materials to the central counting station.

Applications for Ballot by Mail

Eastland County uses the statewide voter registration system to process all requests for applications for ballot by mail. According to data submitted, a total of 1,276 applications for ballot by mail were received in Eastland County for the elections in this audit cycle.

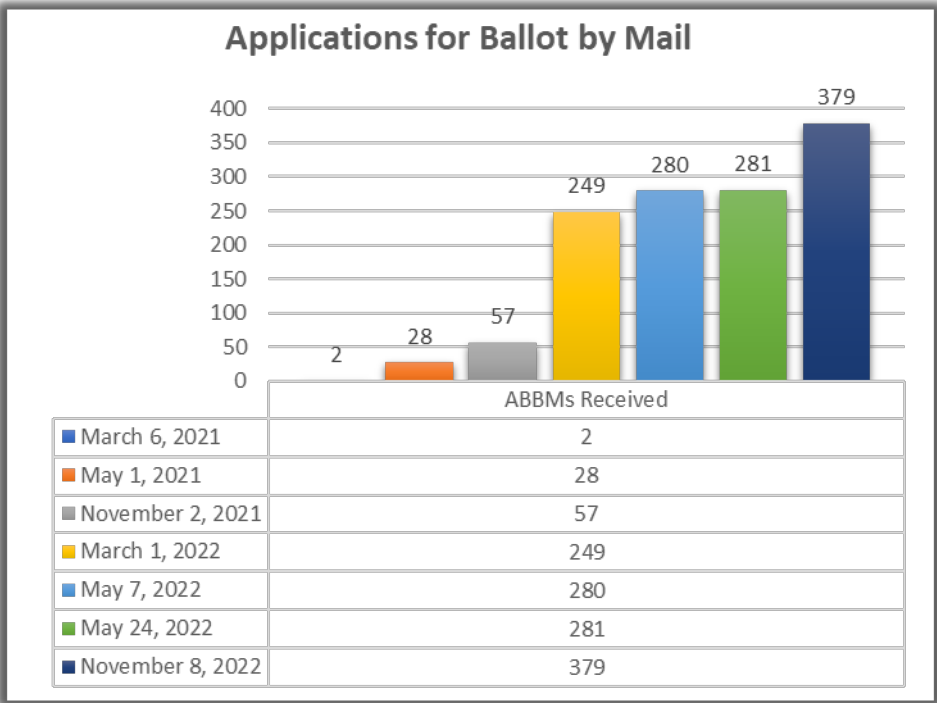


Figure 44: Applications for Ballot by Mail by Election

Applications Accepted/Rejected

Of the 1,276 applications for ballot by mail received, 1,259 applications were accepted after review by the county. 15 applications for ballot by mail were rejected. Based on the reasons listed for rejection, these applications would not have been subject to the corrective action process. Likewise, no corrective action activity was reflected for these rejected applications through the online Ballot by Mail Tracker.

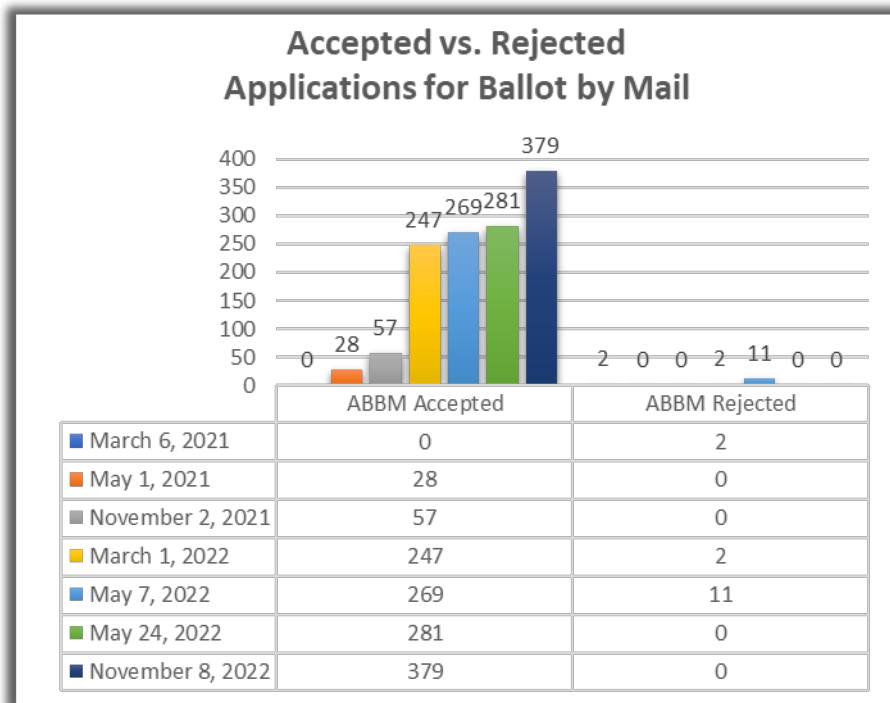


Figure 45: Accepted vs. Rejected Applications for Ballot by Mail by Election

Reasons for Voting by Mail

The audit team reviewed the reasons associated with the requests to vote by mail. The applications revealed that the largest reason for voting by mail is on the basis of age.

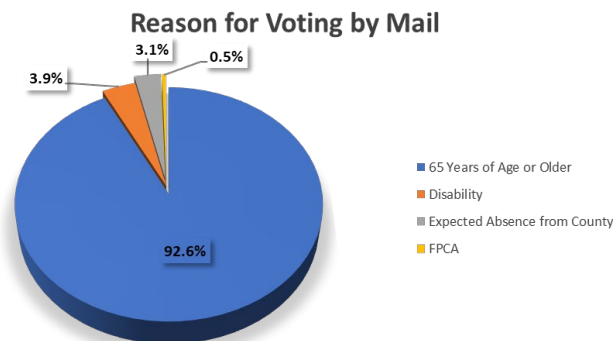


Figure 46: Reason for Voting by Mail for All Elections

Ballots by Mail

Eastland County mailed 1,259 ballots for all elections in this audit cycle.

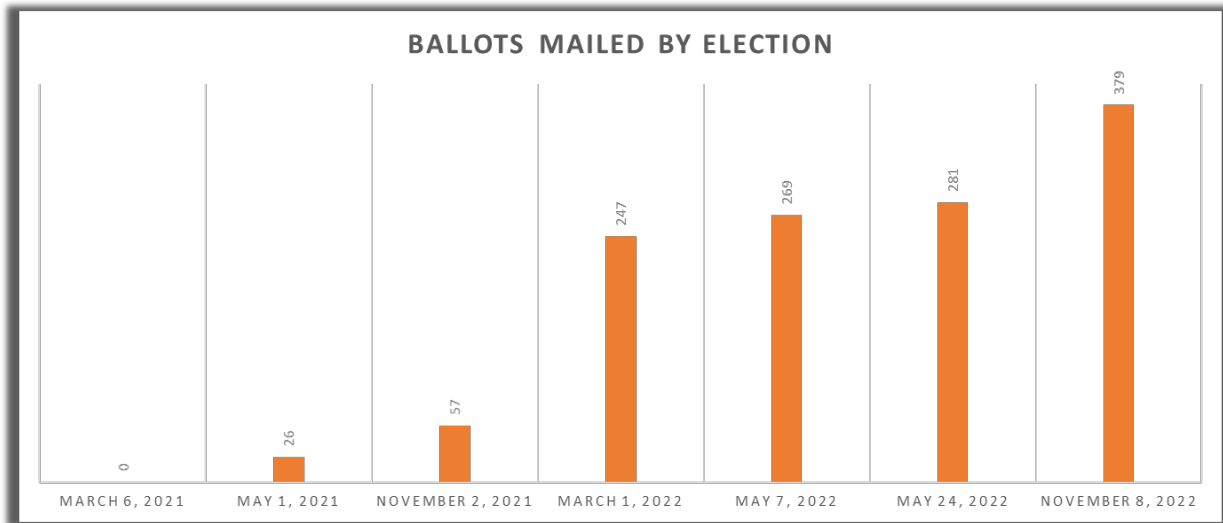


Figure 47: Ballots Mailed by Election

Ballots Received

Of the 1,259 ballots mailed to voters, 1,192 of those ballots were returned by voters resulting in a return rate of 95%.

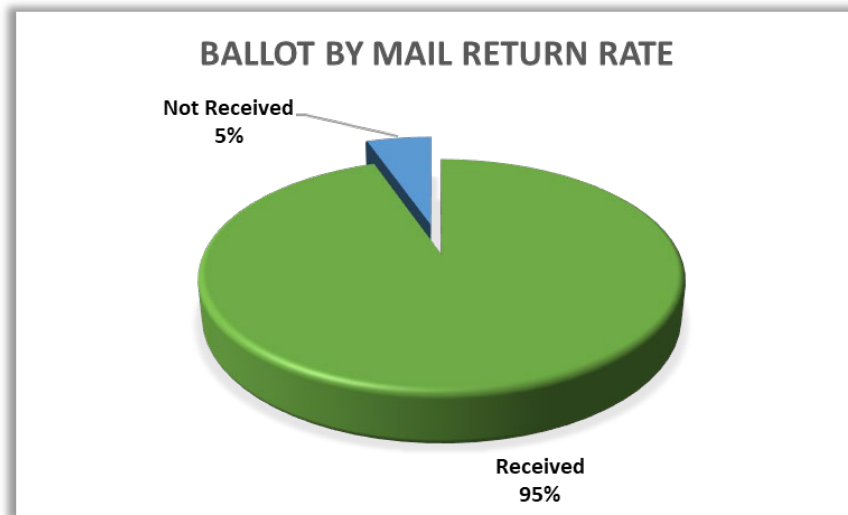


Figure 48: Ballot by Mail Return Percentage for All Elections

Returned Undeliverable Mail Ballots

Though voters complete the application for ballot by mail process and counties mail the balloting material, some mail ballots are returned by the U.S. Postal Service to the early voting clerk as

undeliverable. The statewide report for Eastland County does not indicate any ballots marked as undeliverable for elections included in this audit.

Surrendered and Cancelled Mail Ballots

A voter may cancel their application for a ballot to be voted by mail by submitting a written request to the early voting clerk to cancel their mail ballot application or may surrender the ballot that the voter received by mail, complete a cancellation request, and vote a regular ballot in person at a polling location.³¹ Eastland County had a total number of 18 mail ballot cancellations during the audit period.

