

**Subject:** RE: Public Information Request (TX-SOS-22-0148) PIR 22-0218  
**Date:** Friday, September 16, 2022 at 3:18:45 PM Eastern Daylight Time  
**From:** GeneralCounsel  
**To:** AO Records  
**CC:** GeneralCounsel  
**Attachments:** 9.16.22 Documents.zip

EXTERNAL SENDER

Good afternoon,

Consistent with our September 2 email, please find the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on October 14, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams  
Legal Assistant to the General Counsel  
Office of the Texas Secretary of State

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**From:** GeneralCounsel <GeneralCounsel@sos.texas.gov>  
**Sent:** Friday, September 2, 2022 1:29 PM  
**To:** 'AO Records' <records@americanoversight.org>  
**Cc:** GeneralCounsel <GeneralCounsel@sos.texas.gov>  
**Subject:** RE: Public Information Request (TX-SOS-22-0148) PIR 22-0218

Good afternoon,

Regarding our August 19 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on September 16, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams  
Legal Assistant to the General Counsel  
Office of the Texas Secretary of State

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**From:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Sent:** Friday, August 19, 2022 4:38 PM  
**To:** 'AO Records' <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Cc:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Subject:** RE: Public Information Request (TX-SOS-22-0148) PIR 22-0218

Good afternoon,

As a follow up to our July 22 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on September 2, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams  
Legal Assistant to the General Counsel  
Office of the Texas Secretary of State

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**From:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Sent:** Friday, July 22, 2022 4:28 PM  
**To:** 'AO Records' <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Cc:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Subject:** RE: Public Information Request (TX-SOS-22-0148) PIR 22-0218

Good afternoon,

Consistent with our July 8 email, please find the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on August 19, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams  
Legal Assistant to the General Counsel  
Office of the Texas Secretary of State

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**From:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Sent:** Friday, July 8, 2022 4:45 PM  
**To:** 'AO Records' <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Cc:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Subject:** RE: Public Information Request (TX-SOS-22-0148) PIR 22-0218

Good afternoon,

As a follow up to our June 17 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on July 22, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams  
Legal Assistant to the General Counsel  
Office of the Texas Secretary of State

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**From:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Sent:** Friday, June 17, 2022 4:17 PM  
**To:** 'AO Records' <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Cc:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Subject:** RE: Public Information Request (TX-SOS-22-0148) PIR 22-0218

Good afternoon,

Regarding our May 27 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on July 8, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams  
Legal Assistant to the General Counsel  
Office of the Texas Secretary of State

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**From:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Sent:** Friday, May 27, 2022 2:39 PM  
**To:** 'AO Records' <[records@americanoversight.org](mailto:records@americanoversight.org)>

**Cc:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Subject:** RE: Public Information Request (TX-SOS-22-0148) PIR 22-0218

Good afternoon,

Regarding our April 22 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on June 17, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams  
Legal Assistant to the General Counsel  
Office of the Texas Secretary of State

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**From:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Sent:** Friday, April 22, 2022 4:22 PM  
**To:** 'AO Records' <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Cc:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Subject:** RE: Public Information Request (TX-SOS-22-0148) PIR 22-0218 (1 of 2)

Good afternoon,

Consistent with our March 25 email, please see the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code. Due to file size, an additional email will follow with another zipped folder.

Pursuant to Section 31.006(b) of the Texas Election Code, the attached election complaint files provided to you today (and on March 4) are not considered confidential under the PIA and may be released publicly.

Dates of birth have been redacted from the attached documents as we await a determination from the Attorney General's Open Records Division on our request for a ruling. The responsive documents also contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We require more time to continue reviewing our records and produce additional responsive information. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on May 27, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams  
Legal Assistant to the General Counsel  
Office of the Texas Secretary of State

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**From:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Sent:** Friday, March 25, 2022 2:45 PM  
**To:** 'AO Records' <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Cc:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Subject:** RE: Public Information Request (TX-SOS-22-0148) PIR 22-0218

Good afternoon,

Regarding our March 4 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on April 22, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams  
Legal Assistant to the General Counsel  
Office of the Texas Secretary of State

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**From:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Sent:** Friday, March 4, 2022 3:49 PM  
**To:** 'AO Records' <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Cc:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Subject:** RE: Public Information Request (TX-SOS-22-0148) PIR 22-0218

Good afternoon,

Please see the attached letter, with enclosures, in response to your request for information under Chapter 552 of the Texas Government Code.

Dates of birth have been redacted from the attached documents as we await a determination from the Attorney General's Open Records Division on our request for a ruling.

