

2021-2022

Comprehensive Election Audit Report



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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, Harris County, along with Cameron, Eastland, and Guadalupe 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 Harris County.

Notable Findings

Training for Election Judges and Clerks was Inadequate

Harris County did not adequately train election workers on the operational and set-up requirements of their paper-based voting system. Harris County transitioned from a Direct Recording Electronic (DRE) voting system to a voter verifiable paper-based system prior to the May 2021 Election. During this time, the training for Harris County election judges and clerks was divided into two parts. The first part covered general procedures and responsibilities. The second part of the training included a hands-on opportunity to learn how to set up voting equipment and how to accurately complete polling location forms, in-depth video presentations related to the polling location equipment, curbside voting, and closing procedures for the polling location. The hands-on portion of the training was not mandatory even though the county had transitioned to new voting system equipment. Failure to require this training for all election workers meant that not all workers were familiar with the use and operation of the county's voting system equipment.

The lack of direct instruction on the use of this new technology may have impacted the high percentage of equipment malfunctions that first occurred in the November 2, 2021 Constitutional Amendment Election. In fact, during this election, 150 of 718 (21%) polling locations had documented equipment malfunctions. The county did not adequately address these training issues prior to the March 1, 2022 Primary Election. Additionally, the equipment

issues that election workers and voters first experienced in the November 2, 2021 Special Election were compounded with the necessity for a two-page ballot for the March 1, 2022 Primary Election and the November 8, 2022 General Election. Had Harris County evaluated the issues that first occurred in the November 2, 2021 Special Election and were exacerbated with a two-page ballot in the March 1, 2022 Primary Election, they would have identified a clear pattern of issues related to equipment use that could have been addressed with more hands-on training and detailed training materials including troubleshooting guidance. These enhanced measures could have prevented the same issues from occurring for the November 8, 2022 General Election. The failure of Harris County to remediate their training deficiencies led to systemic equipment malfunctions that directly impacted Harris County voters in multiple elections.

Equipment and Supply Issues Led to Gaps in Voting in Multiple Elections

As reported in the [Preliminary Findings Report for November 8, 2022 General Election for Harris County](#),¹ Harris County failed to supply appropriate amounts of ballot paper to numerous polling locations for the November 8, 2022 General Election. This failure was caused by the ineffective methodology used to determine adequate allocations for each site and was compounded by equipment issues and paper jams that led to a large number of spoiled ballots in that election. These issues led to a gap or cessation of voting in multiple election day polling locations. However, this issue was not unique to the November 8, 2022 General Election.

Comprehensive data analysis revealed widespread issues with insufficient training and voting system equipment failures that led to a cessation of voting at multiple locations in multiple elections. By identifying polling locations that had at least one hour of no voter check-in activity and also had a documented request for technical assistance, the analysis revealed a potential impact to voters in all statewide elections conducted during the audit period.

November 2, 2021 Special Election

During the November 2, 2021 Special Election, 26 polling locations were identified as having a gap of one hour or more in voter activity. The associated technical reports for these locations indicated that 23 reported issues were due to equipment malfunctions. Three (3) reports were for missing equipment needed to open the polling location for voting. The issues identified resulted in 17 polling locations reporting the first voter check-in at least an hour after the polls should have opened and 9 of the locations experienced a gap in voting during the day due to equipment issues.

March 1, 2022 Primary Election

The March 1, 2022 Primary Election had 33 locations with identified gaps of one hour or more in the voter check-in process. Of those, based on the corresponding technical tickets, 25 were due to equipment malfunctions, 1 was due to the untimely delivery of needed equipment, and 7 were

¹ Preliminary Findings Report for November 8, 2022 General Election, Texas Secretary of State (October 2023), pg. 29, <https://www.sos.state.tx.us/elections/fad/harris-county-preliminary-findings-report.pdf>.

requests for missing or additional ballot paper. The issues identified resulted in 19 polling locations receiving the first voter check-in at least one hour or more after the polling location should have opened and 12 locations experiencing a gap in voting during the day.

May 24, 2022 Primary Runoff

Though the May 24, 2022 Primary Runoff had the least number of issues related to equipment and supply, 9 polling locations were identified with a gap in voting of one hour or more and a corresponding technical issue.

Repeated Issues Across Elections Demonstrates Administrative Inadequacies

Persistent equipment issues, untimely delivery of equipment, and diminished ballot supplies impacted the administration of elections in Harris County and directly impacted voting in the elections conducted during the audit period. The failure to consider these ongoing problems led to issues in all major elections in this period. Additionally, the lack of effective administrative oversight by the county led to issues in reporting timely results and providing accurate reconciliation documentation in multiple elections.

Ultimately, Harris County has an obligation to evaluate the success of each election and remediate any identified challenges. When those challenges persist in multiple elections, it is the responsibility of the county to identify the root cause and to provide to their election workers the training, equipment, and support necessary to successfully conduct voting at each polling location.

Data Inconsistencies Across Different Platforms

The statewide voter registration system is the official list of registered voters in an election. However, Harris County maintains a voter registration system that is independent from the statewide voter registration system. Though the two systems should have identical information, discrepancies exist between the county and state voter registration systems. Based on the information obtained from Harris County, the Secretary of State is unable to definitively identify the exact cause of these discrepancies, though it is reflective of the difficulty in aligning the various election systems utilized in Harris County. While the inconsistencies may seem minor in comparison to the total number of registered voters, the inconsistencies make it difficult to validate election data. Harris County has worked to align their voter registration data to the statewide system through the systematic review of individual voter records to ensure accuracy between the two systems.

List Maintenance Activities

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. During the audit period, Harris County conducted list maintenance activities. Harris County cancelled 45,830 voter registrations following a county review of voters who may have been deceased, 880

voter registrations were cancelled due to felony convictions, and 1,136 voter registrations were cancelled due to non-citizenship. A total of 100,328 voter registrations were cancelled for duplicative registration records or for voters who may have moved to other Texas counties. Harris County should process 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 Harris County.

Changes to Harris County Election Administration

On July 14, 2020, Harris County created the office of the Harris County Elections Administrator and transferred all voter registration duties and election duties to this appointed office, effective November 18, 2020. For all elections reviewed during the 2021-2022 audit period, voter registration and election duties were fulfilled by the office of the Harris County Elections Administrator. As a result of [Senate Bill 1750](#) (88th Leg., Regular Session, effective September 1, 2023), the office of the Elections Administrator was dissolved and voter registration duties were returned to the Tax Assessor-Collector and election duties were returned to the County Clerk. Neither of these offices were responsible for the elections that occurred during the audit period.

Conclusion

This comprehensive report contains findings that reflect numerous issues that occurred during the 2021-2022 audit period. Systemic failures by the Harris County Elections Administrator to properly distribute election supplies, including ballots, train election workers, and maintain the voter roll have contributed to a breakdown in public trust in the Harris County election system. The Harris County Tax Assessor-Collector and Harris County Clerk must restore public confidence in the county's election system, starting with addressing the findings of this audit report.