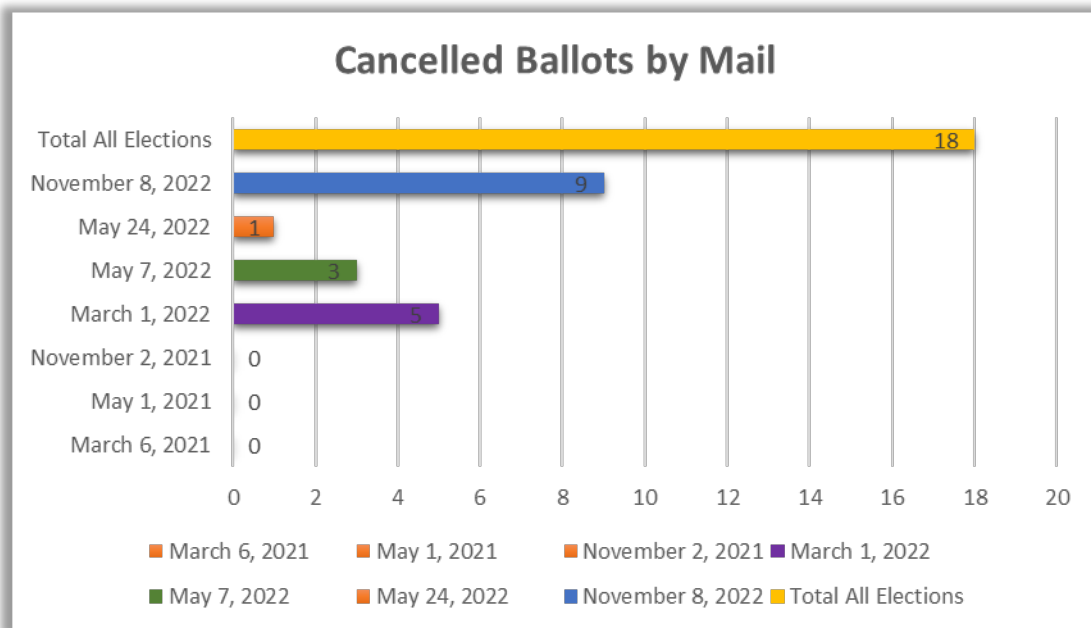


Figure 49: Cancelled Ballots for all Elections in Audit Cycle.

Early Voting Ballot Board (EVBB)

Eastland County does not appoint a Signature Verification Committee.³² The early voting ballot board (EVBB) conducts the required signature verification process for all mail ballots. Additionally, after the election administrator prepares all of the necessary voter information and delivers the provisional ballots to the board, the EVBB makes the final determination of all provisional ballots.

Prior to convening the early voting ballot board, a county must post a public notice of the date and time of the meeting. Additionally, the early voting clerk must post notice³³ at the main early voting location of each delivery of balloting materials. Eastland County could not produce any

³¹ Tex. Elec. Code § 84.032.

³² Tex. Elec. Code § 87.027(i).

³³ Tex. Elec. Code § 87.0222(b).

notices related to the meeting of the EVBB or posted notice of the transfer of ballot materials to the board.

The election administrator confirmed that during the audit period the county did not consistently utilize a transfer form of balloting materials to the EVBB. The only transfer form provided was for the November 8, 2022 General Election. However, the audit team did review several new forms recently redeveloped by Eastland County that address the identified issues. These forms have been put in use for elections conducted since the audit period.


AW6-6
Prescribed by Secretary of State
Sections 87.0222, Texas Election Code
3/07

**NOTICE OF DELIVERY OF
BALLOTS VOTED BY MAIL**
AVISO DE ENTREGA DE BOLETAS VOTADAS POR CORREO

NOTICE IS HEREBY GIVEN THAT THE BALLOTS VOTED BY MAIL, TOGETHER WITH OTHER ELECTION RECORDS, WILL BE DELIVERED TO THE PRESIDING JUDGE OF THE EARLY VOTING BALLOT BOARD AT CARIOUS INTERVALS STATED BELOW FOR THE PURPOSE OF QUALIFYING THE BALLOTS VOTED BY MAIL.

POR LA PRESENTE SE NOTIFICA QUE LAS BOLETAS VOTADAS POR CORREO, JUNTO CON OTROS REGISTROS ELECTORALES, SE ENTREGARÁN AL JUEZ PRESIDENTE DE LA JUNTA DE VOTACIÓN ANTICIPADA A INTERVALOS DIFERENTES QUE SE INDICAN A CONTINUACIÓN CON EL PROPÓSITO DE CALIFICAR LAS BOLETAS VOTADAS POR CORREO.

Time: <i>Hora</i>	Date: <i>Fecha</i>
9:00 a.m.	Tuesday, November 8, 2022



Early Voting Clerk
Secretario(a) de la Votación Adelantada

11-07-2022
Date
Fecha

Figure 50: Notice of Delivery of Mail Ballots for the November 8, 2022 Election

Opportunity to Correct Certain Defects

If the early voting ballot board reviews a carrier envelope that does not comply with the applicable requirements, the board must send the voter a notice of the defect and a corrective action form.³⁴ For certain defects, the board must permit the voter to correct this information using the Ballot by Mail Tracker developed by the Secretary of State.³⁵

The form is titled 'CORRECTIVE ACTION FORM FOR DEFECTIVE CARRIER ENVELOPE' and is issued by the Authority Conducting the Election (EASTLAND COUNTY). It is for the 2022 MAY 24TH JOINT PRIMARY RUNOFF election. The voter's name is SUMMER OLVERA. The form includes sections for:

- Defect identification (1-4), with item 4 circled: 'Missing or incorrect Personal Identification Numbers or Social Security Number'.
- Witness signature and address.
- Voter signature and date.
- Statement of Residence (CONSTANCIA DE DOMICILIO PERMANENTE).
- Personal information including birth date, phone number, and Texas Driver's License/Personal Identification Card number.
- A 'RECEIVED' stamp from the JOINT ELECTIONS OFFICE dated MAY 19 2022.

Figure 51: Corrective Action Form for Eastland County

Corrective Action Process

Based on a review of documentation and data for Eastland County, two (2) ballots were rejected by the ballot board for mismatched signatures. One ballot was rejected for the May 1, 2021 Uniform Election and one ballot was rejected for November 8, 2022 General Election. Both voters were notified by letter of the rejection of their ballots by mail. No ballots were corrected through the corrective action process.

³⁴ Tex. Elec. Code § 87.0411.

³⁵ Tex. Elec. Code § 86.015.

Accepted Ballots by Mail

Following the review by the EVBB and the corrective action process deadline, the Eastland County data indicates that 1,107 mail ballots were accepted for all elections in the audit cycle.

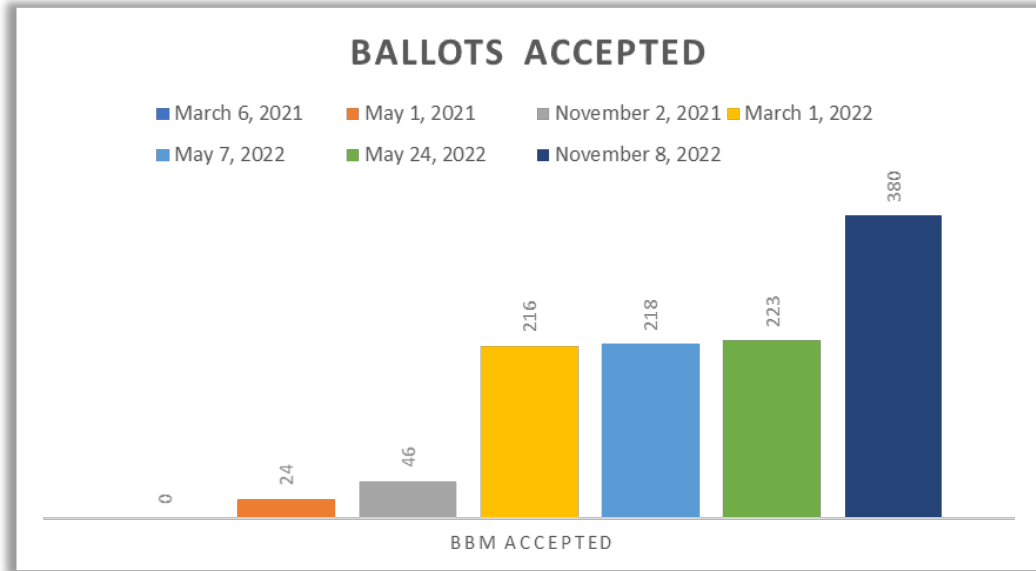


Figure 52: Total Ballots by Mail Accepted for all Elections

Rejected Ballots by Mail

Additionally, the Eastland County data indicates that two (2) mail ballots were rejected after review for all elections in this audit cycle.

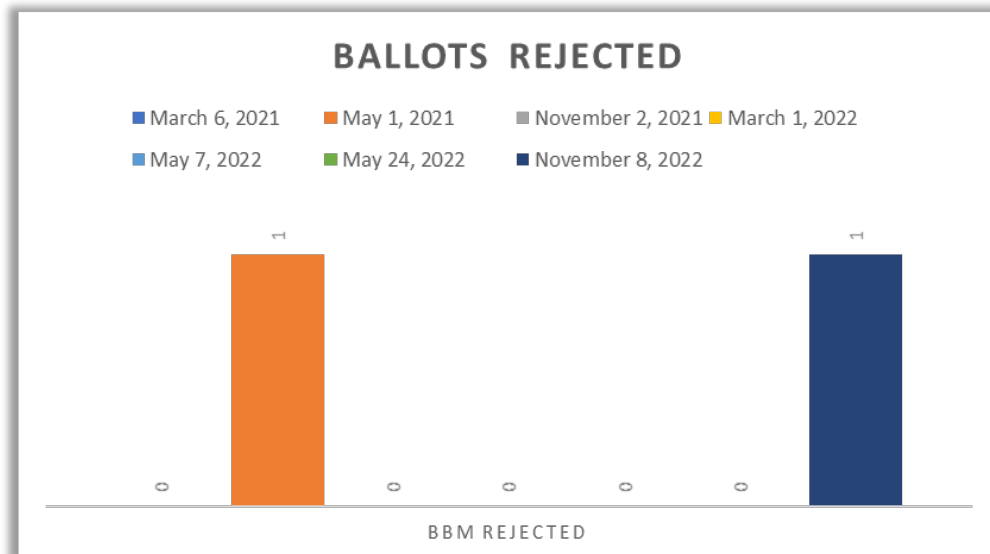


Figure 53: Total Ballots by Mail Rejected for all Elections in this Audit Cycle

Delivery of Mail Ballots to Central Counting Station

The early voting ballot board must deliver the accepted mail ballots to the central counting station to be counted by automatic tabulating equipment.³⁶ The early voting ballot board must complete a mail ballot transmittal form showing the number of accepted mail ballots that were transferred to the Central Counting Station for counting.

Eastland County did not provide any notices or documentation of the delivery or transmittal of mail ballots to the Central Counting Station.

³⁶ Tex. Elec. Code § 87.101.

VOTING IN PERSON

Findings

- Eastland County must ensure that polling location procedures are clearly defined and that effective training is provided to all workers on the completion of all polling location forms by voters, assistants, and election workers and that the procedures are implemented consistently.
- Eastland County must review procedures related to the return of materials from polling locations, including the inspection of envelopes, to ensure that all ballots are scanned and accounted for on election night.

Overview

Voting in person was the most common method of voting utilized in Eastland County for the elections conducted during the audit review. Based on the official reconciliation reports, of 13,900 voters, 5,155 (37%) appeared to vote in person during the early voting period while 7,638 (55%) appeared to vote in person on election day. Overall, 92% of the voters voting in the elections appeared in person to cast a ballot while 8% of voters chose to vote by mail.