The responsive documents also contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

Additionally, the information you requested also contains information that relates to a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country. This information is confidential under section 552.130 of the Texas Government Code. Section 552.130 allows us to withhold this specific information without requesting a ruling from the attorney general. You have the right to appeal our decision to withhold this information from you. Instructions for appeal are also attached. If you do not want to appeal, you do not need to do anything else.

Consistent with our February 24, 2022 letter, please find the attached zipped folder containing documents responsive to the Request. We require more time to continue reviewing our records and produce additional

responsive information. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on March 25, 2022. See Tex. Gov’t Code § 552.221(d).

Kind regards,

Jennifer Williams  
Legal Assistant to the General Counsel  
Office of the Texas Secretary of State

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**From:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Sent:** Thursday, February 24, 2022 2:10 PM  
**To:** 'AO Records' <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Cc:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Subject:** RE: Public Information Request (TX-SOS-22-0148) PIR 22-0218

Good afternoon,

Please see the attached letter, with enclosures, in response to your request for information under Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams  
Legal Assistant to the General Counsel  
Office of the Texas Secretary of State

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**From:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Sent:** Wednesday, February 9, 2022 1:00 PM  
**To:** GeneralCounsel <[GeneralCounsel@sos.texas.gov](mailto:GeneralCounsel@sos.texas.gov)>  
**Subject:** Re: Public Information Request (TX-SOS-22-0148)

**CAUTION:** This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to [informationsecurity@sos.texas.gov](mailto:informationsecurity@sos.texas.gov).

**CAUTION:** This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to [informationsecurity@sos.texas.gov](mailto:informationsecurity@sos.texas.gov).

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Dear Public Information Officer:

Unfortunately, our tracking number for this request was incorrect. Please find the corrected version here.

For clarification with the last batch of emails, TX-SOS-22-0132 is TX-SOS-22-0147, and TX-SOS-22-0133 is TX-SOS-22-0148. Apologies for these mix-ups.

Sincerely,  
Dylan Winters (he/him)  
Paralegal  
American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PIR: TX-SOS-22-0148

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**From:** Dylan Winters <[dylan.winters@americanoversight.org](mailto:dylan.winters@americanoversight.org)> on behalf of AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>

**Date:** Wednesday, February 9, 2022 at 10:12 AM

**To:** "[generalcounsel@sos.texas.gov](mailto:generalcounsel@sos.texas.gov)" <[generalcounsel@sos.texas.gov](mailto:generalcounsel@sos.texas.gov)>

**Subject:** Public Information Request (TX-SOS-22-0133)

Dear Public Information Officer:

Please find attached a request for records under the Texas Public Information Act.

Sincerely,  
Dylan Winters (he/him)  
Paralegal  
American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PIR: TX-SOS-22-0133

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**From:** Adam Bitter  
**Sent:** Wednesday, September 29, 2021 11:21 AM  
**To:** 'mike.o'connor@house.texas.gov'  
**Subject:** Audit Information  
**Attachments:** 9.28.2021\_Full Forensic Audit Summary\_Texas Secretary of State.pdf

**Sensitivity:** Personal

Mike,

It was nice talking with you this morning. As discussed, I have attached the audit summary document that we provided to the four counties yesterday.

Please let me know if you have any additional questions or would like to discuss this in further detail.

Sincerely,

Adam Bitter

**Adam Bitter**  
General Counsel  
Office of the Texas Secretary of State  
(512) 475-2813  
[abitter@sos.texas.gov](mailto:abitter@sos.texas.gov)

# **Texas Secretary of State Full Forensic Audit of 2020**

## **General Election**

The Texas Secretary of State's office has announced a full forensic audit of the 2020 General Election in Dallas, Harris, Tarrant and Collin counties. The full forensic audit is being conducted in two phases, the first of which is already underway. The purpose of this audit is to ensure all Texas voters can have confidence in the elections systems in our state, and to address any outstanding issues county election officials may face that undermines the integrity of our elections.

### **Phase 1: Testing Voting Machine Accuracy, Cybersecurity Assessments, and Identifying and Removing Ineligible Voters Who Cast Ballots in 2020 (Already Completed or Underway)**

- After every single Texas election, counties are required to conduct a partial manual count of electronic voting system ballots within 72 hours of the polls closing to ensure the accuracy of the tabulation of electronic voting systems results ([Sec. 127.201](#)).
- All counties are required to undergo an Election Security Assessment (ESA) of the county's election system ([Sec. 279.003](#)). All 254 counties have completed these assessments.
- Under both state and federal law, the Texas Secretary of State's office is empowered to maintain the accuracy of the statewide voter registration list to ensure that ineligible voters – including deceased individuals, individuals registered in multiple states or counties, and non-U.S. citizens – do not remain on the voter rolls ([Secs. 18.061 – 18.0681](#)).
- As part of the audit process, the office has received reports from the Electronic Registration Information Center (ERIC) regarding voters who may have voted twice in state and across state lines. We have also received a report of persons who may have been deceased when a vote was cast in their name. Finally, we have identified potential non-U.S. citizen voters and have directed county voter registrars to take action to verify the eligibility of registered voters and cancel their registration if they do not present proof of eligibility. Once that action has been taken, our office evaluates the persons cancelled and refers any instances of possible illegal voting to the Office of the Texas Attorney General for investigation ([Sec. 31.006](#)).

### **Phase 2: Comprehensive Election Records Examination (Spring 2022)**

- As part of the Texas Secretary of State's duty to assist and advise all election authorities with regard to the application, operation, and interpretation of the Texas Election Code ([Sec. 31.004](#)) and to obtain and maintain uniformity in the application of the Code ([Sec. 31.003](#)), the office will conduct a comprehensive election records examination over the next several months to ensure election

administration procedures were properly followed during the 2020 General Election.

- The records examined from each county will include – but are not limited to – the following types of documents:
  - Logic & Accuracy Testing Records for Voting Machines, including:
    - All test ballots voted
    - Test Deck Records
    - Testing Media
  - Early Voting and Election Day Materials, including:
    - List of registered voters used in the 2020 General Election
    - Daily Early Voting Rosters for in-person voting
    - Chain of Custody forms that document the seals on the ballot boxes
    - Chain of Custody delivery and pickup of equipment at voting sites
    - Statements of Residence
    - Reasonable Impediment Declarations
    - Limited Ballot Applications
    - Audit Logs from applicable Voting System Devices
    - List of Rejected Provisional Ballots and reason for rejection
    - Ballot and Seal Certificates
    - Hand Delivery of a Ballot by Mail Roster and Forms
    - Receipts of Sealed Early Voting Ballot Boxes
  - Signature Verification Committee Materials
  - Early Voting Ballot Board Materials, including:
    - Receipt of Sealed Early Voting Ballot Boxes
    - Poll List of Mail Voters
    - Notice of Rejected Carriers and reasons
  - Central Counting Station Plan
  - Training Materials
- County election officials must retain these records for 22 months under both federal law ([52 USC 20701](#)) and state law ([Texas Election Code Sec. 66.058](#)).
- All of this information is available to the general public ([Sec. 1.012](#)).
- After a thorough examination of the abovementioned records and materials in each county, irregularities or deviations from election administration procedures that may have affected the accuracy of the electronic voting system ballot count could trigger a full manual recount of ballots in the affected precincts or polling locations, pursuant to the Secretary of State's authority to ensure the accuracy of the tabulation of electronic voting system results ([Sec. 127.202](#)).

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**From:** Beva Kellison  
**Sent:** Monday, February 7, 2022 10:09 AM  
**To:** Keith Ingram; Christina Adkins  
**Cc:** Chad Ennis; Beva Kellison  
**Subject:** Audit Paperwork

Good Morning:

Have we received any paperwork from the respective counties on the audit? There were specific items requested with a return date to us of December 21, 2021. Has any of this been received?

In the near term, we request that you provide us the following information, in writing, to our office by **Tuesday, December 21st** in order to guide the next phase of the forensic audit process:

- A list of Early Voting or Election Day polling locations that had a discrepancy of one percent or more between the number of voters that checked in to the number of votes cast at that location.
- Whether any voting sites were closed or added due to an emergency or other necessity
- Any known procedural or chain of custody defects
- Any other issues discovered that you would like to disclose now that may be relevant to our audit process
- A list of complaints received and resolved, with a description of any known investigative steps or known resolution.
- A detailed accounting of the following: o Total Early Voting Ballots by Mail Requested o Total Early Voting Ballots by Mail Sent out o Total Early Voting Ballots requested by FPCA o Breakdown of Early Voting Ballots by Mail accepted/rejected o Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted in person o Total number of mail ballot voters that surrendered their mail ballot and voted in person
- A detailed accounting of the following: o Total Number of Provisional Votes Cast o A list of Provisional Voters by reason for voting provisionally o Total Number of Provisional Votes cast for voters lacking ID o Total number of Provisional Voted Accepted/Rejected
- List of entities that conducted recounts or had election contests We thank you in advance for your responses to this initial audit survey and request that you begin preparing the enclosed list of documents and records for our agency's review.