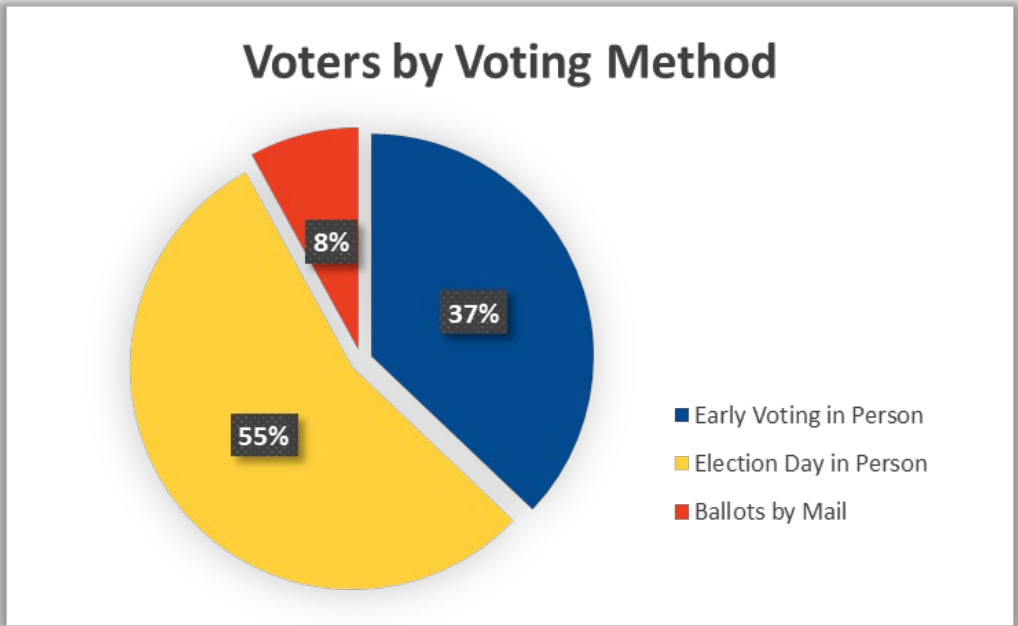


Figure 54: Voters by Voting Method

Polling Locations

Since 2013, Eastland County has participated in the countywide polling place program that allows voters to vote at any election day polling location that is open in the county. The county provided notice of all polling locations for each election as required.

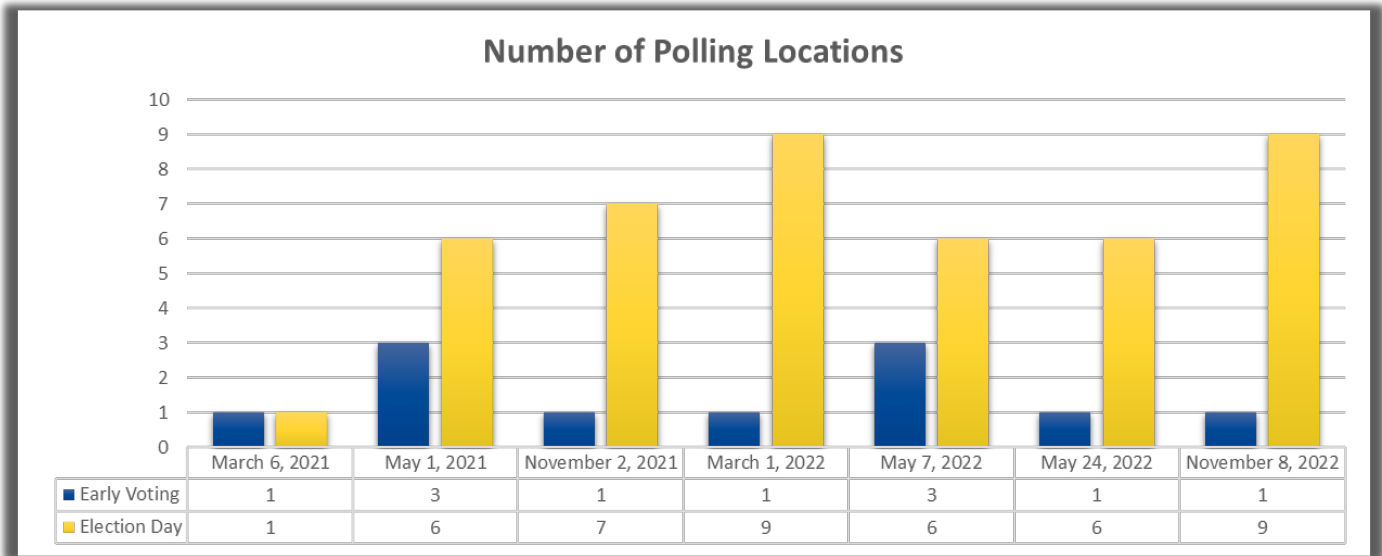


Figure 55: Number of Polling Locations by Election

Early Voting

For most elections, Eastland County operated one polling location during early voting for all elections. For the May 1, 2021 Uniform Election and the May 7, 2022 Special Election, the county had three (3) polling locations open for voting during the early voting period.

EARLY VOTING SCHEDULE
 October 24, 2022 – November 4, 2022
 2022 November 8th General Election
 November 8, 2022

Main Location	
Eastland County Courthouse 100 W Main St Suite 104 Eastland, Tx 76448	October 24 th – November 4 th Monday – Friday 8:00 a.m. – 5:00 p.m.

October 11, 2022 - Last day to register to vote for the November 8, 2022 November General Election.

October 28, 2022 - Last day to receive an application for a ballot by mail for the November 8, 2022 General Election.

Figure 56: Early Voting Schedule for November 8, 2022 General Election

Election Day

As part of the countywide polling place program, voters in Eastland County could cast a ballot at any polling location in the county. Based on information provided by Eastland County, multiple polling locations were available for voting on Election Day for all elections except the March 6, 2021 Uniform Election. This uniform election only offered one polling location for voting on election day.

**COUNTY WIDE VOTE CENTER LOCATIONS
EASTLAND COUNTY**

**November 8th General Election – November 8, 2022
7:00 a.m. – 7:00 p.m.**

Eastland County voters can vote at **ANY** one of the following locations on
Election Day

<i>Vote Center</i>	<i>Physical Address</i>	<i>Location</i>
Eastland County Courthouse	100 W Main St Suite 104 A Eastland, Tx 76448	Courthouse 1 st floor Room 104 A
Olden Community Center	106 CR 447 Olden, Tx 76466	Olden Community Center
Ranger Community Center	718 Pine St Ranger, Tx 76470	Ranger Library / Community Center
Desdemona Activity Center	6035 HWY 8 Desdemona, Tx 76445	Desdemona Activity Center
Gorman Community Center	118 S. Kent St Gorman, Tx 76454	Gorman Community Center
Carbon Community Center	201 W. Anthracite Carbon, Tx 76435	Carbon Community Center
Rising Star Fire Station	127 N Main St Rising Star, Tx 76471	Fire Station
First Baptist Church – Family Life Center	800 Ave E Cisco, Tx 76437	First Baptist Church Family Life Center
Lake Leon Baptist Church	2601 FM 2214 Gorman, Tx 76454	Lake Leon Baptist Church

Figure 57: Election Day Voting Locations for November 8, 2022 General Election

Additional Notice Requirements

In addition to the notice requirement of polling locations, dates, and times of operation for an election, counties are required to post certain information regarding previous polling locations, changes to polling locations, and information related to polling locations in proximity to each polling place.

Notice of Change of Polling Place Location

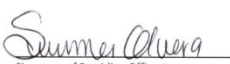
If a polling location is relocated after notice of the election has been given as required, the county election official must post a notice of the change on the county website.³⁷ Eastland County provided notice for one (1) polling location change for each of the following elections:

- March 1, 2022 Primary Election;
- May 7, 2022 Joint Entity and Special Election;
- May 24, 2022 Joint Primary Runoff Election.

1-23
Prescribed by Secretary of State
Section 43.062, Texas Election Code
11/2021

NOTICE OF CHANGE IN POLLING PLACE

Notice is hereby given to the registered voters of Eastland County that this Election Day polling place has been moved to The Lumberyard Event Center 309 W Main St Eastland, Tx 76448. Voting in the 2022 March 1st Primary Election will be conducted at The Lumberyard Event Center 309 W Main St Eastland, Tx 76448 for voters who are registered to vote in Eastland County.


Signature of Presiding Officer

12-14-21
Date

AVISO DE CAMBIO EN EL LUGAR DE VOTACIÓN


Por la presente se notifica a los votantes registrados del Condado de Eastland que este lugar de votación del Día de las Elecciones se ha trasladado a: Palacio de Justicia del Condado de Eastland 100 W Main St Eastland, Tx 76448. La votación en la Elección Conjunta y Especial del 7 de mayo de 2022 se llevará a cabo en: Palacio de Justicia del Condado de Eastland 100 W Main St Eastland, Tx 76448 para los votantes que están registrados para votar en el Condado de Eastland.

Figure 58: Notice of Change in Polling Place for March 1, 2022 Primary Election

1-23
Prescribed by Secretary of State
Section 43.062, Texas Election Code
11/2021

NOTICE OF CHANGE IN POLLING PLACE

Notice is hereby given to the registered voters of Eastland County that this Election Day polling place has been moved to: Eastland County Courthouse 100 W Main St Eastland, Tx 76448. Voting in the 2022 May 7th Joint Entity & Special Election will be conducted at: Eastland County Courthouse 100 W Main St Eastland, Tx 76448 for voters who are registered to vote in Eastland County.


Signature of Presiding Officer

2-28-22
Date

AVISO DE CAMBIO EN EL LUGAR DE VOTACIÓN


Por la presente se notifica a los votantes registrados del Condado de Eastland que este lugar de votación del Día de las Elecciones se ha trasladado a: Palacio de Justicia del Condado de Eastland 100 W Main St Eastland, Tx 76448. La votación en la Elección Conjunta y Especial del 7 de mayo de 2022 se llevará a cabo en: Palacio de Justicia del Condado de Eastland 100 W Main St Eastland, Tx 76448 para los votantes que están registrados para votar en el Condado de Eastland.

Figure 59: Notice of Change in Polling Place for May 7, 2022

1-23
Prescribed by Secretary of State
Section 43.062, Texas Election Code
11/2021

NOTICE OF CHANGE IN POLLING PLACE


Notice is hereby given to the registered voters of Eastland County that this Election Day polling place has been moved to: Eastland County Courthouse 100 W Main St Eastland, Tx 76448. Voting in the 2022 May 24th Joint Primary Runoff Election will be conducted at: Eastland County Courthouse 100 W Main St Eastland, Tx 76448 for voters who are registered to vote in Eastland County.


Signature of Presiding Officer

3-29-22
Date

AVISO DE CAMBIO EN EL LUGAR DE VOTACIÓN

Por la presente se notifica a los votantes registrados del Condado de Eastland que este lugar de votación del Día de las Elecciones se ha trasladado a: Palacio de Justicia del Condado de Eastland 100 W Main St Eastland, Tx 76448. La votación en la segunda vuelta de las elecciones primarias conjuntas del 24 de mayo de 2022 se llevará a cabo en: Palacio de Justicia del Condado de Eastland 100 W Main St Eastland, Tx 76448 para votantes que están registrados para votar en el Condado de Eastland.


Firma del Presidente

3-29-22
Fecha

Figure 60: Notice of Change in Polling Place for May 24, 2022 Joint Primary Runoff Election

³⁷ Tex. Elec. Code § 43.061.

Notice of Nearest Four Countywide Polling Locations

As part of the countywide polling place program, each countywide polling place must post a notice, at that location, of the four nearest locations, by driving distance.³⁸ Eastland County posted this notice at all polling locations as required.

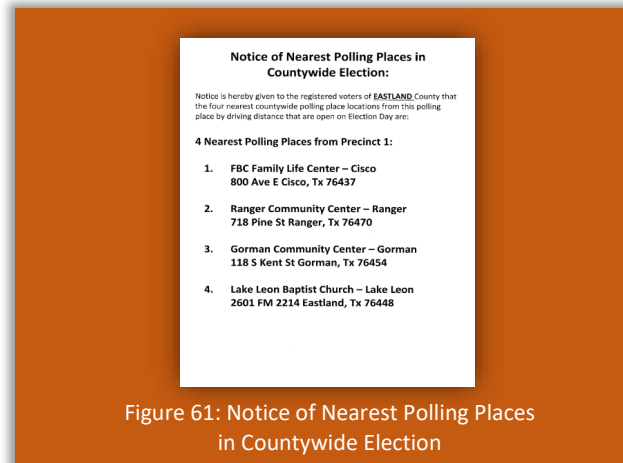


Figure 61: Notice of Nearest Polling Places in Countywide Election

Curbside Voting

Eastland County articulated the county processes related to curbside voting.³⁹ The county included information related to these procedures in the county training material. Signage, meeting all necessary requirements, is placed at all polling locations with a phone number allowing those in need of assistance to call or text the elections administrator who then notifies the election judge of that location. After qualifying the voter, the judge takes all balloting materials to the curbside location to allow the voter to cast a ballot.

Oaths of Assistance

When a voter requests assistance in marking a ballot, two election officers must provide that assistance.⁴⁰ Additionally, a voter may request to be assisted by someone of their choosing except that it may not be their employer, an agent of their employer, or an agent of a labor union to which the voter belongs. If assistance is provided by a person of the voter's choice, that person must complete an Oath of Assistance form.

Eastland County provided the Oaths of Assistance for all elections conducted in the audit period. A review of the seven (7) oaths submitted identified several areas of concern. Though the forms contained all required fields, many of the fields were not thoroughly completed by the assistant or the election judge as required.

³⁸ Tex. Elec. Code § 43.007(o).

³⁹ Tex. Elec. Code § 64.009.

⁴⁰ Tex. Elec. Code § 64.032.

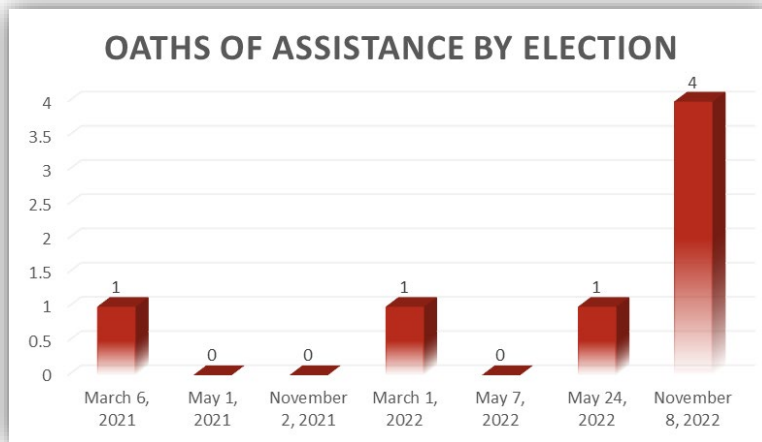


Figure 62: Oaths of Assistance by Election

Spoiled Ballots

If a voter mismarks, damages, or otherwise spoils a ballot in the process of voting, the voter is entitled to receive a new ballot by returning the spoiled ballot to the election officer.⁴¹ The election officer must maintain a register of spoiled ballots at the polling location that includes the voter’s name and the spoiled ballot number.

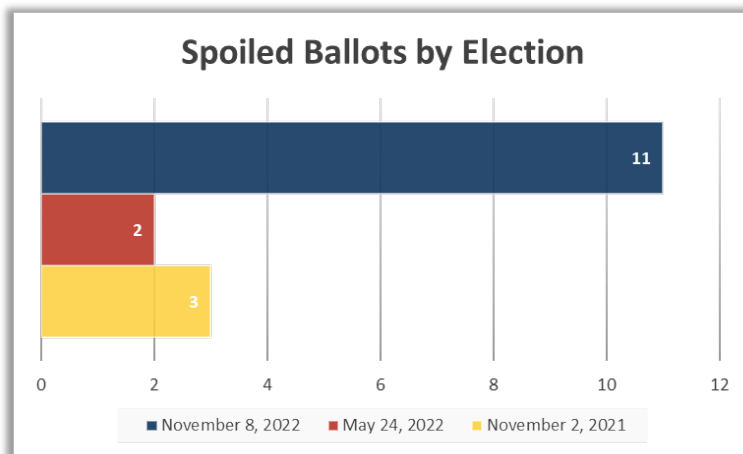


Figure 63: Spoiled Ballots by Election

Prior to the change of voting systems in 2022, the county was utilizing Direct Recording Electronic (DRE) machines. According to the election administrator, this resulted in the actual spoiled ballots being processed electronically and paper forms were not maintained. Therefore, other than identifying the number of spoiled ballots by election, the audit team could not conduct a detailed analysis of the elections prior to the November 8, 2022 election. The team was able to review the fourteen (14) ballots that were spoiled during the November 8, 2022 General Election.

⁴¹ Tex. Elec. Code § 64.007.

Eastland County did maintain the Register of Spoiled Ballots for all elections in the audit period. However, the paperwork was largely incomplete or unsigned. For the November 8, 2022 General Election, three (3) polling locations returned the necessary paperwork. Of the paperwork provided, none of the forms included a signature of the election officer. An analysis of all elections revealed that only the paperwork for the November 2, 2021 and May 24, 2022 elections included the initials of the presiding judge.

Ballots Deposited in the Emergency Slot

Emergency ballots may be used in the event a polling location runs out of ballots or experiences a technical issue with the voting system.⁴²

According to the county records, eight (8) defective ballots were deposited in the emergency slot on election day at the Rising Star Fire Station location for the November 8, 2022 General Election. The polling location documentation indicates that the ballots were rejected by the scanner as unreadable. The ballots were subsequently not tabulated. This issue is discussed in more detail in the Reconciliation section of this report.

RISING STAR
AWJ-4
 Prescribed by Secretary of State
 Section 65.013, Texas Election Code
 3/07

Polling Location _____

REGISTER OF OFFICIAL BALLOT PAPER AND BALLOTS

1. Number of ballot paper initially received	800
2. Number of ballot paper replenished by Election Official	0
TOTAL NUMBER OF BALLOT PAPER RECEIVED (#1 + #2) 800	
3. Number of ballot paper RE-PRINTED	0
4. Number of SPOILED ballot paper	0
5. Number of ballots VOTED including Provisionals <small>(As shown by number of voters on Pollpad & Controller)</small>	461
6. Number of unused ballot paper	321
TOTAL NUMBER (#3 + #4 + #5 + #6)	
This should equal the total of #1 + #2. 8 ballots in emergency slot - not counted	

I the undersigned, Presiding Judge of the Election held on the 8th day of NOV, 2022, in the Eastland County, Texas, do hereby certify that the above and foregoing statement of Official ballot and Ballot paper of said Election is true and correct, and that all ballot paper and ballots returned were locked in the appropriate ballot box as required by law.

WITNESS MY HAND this the 8th day of NOV, 20 22.

[Signature]
 Presiding Judge

[Signature]
 Alternate Judge

Note: RETURN THIS FORM IN MAIN RECONCILIATION ENVELOPE

Figure 64: Spoiled Ballots by Election

⁴² Election Advisory No. 2022-04, <https://www.sos.state.tx.us/elections/laws/advisory2022-04.shtml>.

Reasonable Impediment Declarations

If a voter does not possess one of the forms of acceptable photo identification,⁴³ and cannot reasonably obtain such identification, a voter may execute a Reasonable Impediment Declaration.⁴⁴

Eastland County provided a copy of all Reasonable Impediment Declarations (RIDs) for all elections administered during the audit period. A total of ten (10) declarations were submitted. The following descriptions were listed as the reason for not having an acceptable form of photo identification.

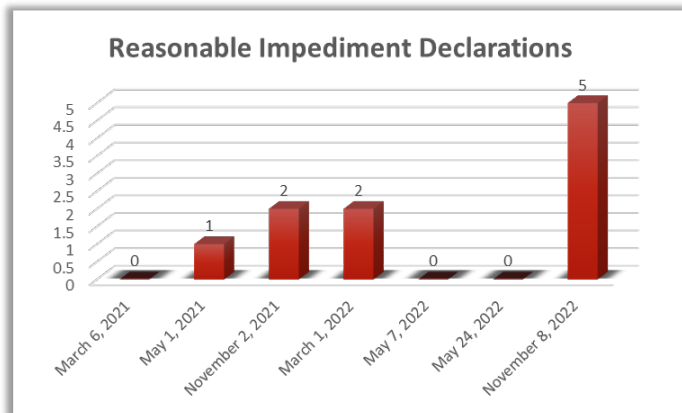


Figure 65: Total Reasonable Impediment Declaration for Eastland County

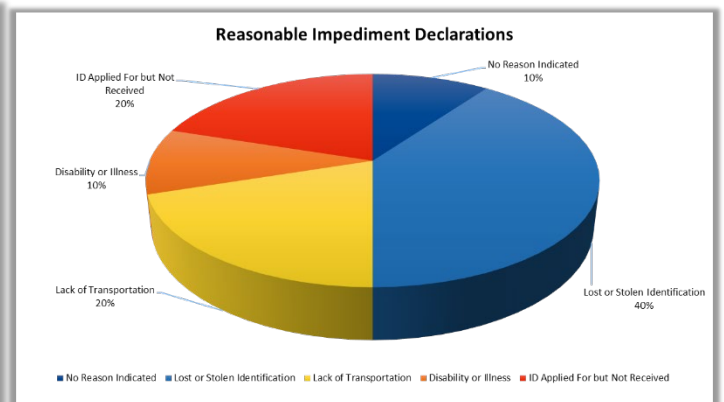


Figure 66: Reasons Necessitating the Use of Reasonable Impediment Declarations

An analysis of the documentation revealed that many of the forms were incomplete. Identified concerns include:

- None of the ten (10) forms included the voter unique identification (VUID) number;
- Three (3) of the ten (10) submitted forms did not include a signature of the presiding judge;
- Three (3) of the ten (10) submitted forms did not include the polling location name; and
- One (1) of the ten (10) submitted forms included no information other than the voter signature.

⁴³ Tex. Elec. Code § 63.001(b).

⁴⁴ Tex. Elec. Code § 63.001(i).

Statements of Residence

Eastland County receives Statement of Residence (SOR) forms on election night in designated envelopes. The forms are then processed by the voter registrar and a new voter registration certificate is sent to the voter reflecting the updated information. The forms are retained in the registration records retention files.

Three (3) Statement of Residence forms were found in an envelope during the audit team's review of May 24, 2022 election supplies and documentation. During an interview, the election administrator confirmed that the voter registration record for these individuals had not been updated following the election. The forms were inadvertently overlooked during the collection of election supplies on election night and were stored with the election records for the retention period.