Beva Kellison  
Forensics Audit Division  
**The Office of the Secretary of State**  
1019 Brazos, Austin, Texas 78711  
[bkellison@sos.texas.gov](mailto:bkellison@sos.texas.gov)

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**From:** Joe Esparza  
**Sent:** Thursday, September 30, 2021 5:18 PM  
**To:** steve.toth@house.texas.gov  
**Cc:** trent.williams@house.texas.gov; Adam Bitter  
**Subject:** Follow up call - Audit  
**Attachments:** Texas Secretary of State Full Forensic Audit of 2020 General Election.pdf

**Sensitivity:** Personal

Representative Toth,

Thank you for your commitment to enhancing the integrity of Texas' elections. We have and will always share that same commitment to ensure your constituents and all Texans can trust the results of the 2020 General Election and every other election held in the State of Texas.

I've attached a copy of the detailed plan our office has disclosed regarding the parameters of our agency's full forensic audit. To be clear, as mentioned in our call earlier, in order to be a full forensic audit, we believe that the audit must have a mechanism by which potential election crimes – including illegal voting – are uncovered and transmitted to the proper law enforcement authorities for prosecution. This is exactly what our audit will address through meticulous examination of county election records.

- 1) In the first highlighted section of the attached document, we explain that [Sec. 31.006 of the Texas Election Code](#) allows our office to refer alleged violations of election law to the Texas Attorney General's office for investigation. Our rigorous process includes identifying out-of-state and in-state duplicate voter registrations, our comparison of registered voters to individuals in the Social Security Administration's death master file, and our comparison of data regarding registered voters who subsequently presented evidence of non-U.S. citizenship to DPS. All counties, including Collin, Harris, Tarrant and Dallas, have received information from our office through these processes and have been directed to verify the eligibility of any identified voters. To the extent that any ineligible voters cast ballots in the 2020 General Election, those registrations will not only be cancelled and removed from the voter rolls (if the voter remains ineligible), but we will also refer any ineligible voters who voted in the 2020 General Election to the Texas Attorney General's office. To recap: this phase of the full forensic audit involves not only cancelling the registration of ineligible voters, but also ensuring illegal voting is referred to law enforcement authorities. This is the type of accountability all legal and law-abiding Texas voters deserve, and we aim to do our agency's part to ensure only eligible voters cast ballots in Texas elections.
- 2) In the second highlighted section of the document, we explain that [Sec. 127.202 of the Texas Election Code](#) allows our agency to conduct a manual count of any portion of any number of ballots from any precinct in which electronic voting equipment was used if necessary to verify the accuracy of the tabulation of electronic voting system results. Our audit plan provides that, should any irregularities or deviations from election administration procedures have affected the accuracy of the ballot count, we can and will use our authority under Sec. 127.202 to conduct a full manual count of the affected precincts. The forensic audit procedure we have outlined in this section will entail an in-depth records examination to uncover any potential violations that may have occurred in the November 2020 election, and allow for a recount of specific precincts in which those violations occurred in order to determine whether or not the outcome of any elections were affected as a result. There are a number of scenarios that could trigger such a recount under this section, such as: ballot boxes unaccounted for due to a break in chain of custody protocols, discrepancies between the number of early votes and voters listed on the early voting roster, and discrepancies in the materials regarding mail ballots received and counted by county election officials, to name just a few. We're happy to discuss additional scenarios with you if and when you have time to do so. Any discrepancies found during this thorough review will be uncovered, investigated, and remedied.

Please let us know if you have any questions or need any additional information. Thank you for your time and effort to this matter.

V/r,

**Joe Esparza**

Deputy Secretary of State

Office of the Texas Secretary of State

(512) 436-1999 o

jesparza@sos.texas.gov

# **Texas Secretary of State Full Forensic Audit of 2020 General Election**

The Texas Secretary of State's office has announced a full forensic audit of the 2020 General Election in Dallas, Harris, Tarrant and Collin counties. The full forensic audit is being conducted in two phases, the first of which is already underway. The purpose of this audit is to ensure all Texas voters can have confidence in the elections systems in our state, and to address any outstanding issues county election officials may face that undermines the integrity of our elections.