Instructions for Voting by Mail on Back
(Al Dorsó: Instrucciones si vota por correo)

STATEMENT OF RESIDENCE
For persons whose residence address does not match voter registration address.
CONSTANCIA DE DOMICILIO PERMANENTE
Para personas cuya dirección no coincide con la que aparece en la lista oficial de votantes inscritos.

17-5 (12/21)
Prescribed by Secretary of State

Last Name include suffix if any Apellido incluir sufijo si lo hay (Jr., Sr., III)	First Name Nombre de pila	Middle Name (if any) Segundo nombre (si aplica)	Former Name Apellido anterior
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Residence Address: Street Address and Apartment Number, City, State, and Zip. If none, describe where you live. (Do not include P.O. Box, Rural Route, or Business Address) Domicilio residencial: Número y calle, y número de apartamento, Ciudad, Estado, y Código postal. Si no existe un domicilio, describe donde vive (no incluye apartados postales, rutas rurales o dirección del trabajo).			Gender (Optional) Sexo (Opcional)
[REDACTED]			<input checked="" type="checkbox"/> Male Masculino <input type="checkbox"/> Female Femenino
Mailing Address: Address, City, State, and Zip: if mail cannot be delivered to your residence address. Dirección postal: Número y calle, y número de apartamento, Ciudad, Estado, y Código postal (si no se puede entregar correo en su domicilio residencial)		Date of Birth: month, day, year Fecha de Nacimiento: mes, día, año	
[REDACTED]		[REDACTED]	
City and County of Former Residence in Texas Ciudad y condado de residencia anterior en Texas	City and County of Current Residence in Texas Ciudad y condado de residencia actual en Texas	Telephone Number (Optional) Include Area Code Teléfono (Opcional) - Incluye código de área	
EASTLAND EASTLAND	[REDACTED]	[REDACTED]	
Texas Driver's License No. or Texas Personal I.D. No. (issued by the Department of Public Safety) No. de licencia de conducir de Texas o no. de identificación personal de Texas (Epedido por el Departamento de Seguridad Pública)		If no Texas Driver's License or Personal Identification, give last 4 digits of your Social Security Number. Si no tiene licencia de conducir de Texas o no. de identificación personal, proporcione los 4 últimos dígitos de su número de Seguro Social.	
[REDACTED]		XXX-XX-[REDACTED]	
<input type="checkbox"/> I have not been issued a Texas Driver's License/Personal Identification Number or Social Security Number. Yo no tengo una Licencia de conducir de Texas/Cédula de identidad personal de Texas o Número de Seguro Social.			
I understand that giving false information to procure a voter registration is perjury, and a crime under state and federal law. Conviction of this crime may result in imprisonment up to one year in jail, a fine up to \$4,500, or both. Please read all three state-ments to affirm before signing. Entiendo que el dar información falsa para obtener una tarjeta de registro electoral constituye un delito de perjurio bajo las leyes estatales y federales. La condena por este delito puede resultar en encarcelamiento de hasta un año de cárcel, una multa de hasta \$4,500, o ambas cosas. Por favor lea cada una de las tres declaraciones antes de firmar.			
<ul style="list-style-type: none"> I am a resident of this county and a U.S. citizen; and I have not been finally convicted of a felony, or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned; and I have 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. 			
<ul style="list-style-type: none"> soy residente de este condado y ciudadano de los Estados Unidos; y no he sido finalmente condenado por un delito grave, o si soy un delincuente, he purgado mi pena por completo, incluyendo cualquier plazo de encarcelamiento, libertad condicional, supervisión, periodo de libertad condicional, o he sido indultado; y no he sido determinado por un fallo final de un tribunal que ejerce la jurisdicción testamentaria que estoy totalmente incapacitado mentalmente o parcialmente incapacitado mentalmente sin derecho a voto 			
Signature of Applicant or Agent and Relationship to Applicant or Printed Name of Applicant if Signed by Witness and Date. Firma del solicitante o su agente (apoderado) y relación de éste con el solicitante, o nombre en letra del molde del solicitante si la firma es la de un testigo, y fecha.		Date	
[REDACTED]		5/17/22	

Figure 67: Statement of Residence for May 24, 2022 Election.

Limited Ballots

A registered voter who has moved from the Texas county in which he or she is registered, to a new county of residence in Texas, and who will not be registered to vote in the new county on or before election day, may be eligible to vote a limited ballot.⁴⁵

Of the elections being audited, only three (3) included limited ballot voters.



Figure 68: Limited Ballots in Eastland County by Election

A review of the limited ballot applications revealed a breakdown of the counties of former residence for applicants which includes at least fourteen (14) Texas counties. The documentation provided by Eastland County for the March 1, 2022 Election only included the information available on the limited ballot envelope. Therefore, the former county of residence information remains unknown for seven (7) of the limited ballot applicants.

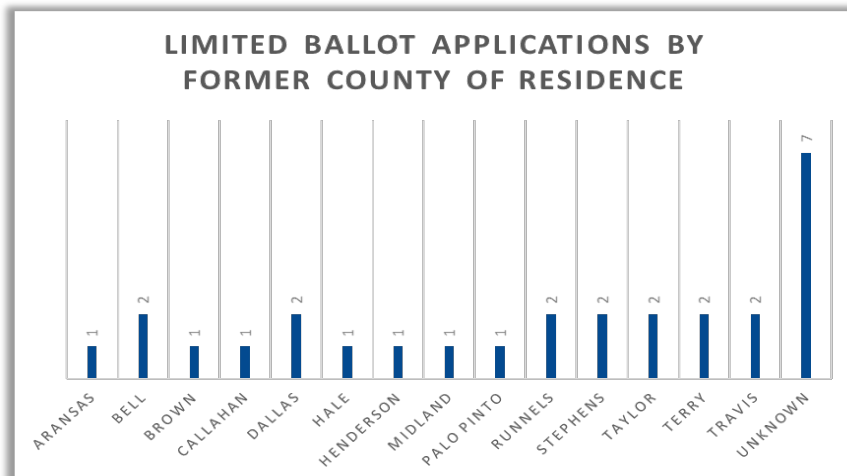


Figure 69: Limited Ballot Applications by County of Former Residence

⁴⁵ Tex. Elec. Code § 112.001.

Provisional Ballots

Eastland County provided a list of provisional voters by polling location during the early voting period and on election day for all elections in the audit period. In total, Eastland County provided documentation on 77 provisional ballots cast. Of those, 67 were rejected and 10 were accepted after review by the early voting ballot board.

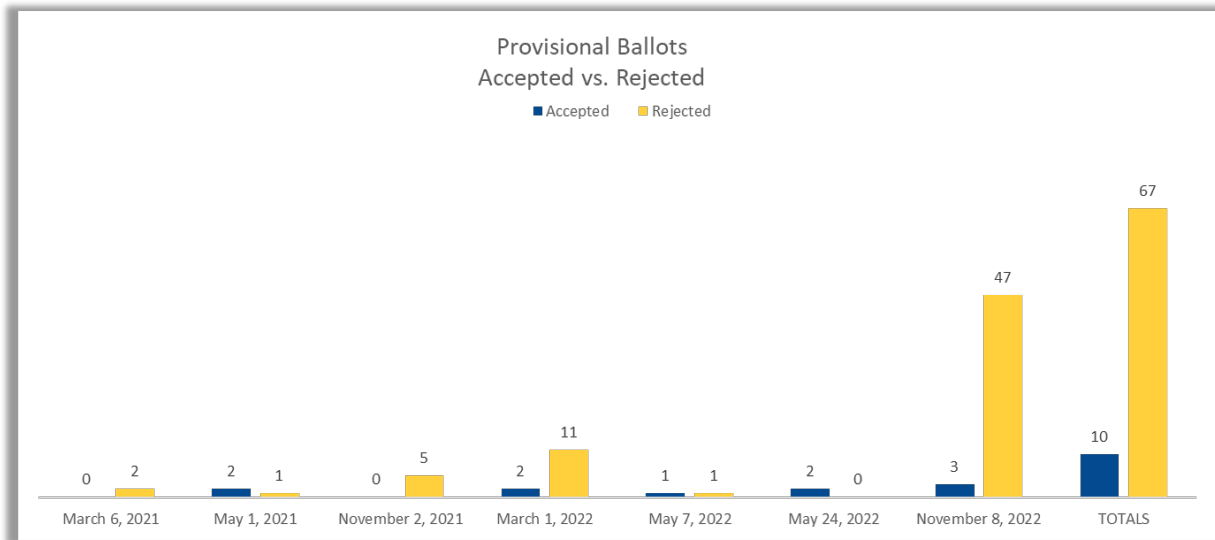


Figure 70: Provisional Votes in Eastland County

Further analysis of the provisional ballot documentation revealed that much of the paperwork was incomplete. Specifically, the affidavits did not consistently include a signature of the voter registrar or the signature of the early voting ballot board (EVBB).

ELECTION RESULTS

Findings

- Eastland County must post public notice for the convening of the central counting station including the time the ballots are counted.
- Eastland County must ensure that precinct returns are signed by the presiding judge certifying the accuracy of the results.

Central Counting Station Compliance

A central counting station (CCS)⁴⁶ is a location where ballots are counted, vote totals are accumulated, and unofficial election results are generated on election night.

Notice Requirements

Eastland County did not provide a copy of any documentation related to the time of convening of the central counting station or the time ballots were counted for any election during the audit period.

Central Counting Station Plan

The manager of the central counting station is required to develop a written plan⁴⁷ for the orderly operation of the central counting station.⁴⁸ A review of the Eastland County Central Counting Station Plan for the November 8, 2022 General Election indicated compliance with all required elements and inclusion of best practices as prescribed by the Secretary of State. The plan identifies key personnel and associated duties, oath administration, time and dates of convening the central counting station, and logistical considerations to accommodate poll watchers. Additionally, the plan includes a step by step guide on the ballot duplication process, detailed instructions for reconciliation, and information about how to obtain technical support from county vendors, as needed. The county election administrator confirmed that the same Central Counting Station Plan was used for all elections during the audit period.

⁴⁶ Tex. Elec. Code § 127.001.

⁴⁷ Tex. Elec. Code § 127.007.

⁴⁸ Tex. Elec. Code § 127.007.

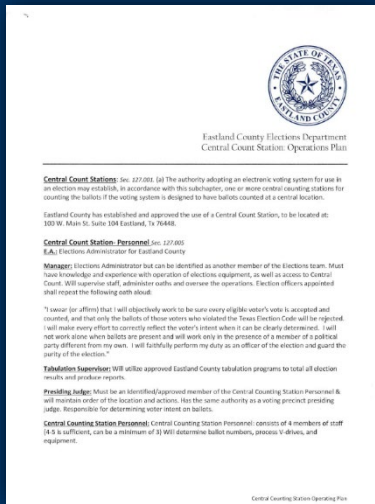


Figure 71: Eastland County Central Counting Station Plan

Testing of Tabulation Equipment

The automatic tabulating equipment used for counting ballots at a central counting station must be tested immediately before the counting of ballots with the equipment begins.⁴⁹ The testing must be repeated immediately after tabulation has been completed.⁵⁰ A review of the certification forms for all elections indicated compliance with all testing requirements for the county automatic tabulating equipment.

CERTIFICATION OF 1ST TEST OF AUTOMATED TABULATING EQUIPMENT

I, Summer Chavez, the presiding judge of the central counting station hereby certify that the test of the automated tabulating equipment to be used to count the ballots for the 2021 November 2nd General Election was conducted by a pre-qualified group of ballots checked to record a predetermined number of valid votes for each candidate and on each station. The test was conducted before the test was in use at the station during the test to ensure proper use in order to determine the ability of the automatic tabulating equipment to report such votes and ballots with other impugned votes.

The test was successful and was concluded at 2:25 pm on 11/2/21 by Summer Chavez, Central Counting Station.

CERTIFICATION OF 2ND TEST OF AUTOMATED TABULATING EQUIPMENT

I, Lucy Mungia, the presiding judge of the central counting station hereby certify that the test of the automated tabulating equipment to be used to count the ballots for the 2021 November 2nd General Election was conducted by a pre-qualified group of ballots checked to record a predetermined number of valid votes for each candidate and on each station. The test was conducted before the test was in use at the station during the test to ensure proper use in order to determine the ability of the automatic tabulating equipment to report such votes and ballots with other impugned votes.

The test was successful and was concluded at 6:54 pm on 11/2/21 by Lucy Mungia, Central Counting Station.

CERTIFICATION OF 3RD TEST OF AUTOMATED TABULATING EQUIPMENT

I, Lucy Mungia, the presiding judge of the central counting station hereby certify that the test of the automated tabulating equipment to be used to count the ballots for the 2021 November 2nd General Election was conducted by a pre-qualified group of ballots checked to record a predetermined number of valid votes for each candidate and on each station. The test was conducted before the test was in use at the station during the test to ensure proper use in order to determine the ability of the automatic tabulating equipment to report such votes and ballots with other impugned votes.

The test was successful and was concluded at 6:40 on 11/2/21 by Lucy Mungia, Central Counting Station.

NOTES TO PRESIDING JUDGE:

If the initial test was not successful, prepare a written record of the changes to the program, adjustments to the equipment and other actions taken to achieve a successful test and attach to this certification.

If the initial test of the 2nd test was not successful, the count of all ballots on the malfunctioned machine is void. Conduct 2nd and 3rd test using original changes to program, adjustment of the equipment and other actions taken to achieve a successful test. Document all ballots counted on the malfunctioned machine before the 3rd test after the completion of counting the ballots.

Figure 72: Certification of 2nd & 3rd Test of Automated Tabulating Equipment

⁴⁹ Tex. Elec. Code § 127.093(b)

⁵⁰ Tex. Elec. Code § 127.093(d).

Precinct Returns

Eastland County provided a copy of the precinct results report⁵¹ as part of this audit. However, the reports provided by the county did not include the signature of the presiding judge to certify the accuracy of the returns, as required.⁵²

Choice	Party	Absentee Voting	Early Voting	Election Day Voting	Total
MIKE COLLIER		0 0.00%	1 50.00%	1 20.00%	2 25.00%
MICHELLE BECKLEY		0 0.00%	1 50.00%	2 40.00%	3 37.50%
CARLA BRAILEY		1 100.00%	0 0.00%	2 40.00%	3 37.50%
Cast Votes:		1 100.00%	2 100.00%	5 100.00%	8 100.00%
Undervotes:		0	0	1	1
Overvotes:		0	0	0	0
Rejected write-in votes:		0	0	0	0
Unresolved write-in votes:		0	0	0	0

Figure 73: Eastland County Election Unofficial Results Report for March 1, 2022 Democratic Primary

Choice	Party	Absentee Voting	Early Voting	Election Day Voting	Total
AARON SORRELLS		0 0.00%	2 10.00%	11 8.33%	13 8.33%
TRAYCE BRADFORD		0 0.00%	0 0.00%	11 8.33%	11 7.05%
ZACH VANCE		0 0.00%	0 0.00%	6 4.55%	6 3.85%
DANIEL MILLER		0 0.00%	0 0.00%	10 7.58%	10 6.41%
DAN PATRICK		4 100.00%	18 90.00%	92 69.70%	114 73.08%
TODD M. BULLIS		0 0.00%	0 0.00%	2 1.52%	2 1.28%
Cast Votes:		4 100.00%	20 100.00%	132 100.00%	156 100.00%
Undervotes:		2	4	6	12
Overvotes:		0	0	0	0
Rejected write-in votes:		0	0	0	0
Unresolved write-in votes:		0	0	0	0

Figure 74: Eastland County Election Unofficial Results Report for March 1, 2022 Republican Primary

Unofficial Results

A review of all elections during the audit period confirmed the consistent and compliant transmission of election night returns⁵³ to the Secretary of State on election night. As an example, for the November 8, 2022 General Election, Eastland County reported all early voting totals at 7:37 p.m. on election night. The county's final unofficial vote totals for nine (9) precincts and ten (10) polling locations was submitted on November 9, 2022 at 12:11 a.m. The data, as submitted through the statewide system, reported a total of 6,150 votes cast and 50.02% voter turnout.

Registered Voters	Votes Cast	Voter Turnout
12,282	6,150	50.07%

Figure 75: Eastland County Election Unofficial Results for November 8, 2022 General Election

⁵¹ Tex. Elec. Code § 65.014.

⁵² Tex. Elec. Code § 127.131.

⁵³ Tex. Elec. Code § 68.034.

RECONCILIATION

Findings

- Eastland County must include more thorough training on the closing of a polling location including the accurate completion of polling location forms and implement a thorough review of this paperwork during intake to provide for a more detailed reconciliation of election results.
- Eastland County should continue to post unofficial and official reconciliation reports detailing ballot activity and a thorough description of any identified discrepancies.

Preliminary Reconciliation

The presiding judge of the central counting station must attest to an unofficial written reconciliation of votes and voters at the end of the tabulation process on election day.⁵⁴ Likewise, the presiding judge must attest to an official reconciliation after the inclusion of any late arriving or provisional ballots following the canvass.

The audit team reviewed the preliminary reconciliations reports and was able to confirm that the preliminary reconciliation reports were posted on the Eastland County website for all applicable elections.

For the November 8, 2022 General Election, the unofficial reconciliation report reflected a discrepancy between the number of voters voting and the number of ballots of -16 (.02%). The county indicated a total of seventeen (17) mail ballots had not yet been received and a total of three (3) provisional ballots were yet to be reviewed. The unofficial reconciliation report noted eight (8) defective ballots were discovered in the emergency slot.

⁵⁴ Tex. Elec. Code § 127.131(f).

Preliminary Election Reconciliation - Unofficial Totals

Disclaimer: These numbers are subject to change as information is verified after election day.

County Eastland Election Name Mid-Term 2022 Nov 8th
 Registered Voters 12290 Election Date 11-8-22

1. Voters <small>(from election history)</small>		2. Rejected or pending ballots <small>(pending review, pending voter action, or rejected)</small>		3. Counted ballots <small>(from tabulation software)</small>	
A. In person voters	5816	D. Provisional ballots rejected or pending	47	G. In person ballots counted	5806
B. By mail voters	381	E. Mail ballots rejected or pending	1	H. Mail ballots counted	359
C. Total voters (A+B)	6197	F. Total ballots rejected or pending (D+E)	48	I. Total ballots counted (G+H)	6165

4. Comparison of voters and counted ballots	
J. Difference between voters and ballots (C-I)	-16
K. Difference as percentage of voters (J÷C*100)	.02 %
L. Notes: <u>8 defective ballots found in emergency ballot slot (Scanner found rejected these 8 ballots)</u>	

5. Attestation		
M. "I certify that the information contained in this preliminary election reconciliation document accurately reflects the unofficial votes and voters as known to me on election night. The information will likely change based on provisional votes, mail ballots, and additional reconciliation efforts by election personnel."		
<u>Kelly Skinner</u> <small>Presiding judge signature</small>	<u>Kelly Skinner</u> <small>Print name</small>	<u>11-8-22</u> <small>Date</small>

6. Ballots that could be added to the final count <small>Disclaimer: These numbers typically change as information is verified after election day.</small>	
N. Mail ballots not returned or pending voter action	17
O. Estimated Provisional ballots	3

Figure 76: Eastland County Unofficial Reconciliation Report for November 8, 2022 General Election

Final Reconciliation

The presiding judge must attest to an official reconciliation after the inclusion of any late arriving or provisional ballots following the canvass.⁵⁵ Consistent with the unofficial reconciliation report, Eastland County posts all final reconciliation reports on their county website.

For the November 8, 2022 General Election, the final reconciliation report reflected the discrepancy between the number of voters voting and the number of ballots of -8 (.001%). As previously noted, these eight ballots were placed in the emergency slot at the Rising Star Fire Station polling location. Again, the final report includes a statement related to this issue by the elections administrator.

⁵⁵ Tex. Elec. Code § 127.131(f).

Election Reconciliation - Official Totals

County Eastland Election Name 2022 Nov 8th
Registered Voters 12290 Election Date 11-8-2022

1. Voters <small>(from election meters and files)</small>		2. Rejected ballots		3. Counted ballots <small>(from tabulation software)</small>	
A. Early voting in person voters	2709			I. Early voting ballots counted	2708
B. Election day in person voters	3084			J. Election day ballots counted	3077
C. Mail ballot voters	379	F. Mail ballots rejected	1	K. Mail ballots counted	380
D. Provisional ballots submitted	46	G. Provisional ballots rejected	43	L. Provisional ballots counted	3
E. Total voters (A+B+C+D)	6220	H. Total ballots rejected (F+G)	44	M. Total ballots counted (I+J+K+L)	6168

4. Comparison of voters and counted ballots	
N. Difference between voters and ballots (E-H-M)	-8
O. Difference as percentage of voters (N)/(E+H)*100	_____ %
P. Explanation for difference, if any	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> 8 defective ballots found in emergency slot (Scanner would not accept these) </div>

5. Attestation		
Q. "I certify that the information contained in this document accurately reflects the official reconciliation of votes and voters from the above stated election?"		
Presiding judge signature	Print name	Date

6. Mail ballots		7. Provisional ballots	
R. Mail ballots sent	379	U. Provisional ballots deemed incomplete	0
S. Mail ballots not returned by voter	17		
T. Mail ballots surrendered	5		

Figure 77: Eastland County Official Reconciliation Report for November 8, 2022 General Election

Votes Cast vs. Votes Counted

The audit team conducted an analysis of Eastland County data to validate the reconciliation of the number of voters who checked in to vote at each polling location compared to the number of votes reported by each polling location through the respective vDrives for all elections. This reconciliation included a detailed analysis of several reports produced by the KNOWiNK Pollbook and the Hart Verity System as well as the Eastland County Final Reconciliation Report. The reports included the:

1. Hart Verity Count Audit Log Report;
2. Hart Verity Final Cumulative Report;
3. Hart vDrive Status Report;
4. Hart Verity Polling Place Report;
5. KNOWiNK Voter Roster Report; and
6. KNOWiNK Pollpad Signature Report.