## **Phase 1: Testing Voting Machine Accuracy, Cybersecurity Assessments, and Identifying and Removing Ineligible Voters Who Cast Ballots in 2020 (Already Completed or Underway)**

- After every single Texas election, counties are required to conduct a partial manual count of electronic voting system ballots within 72 hours of the polls closing to ensure the accuracy of the tabulation of electronic voting systems results ([Sec. 127.201](#)).
- All counties are required to undergo an Election Security Assessment (ESA) of the county's election system ([Sec. 279.003](#)). All 254 counties have completed these assessments.
- Under both state and federal law, the Texas Secretary of State's office is empowered to maintain the accuracy of the statewide voter registration list to ensure that ineligible voters – including deceased individuals, individuals registered in multiple states or counties, and non-U.S. citizens – do not remain on the voter rolls ([Secs. 18.061 – 18.0681](#)).
- As part of the audit process, the office has received reports from the Electronic Registration Information Center (ERIC) regarding voters who may have voted twice in state and across state lines. We have also received a report of persons who may have been deceased when a vote was cast in their name. Finally, we have identified potential non-U.S. citizen voters and have directed county voter registrars to take action to verify the eligibility of registered voters and cancel their registration if they do not present proof of eligibility. Once that action has been taken, our office evaluates the persons cancelled and refers any instances of possible illegal voting to the Office of the Texas Attorney General for investigation ([Sec. 31.006](#)).

## **Phase 2: Comprehensive Election Records Examination (Spring 2022)**

- As part of the Texas Secretary of State's duty to assist and advise all election authorities with regard to the application, operation, and interpretation of the Texas Election Code ([Sec. 31.004](#)) and to obtain and maintain uniformity in the application of the Code ([Sec. 31.003](#)), the office will conduct a comprehensive election records examination over the next several months to ensure election

administration procedures were properly followed during the 2020 General Election.

- The records examined from each county will include – but are not limited to – the following types of documents:
  - Logic & Accuracy Testing Records for Voting Machines, including:
    - All test ballots voted
    - Test Deck Records
    - Testing Media
  - Early Voting and Election Day Materials, including:
    - List of registered voters used in the 2020 General Election
    - Daily Early Voting Rosters for in-person voting
    - Chain of Custody forms that document the seals on the ballot boxes
    - Chain of Custody delivery and pickup of equipment at voting sites
    - Statements of Residence
    - Reasonable Impediment Declarations
    - Limited Ballot Applications
    - Audit Logs from applicable Voting System Devices
    - List of Rejected Provisional Ballots and reason for rejection
    - Ballot and Seal Certificates
    - Hand Delivery of a Ballot by Mail Roster and Forms
    - Receipts of Sealed Early Voting Ballot Boxes
  - Signature Verification Committee Materials
  - Early Voting Ballot Board Materials, including:
    - Receipt of Sealed Early Voting Ballot Boxes
    - Poll List of Mail Voters
    - Notice of Rejected Carriers and reasons
  - Central Counting Station Plan
  - Training Materials
- County election officials must retain these records for 22 months under both federal law ([52 USC 20701](#)) and state law ([Texas Election Code Sec. 66.058](#)).
- All of this information is available to the general public ([Sec. 1.012](#)).
- After a thorough examination of the abovementioned records and materials in each county, irregularities or deviations from election administration procedures that may have affected the accuracy of the electronic voting system ballot count could trigger a full manual recount of ballots in the affected precincts or polling locations, pursuant to the Secretary of State's authority to ensure the accuracy of the tabulation of electronic voting system results ([Sec. 127.202](#)).

---

**From:** Keith Ingram  
**Sent:** Wednesday, September 29, 2021 1:42 PM  
**To:** lemuel.price@house.texas.gov  
**Cc:** Adam Bitter  
**Subject:** FW: audit information  
**Attachments:** 9.28.2021\_Full Forensic Audit Summary\_Texas Secretary of State.pdf

**Sensitivity:** Personal

---

**From:** Keith Ingram  
**Sent:** Tuesday, September 28, 2021 6:00 PM  
**To:** Collin - Bruce Sherbet (bsherbet@collincountytx.gov) <bsherbet@collincountytx.gov>; Dallas - Michael J. Scarpello (michael.scarpello@dallascounty.org) <michael.scarpello@dallascounty.org>; Harris - Isabel Longoria (Isabel.Longoria@vote.hctx.net) <Isabel.Longoria@vote.hctx.net>; Heider I. Garcia <HIGarcia@tarrantcounty.com>  
**Subject:** audit information  
**Sensitivity:** Personal

Good evening everyone, attached is additional information regarding the audit our office announced last week.