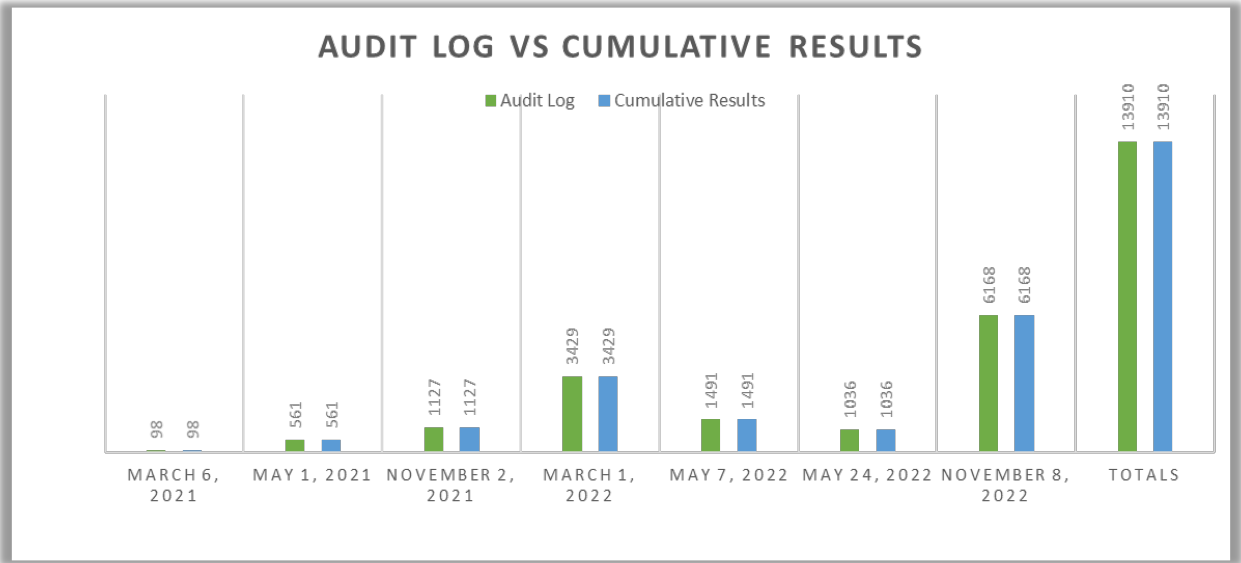


Figure 78: Hart Verity Count Audit Log Report vs. Hart Verity Final Cumulative Results Report

To reconcile the total number of voters who cast a ballot by election, the audit team compared the Hart Verity Audit Log and the KNOWiNK Pollpad Voter Roster Report. It is important to note that provisional ballots are not always included on the KNOWiNK Voter Roster Report which contributes to minor differences between the two reports. However, based on this analysis, significant discrepancies were identified in these numbers for two elections held during the audit period.

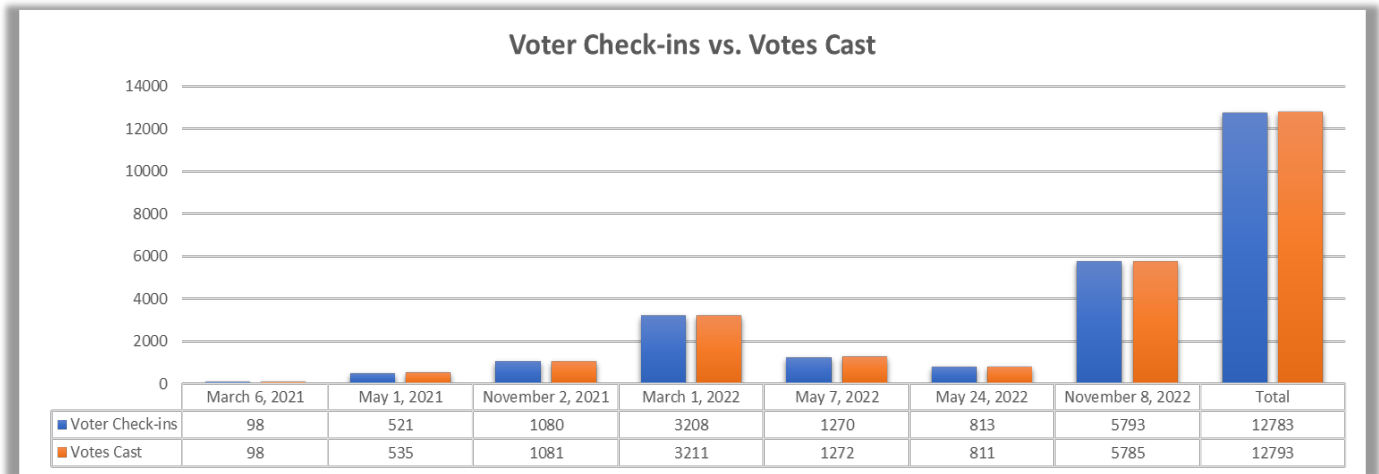


Figure 79: KNOWiNK Voter Roster Report vs. Hart Verity Count Audit Log Report

Discrepancies

During the analysis of data provided by Eastland County, significant discrepancies were identified between the total number of voters that checked-in and total number of ballots cast for two (2) elections. Specifically, the May 1, 2021 Uniform Election and the November 8, 2022 General Election required a more in-depth analysis to identify the cause of those discrepancies.

May 1, 2021 Uniform Election

An analysis of individual polling location data for the May 1, 2021 election revealed a discrepancy of 14 votes in the election day voter check-ins as compared to the total number of votes counted as reflected on the audit log for the Olden Community Center polling location.

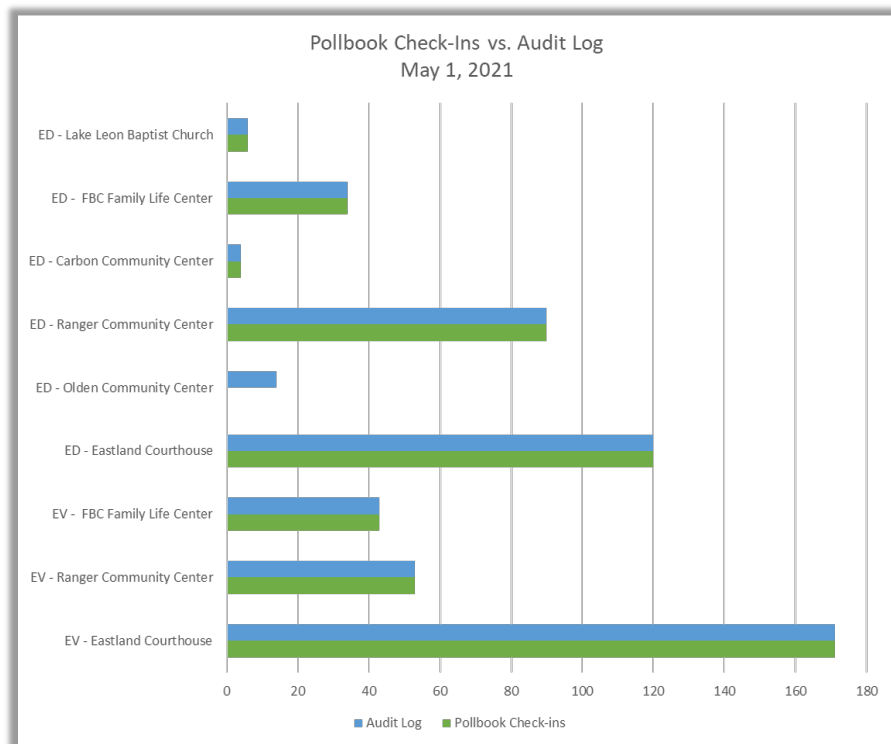


Figure 80: KNOWiNK Pollbook Check-ins and Hart Verity Audit Log by Polling Location for May 1, 2021

A review of polling location documentation revealed that the KNOWiNK Pollpad Report at the Olden Community Center polling location was not printed on election night showing how many votes had been cast at Olden Community Center. According to the election administrator, the county used an unofficial reconciliation report for post-election reconciliation activities. The audit team requested a copy of the KNOWiNK Pollpad Report for this specific polling location. However, Eastland County was not able to retrieve the electronically stored information from the KNOWiNK Pollpad. After consulting with the vendor, the election administrator was informed that due to a system update, election information from elections conducted prior to the date of the upgrade was no longer accessible and could not be recovered. Therefore, the cause of the

discrepancy between the total number of voters and the total number of ballots cast for the May 1, 2021 Election at the Olden Community Center polling location was unable to be determined.

It is the responsibility of the county to generate and retain precinct election results for each election. Failure to do so is a violation of state law. It is unclear if the reports were generated and misplaced or if they were not generated at the time of the election. However, producing precinct election reports in compliance with state law prevents the loss of data due to technology upgrades and allows for the reconciliation of election results and analysis of any identified discrepancies.

November 8, 2022 General Election

Analysis of the November 8, 2022 election revealed a discrepancy of eight (8) votes at the Rising Star Fire Station polling location.

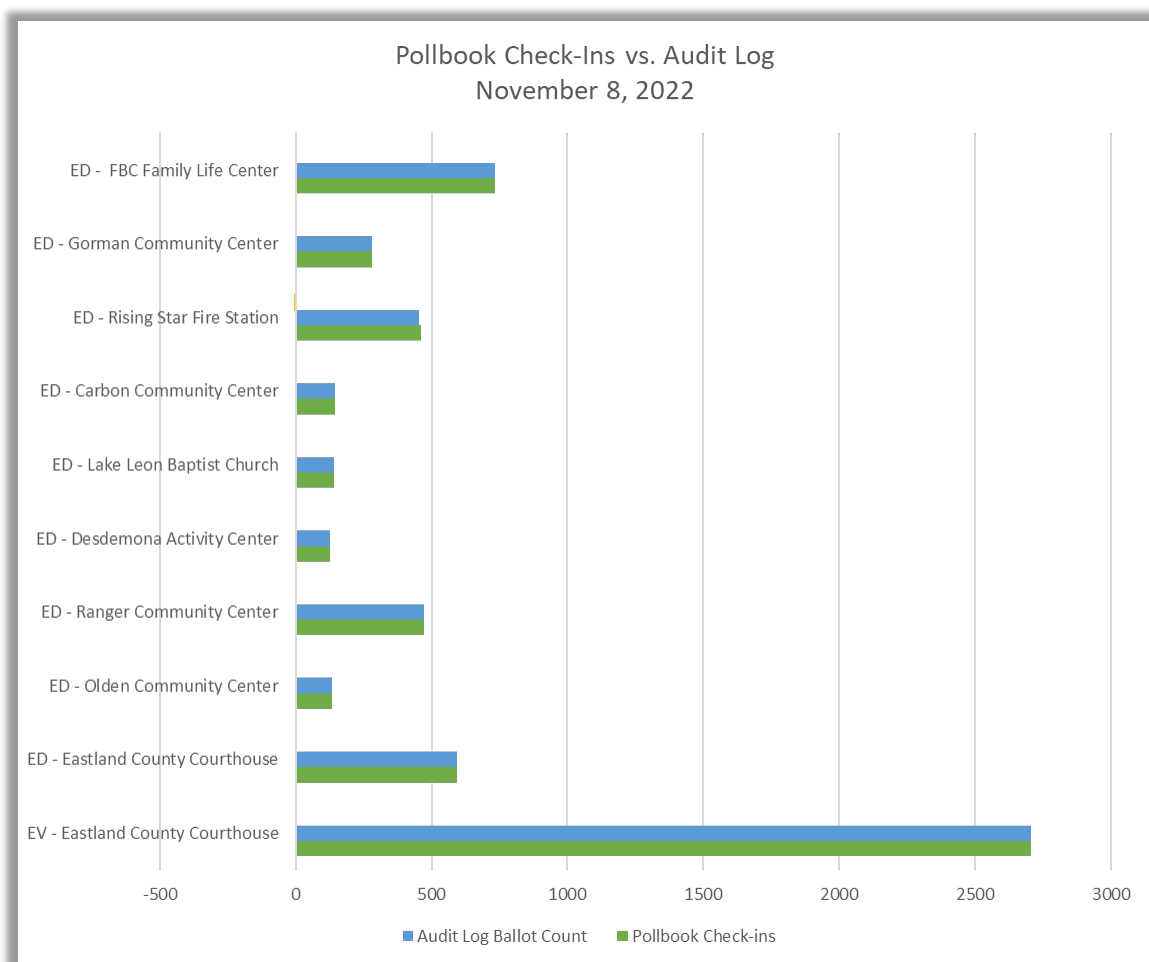


Figure 81: KNOWiNK Pollbook Check-ins and Hart Verity Audit Log by Polling Location for November 8, 2022

The Register of Official Ballots form and the Official Reconciliation form indicated that eight (8) ballots were placed in the emergency slot. The election administrator confirmed that the election judge had deposited eight (8) ballots in the emergency slot on election day. The ballots were

unable to be read and the scanner rejected the ballots as unreadable. These ballots were not included on the Hart Verity Audit Log report, indicating that the ballots were not counted. The county accurately reported this discrepancy on both the preliminary and final reconciliation reports.