Keith Ingram  
Director, Elections Division  
Office of the Secretary of State  
800-252-VOTE(8683)  
[www.sos.state.tx.us/elections/index.shtml](http://www.sos.state.tx.us/elections/index.shtml)  
**For Voter Related Information, please visit:**



*The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as personal legal advice to you for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.*

# **Texas Secretary of State Full Forensic Audit of 2020**

## **General Election**

The Texas Secretary of State's office has announced a full forensic audit of the 2020 General Election in Dallas, Harris, Tarrant and Collin counties. The full forensic audit is being conducted in two phases, the first of which is already underway. The purpose of this audit is to ensure all Texas voters can have confidence in the elections systems in our state, and to address any outstanding issues county election officials may face that undermines the integrity of our elections.

### **Phase 1: Testing Voting Machine Accuracy, Cybersecurity Assessments, and Identifying and Removing Ineligible Voters Who Cast Ballots in 2020 (Already Completed or Underway)**

- After every single Texas election, counties are required to conduct a partial manual count of electronic voting system ballots within 72 hours of the polls closing to ensure the accuracy of the tabulation of electronic voting systems results ([Sec. 127.201](#)).
- All counties are required to undergo an Election Security Assessment (ESA) of the county's election system ([Sec. 279.003](#)). All 254 counties have completed these assessments.
- Under both state and federal law, the Texas Secretary of State's office is empowered to maintain the accuracy of the statewide voter registration list to ensure that ineligible voters – including deceased individuals, individuals registered in multiple states or counties, and non-U.S. citizens – do not remain on the voter rolls ([Secs. 18.061 – 18.0681](#)).
- As part of the audit process, the office has received reports from the Electronic Registration Information Center (ERIC) regarding voters who may have voted twice in state and across state lines. We have also received a report of persons who may have been deceased when a vote was cast in their name. Finally, we have identified potential non-U.S. citizen voters and have directed county voter registrars to take action to verify the eligibility of registered voters and cancel their registration if they do not present proof of eligibility. Once that action has been taken, our office evaluates the persons cancelled and refers any instances of possible illegal voting to the Office of the Texas Attorney General for investigation ([Sec. 31.006](#)).

### **Phase 2: Comprehensive Election Records Examination (Spring 2022)**

- As part of the Texas Secretary of State's duty to assist and advise all election authorities with regard to the application, operation, and interpretation of the Texas Election Code ([Sec. 31.004](#)) and to obtain and maintain uniformity in the application of the Code ([Sec. 31.003](#)), the office will conduct a comprehensive election records examination over the next several months to ensure election

administration procedures were properly followed during the 2020 General Election.

- The records examined from each county will include – but are not limited to – the following types of documents:
  - Logic & Accuracy Testing Records for Voting Machines, including:
    - All test ballots voted
    - Test Deck Records
    - Testing Media
  - Early Voting and Election Day Materials, including:
    - List of registered voters used in the 2020 General Election
    - Daily Early Voting Rosters for in-person voting
    - Chain of Custody forms that document the seals on the ballot boxes
    - Chain of Custody delivery and pickup of equipment at voting sites
    - Statements of Residence
    - Reasonable Impediment Declarations
    - Limited Ballot Applications
    - Audit Logs from applicable Voting System Devices
    - List of Rejected Provisional Ballots and reason for rejection
    - Ballot and Seal Certificates
    - Hand Delivery of a Ballot by Mail Roster and Forms
    - Receipts of Sealed Early Voting Ballot Boxes
  - Signature Verification Committee Materials
  - Early Voting Ballot Board Materials, including:
    - Receipt of Sealed Early Voting Ballot Boxes
    - Poll List of Mail Voters
    - Notice of Rejected Carriers and reasons
  - Central Counting Station Plan
  - Training Materials
- County election officials must retain these records for 22 months under both federal law ([52 USC 20701](#)) and state law ([Texas Election Code Sec. 66.058](#)).
- All of this information is available to the general public ([Sec. 1.012](#)).
- After a thorough examination of the abovementioned records and materials in each county, irregularities or deviations from election administration procedures that may have affected the accuracy of the electronic voting system ballot count could trigger a full manual recount of ballots in the affected precincts or polling locations, pursuant to the Secretary of State's authority to ensure the accuracy of the tabulation of electronic voting system results ([Sec. 127.202](#)).