POST-ELECTION REPORTING

Findings

- Eastland County must post notice as required for all post-election activities including the partial manual count and canvass in compliance with state law.
- A partial manual count must be conducted for elections in compliance with state law. The county must retain all documentation of the post-election audit for the election record retention period in accordance with state law.
- Eastland County must continue to accurately report voter participation data for all elections in the statewide system.

Partial Manual Count

To ensure the accuracy of the tabulation of electronic voting system results, the general custodian of election records must conduct a partial manual count of selected 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.⁵⁶

Counties are required to post a notice of the date, hour, and place of the count.⁵⁷ A review of documentation submitted by Eastland County did not include public notices for the partial manual count for any election. However, the audit team was able to locate a Notice of Partial Manual Count for the March 1, 2022 Election on the county website.

The audit included a detailed review of the partial manual count documentation for the November 8, 2022 General Election. A total of three (3) precincts, selected by the Secretary of State, were included in the count for early voting and mail ballots for Eastland County. Eastland County participates in the Countywide Polling Place program and audited three (3) polling locations for election day. The results of the post-election activity were submitted to the Secretary of State on November 28, 2022. No discrepancies were reported by Eastland County.

The individual tally sheets associated with the partial manual count were reviewed. Though a few discrepancies were identified on the individual tally sheets, the discrepancies were noted and corrected on the county summary sheet. The names of the tally takers were not included and there were no signatures on the forms. The final counts of the partial manual count as reflected on the county summary sheet matched the election results for the office of Lieutenant Governor.

⁵⁶ Tex. Elec. Code § 127.201.

⁵⁷ Tex. Elec. Code § 127.201(c).

During interviews, the election administrator outlined the partial manual count procedures for Eastland County. Though the county official was able to describe the process followed in the county, she was unable to provide any documentation for elections held prior to the November 8, 2022 General Election. The partial manual count must be conducted for all elections and the documentation for the post-election audit must be retained with other election records in accordance with state law.

PARTIAL MANUAL COUNT - NOVEMBER 8, 2022 - GENERAL ELECTION					
ASSIGNED RACE: LT. GOVERNOR					
ELECTION DAY LOCATION	CANDIDATES	ABMS	EARLY VOTING	ELECTION DAY	TOTAL
1-COURTHOUSE ED 2-EV + ABM	DAN PATRICK	7 24	72 12	515	515
	MIKE COLLIER	0	5 5	64	64
	SHANNA STEEL	0	1 1	12	12
	UNDERSVOTES	0	0 0	2	2
	OVERVOTES	0	0 0	0	0
7-RISING STAR FIRE STATION 5-EV + ABM	DAN PATRICK	17 17	67 67	415	415
	MIKE COLLIER	4 4	7 7	27	27
	SHANNA STEEL	0	1 1	7	7
	UNDERSVOTES	0	0 0	4	4
	OVERVOTES	0	0 0	0	0
8-FBC FAMILY LIFE CENTER 9-EV + ABM	DAN PATRICK	17 17	184 184	635	635
	MIKE COLLIER	2 2	20 20	81	81
	SHANNA STEEL	0	2 2	14	14
	UNDERSVOTES	0	1 1	5	5
	OVERVOTES	0	0 0	0	0

Figure 82: Eastland County Partial Manual Count for the November 8, 2022 General Election

Canvass

The county clerk or election administrator is required to prepare county election returns including the total number of votes received for each candidate or measure on the election ballot.⁵⁸ The official results must be submitted to the Secretary of State following the local canvass.

A review of the submitted canvass reports indicated compliance with this requirement for all elections. For example, the election administrator submitted the county’s official canvass for all races included in the November 8, 2022 General Election on November 14, 2022. The documents were signed by the election administrator and included the county seal as required.

⁵⁸ Tex. Elec. Code § 67.007.

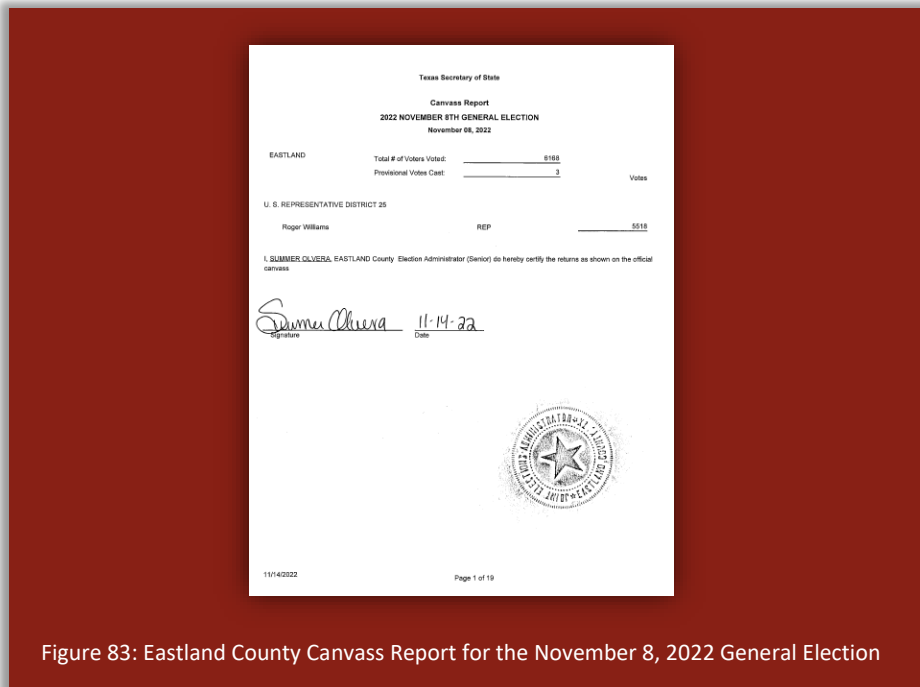


Figure 83: Eastland County Canvass Report for the November 8, 2022 General Election

The report indicated a total of 6,168 total votes cast including 3 accepted provisional ballots. This information matches the final reconciliation form submitted by Eastland County as part of the audit documentation.

Precinct by Precinct Report

After each election, the county clerk or election administrator must prepare a report of the number of votes received in each precinct for each candidate for each of those offices.⁵⁹ Eastland County was compliant with the requirements for all elections.

Voting History Report

Eastland County submitted all final voting history reports as required for all elections conducted in the audit period.⁶⁰ A comparison of the voting history report to the canvass report for the November 8, 2022 General Election indicates a difference of nine (9) between the number of votes cast as reflected in the canvass report and the number of voting history files entered in the statewide system by Eastland County. As previously reported, there was a discrepancy between the number of votes cast at one polling location and the total number of voters on election day. The difference identified during the voting history review is likely due to this identified discrepancy.

⁵⁹ Tex. Elec. Code § 67.017.

⁶⁰ Tex. Elec. Code § 18.069.

Additional Vote History Reporting

Election roster information for both early voting and election day are displayed on the Secretary of State website.⁶¹ This information is dependent on the provision of accurate and timely information by each county. For counties using the statewide system, the information is entered on a daily basis and is presented for public review.

Eastland County completes the entry of this information immediately after the receipt of a mail ballot and at the conclusion of each day of early voting and on election day. A review of Eastland County voter participation data for statewide elections during the audit period confirmed compliance with the submission of this information.

Voting Participation Review

The Secretary of State, in collaboration with other states, conducts a thorough review of voters who may have voted in more than one state or jurisdiction as well as those who may have been deceased at the time of the election. The voter participation review for the November 8, 2022 General Election did not identify any potential deceased voters or voters from Eastland County who may have cast a ballot in another state or in another county within Texas.

⁶¹ Tex. Elec. Code § 87.121.

CONCLUSION

Following the comprehensive review of the elections conducted in Eastland County during the 2021-2022 audit period, the audit team identified the following areas of needed improvement across all elections.

Voter Registration & List Maintenance

Eastland County should continue processing voter registration applications and record updates in a timely manner. Likewise, the county should prioritize all list maintenance activities to ensure that only eligible voters are able to cast a vote in Eastland County.

Continuous Improvement & Reconciliation

After reviewing multiple elections, it is evident that Eastland County has made a considerable effort to improve their process and procedure with each election. Specifically, the evolution of the chain of custody forms demonstrates the county's effort to improve their tracking of election technology and supplies. These efforts instill more confidence in the security of election systems, and the granularity of information also leads to a more streamlined process for reconciliation.

Election Security & Contingency Planning

Eastland County does not have a Written Information Security Plan (WISP). Information technology services in Eastland County are provided by a third-party vendor. Though the contracted vendor representatives verbally explained the policies and procedures used to maintain, monitor, and secure the county technological infrastructure, the county does not have their own written documentation. The county should have their own Incident Response Plans and a Continuity of Operations Plan to ensure the county can consistently meet their statutory duties related to elections. Likewise, a risk management plan should be in place with all vendors providing services for the county election office and accessing sensitive and confidential voter registration and election data. Extensive training should be provided to all county personnel on security and contingency planning.

Training of Election Workers

The county training program should include more detailed instructions and written documentation related to the responsibilities of a presiding judge, as the materials did not prepare election judges with adequate instruction. The county's current training lacks specificity in polling location procedures, the completion of required documentation, and a thorough understanding of the importance of these responsibilities. Training materials should, but do not, include examples of properly completed forms, troubleshooting guidance on common equipment issues, and signature requirements which verify the essential two-person verification of chain of custody and reconciliation activities.

Retaining Election Records

While voted ballots, voting equipment, and electronic media are maintained in a secure storage area limited to only county election staff, the remaining precinct election records and election supplies were not stored in a secure area free from potential damage and destruction. Eastland County could not produce all required precinct election records upon request. This shortcoming varied from isolated documents in specific polling locations to entire categories of records from specific elections. The county must maintain all precinct election records in an organized manner and in compliance with state law.

Conclusion

While Eastland County has a comprehensive voter registration program and has made great strides in improving their physical security and documentation, these audit findings identify several key areas in need of improvement. Making necessary improvements in these areas will not only further safeguard their elections but will demonstrate to the voters of Eastland County that they can have confidence in their election process and outcomes.