---

**From:** Keith Ingram  
**Sent:** Tuesday, December 21, 2021 2:21 PM  
**To:** Adam Bitter; Sam Taylor; Joe Esparza  
**Subject:** FW: Collin County Response to Secretary Scott's Initial Audit Survey  
**Attachments:** Initial Audit Survey\_20211217.docx

---

**From:** Bruce Sherbet <bsherbet@co.collin.tx.us>  
**Sent:** Tuesday, December 21, 2021 12:17 PM  
**To:** Christina Adkins <CAdkins@sos.texas.gov>; Keith Ingram <KIngram@sos.texas.gov>  
**Subject:** Collin County Response to Secretary Scott's Initial Audit Survey

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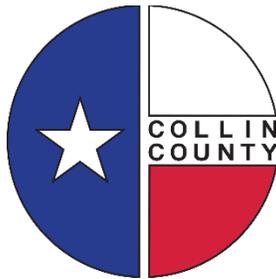
Christina and Keith,

Attached is the Collin County response to Secretary Scott's initial audit survey. Please let me know if I need to clarify or furnish additional information to my survey responses.

Thank you,

Bruce Sherbet  
Elections Administrator  
Collin County Elections  
2010 Redbud Blvd., Ste 102  
McKinney, TX 75069  
972-547-1900

**Bruce Sherbet**  
**Elections Administrator**



**2010 Redbud Blvd. Ste 102**  
**McKinney, Texas 75069**  
**972-547-1990 / 800-687-8546**  
**972-424-1460 Ext 1990 Metro**  
**Fax 972-547-1914**

December 21, 2021

John B. Scott  
Secretary of State  
State of Texas  
P.O. Box 12060  
Austin, TX 78711-2060

RE: Initial Audit Survey

Dear Secretary Scott,

Thank you so much for reaching out to our office, and also for your kind words in regards to the transparency in the election process that we strive for here in Collin County. With every passing election we become more efficient and adept in what we are asked to do as an election department in the great State of Texas. It is our hope that through this audit process our hard work and dedication to transparency is evident in the findings and documentation that we are able to provide to you.

As requested in your previous letter (dated December 10, 2021), the following are the responses of the Collin County Election Department to the initial audit survey that was contained within said letter. We hope that the information provided below helps guide you into Phase 2 of this audit. The following are our responses:

- **A list of Early Voting or Election Day polling locations that had a discrepancy of one percent or more between the number of voters that checked in to the number of votes cast at that location.**

We had no locations that had a 1% discrepancy between the number of voters that checked in to the number of votes cast at that location.

- **Whether any voting sites were closed or added due to an emergency or other necessity**

We had no voting sites that were closed or added due to an emergency during the November 2020 General and Special Election.

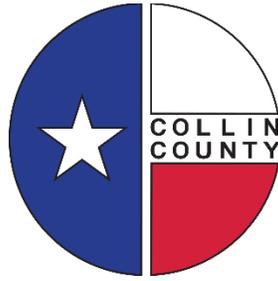
- **Any known procedural or chain of custody defects**

Looking back on the November 2020 General and Special Election we can acknowledge some defects in our chain of custody process that was in play then. It is important to note that we are constantly enhancing our processes to become more efficient each election. An area of deficiency that we noticed from the November 2020 election was the tracking of full ballot boxes as they moved from a polling location to our office. We were able to indicate what location a full ballot box came from, however, there was some uncertainty about what specific tabulator the box was in at the location. Some of our larger locations had multiple DS200s, adding a level of difficulty in tracking this information. We have since changed how we track each piece of equipment that we have at each location by adding serialized barcodes to all hardware devices. These barcodes were also added to location tabulator USB/media sticks, which we noticed was another deficiency in our process. We now know specifically what USB/media stick went into each device pre-delivery and tabulation instead of the backend of the process. These changes have enhanced our security and chain of custody moving forward.

- **Any other issues discovered that you would like to disclose now that may be relevant to our audit process**

There are no other issues that we have discovered that may be relevant to the Secretary of State's audit process.

**Bruce Sherbet**  
**Elections Administrator**



**2010 Redbud Blvd. Ste 102**  
**McKinney, Texas 75069**  
**972-547-1990 / 800-687-8546**  
**972-424-1460 Ext 1990 Metro**  
**Fax 972-547-1914**

- **A list of complaints received and resolved, with a description of any known investigative steps or known resolution.**

Below is a list of complaints received by the Collin County Election Department during the November 2020 General and Special Elections. For more detailed information regarding these complaints, please refer to the attached PDF titled “November 2020 General and Special Election Complaints – Compiled”, which is document containing the scanned images of these complaints, including some of the resolutions of the complaints.

- **BBM Complaints**
  - Dr. Elvira White-Lewis
  - Joseph Michael Phillips
  - Kennedy Pickering
  - Michael and Marsha Santarcangelo
  - Nate Fox
  - Rita and Carl Fischer
- Curbside Voting Complaint – David Spangler
- Election Complaint Filed with SOS - Alemtsehay Bayyan
- J. Springfield Response to B. Brown RE Alleged Voter Fraud-10-14-21
- Notice of Outcome to Provisional Voter-Brianna Jones
- Polling Place Complaints
  - McKinney Fire Station #5
  - Parr Library
  - Patrick Dalrymple
  - Richardson Office Complex
- Polling Place Procedure Complaint - Joy Bergmann
- Rejected Provisional-Ramiro Edgar Ojeda Garcia
- State of Texas vs. Fred Lusk - 11-3-20
- Voter Registration Complaint - Judy Cote
- Voting Concerns - Scot Bontrager
- Voting Machine Complaint - Joanne Summit
- Election results and voting equipment certification question
- **A detailed accounting of the following:**
  - **Total Early Voting Ballots by Mail Requested**
    - 43,931 Early Voting Mail Ballots requested
  - **Total Early Voting Ballots by Mail Sent out**
    - 43,814 Early Voting Mail Ballots sent out
  - **Total Early Voting Ballots requested by FPCA**
    - 3,581 Early Voting Mail Ballots requested by FPCA
  - **Breakdown of Early Voting Ballots by Mail accepted/rejected**
    - 35,650 Early Voting Mail Ballots accepted
    - 27 Early Voting Mail Ballots rejected
  - **Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted in person**
    - 2,393 voters did not surrender their mail ballots and voted in person during Early Voting
    - 81 voters did not surrender their mail ballots and voted in person on Election Day
    - A total of 2,474 voters did not surrender their mail ballots and voted in person during the November 2020 General and Special Election

**Bruce Sherbet**  
**Elections Administrator**



**2010 Redbud Blvd. Ste 102**  
**McKinney, Texas 75069**  
**972-547-1990 / 800-687-8546**  
**972-424-1460 Ext 1990 Metro**  
**Fax 972-547-1914**

- **Total number of mail ballot voters that surrendered their mail ballot and voted in person**
  - 4,764 mail ballot voters surrendered their mail ballot and voted in person during Early Voting
  - 68 mail ballot voters surrendered their mail ballot and voted in person on Election Day
  - A total of 4,832 mail ballot voters surrendered their mail ballot and voted in person during the November 2020 General and Special Election
- **A detailed accounting of the following:**
  - **Total Number of Provisional Votes Cast**
    - 4,162 Provisional Ballots were cast during Early Voting
    - 2,087 Provisional Ballots were cast on Election Day
    - A total of 6,249 Provisional Ballots were cast during the November 2020 General and Special Election
  - **A list of Provisional Voters by reason for voting provisionally**
    - A list and Provisional Ballot voters report in PDF and Excel formats titled “20201103\_Provisional Ballot Tracking” have been included with this letter. Please review this document for more information.
  - **Total Number of Provisional Votes cast for voters lacking ID**
    - 10 Provisional Ballots cast for voters lacking ID during Early Voting
    - 10 Provisional Ballots cast for voters lacking ID on Election Day
    - A total of 20 Provisional Ballots cast for voters lacking ID during the November 2020 General and Special Election
  - **Total number of Provisional Voted Accepted/Rejected**
    - 2,725 Provisional Ballots cast during Early Voting were accepted
    - 1,437 Provisional Ballots cast during Early Voting were rejected
    - 225 Provisional Ballots cast on Election Day were accepted
    - 1,862 Provisional Ballots cast on Election Day were rejected
    - A total of 2,950 Provisional Ballots cast during the November 2020 General and Special Election were accepted
    - A total of 3,299 Provisional Ballots cast during the November 2020 General and Special Election were rejected
- **List of entities that conducted recounts or had election contests**

There were no entities that conducted recounts or had election contests from the results of the November 2020 General and Special Election.

If you require any further explanation for any of the responses listed above, please feel to reach out to me or anyone in our office. We are happy to provide any assistance that we can as we all navigate our way through these difficult and trying times. We look forward to hearing from you and working with you all during this endeavor.

Sincerely,

Bruce Sherbet  
Elections Administrator  
Collin County Elections  
(972) 547-1900

---

**From:** Keith Ingram  
**Sent:** Tuesday, December 21, 2021 4:21 PM  
**To:** Sam Taylor; Adam Bitter; Joe Esparza  
**Subject:** Fw: Letter from Secretary Scott  
**Attachments:** SOS response - 20211221 V2.pdf

**Sensitivity:** Personal

---

**From:** Heider I. Garcia <HIGarcia@tarrantcounty.com>  
**Sent:** Tuesday, December 21, 2021 4:19 PM  
**To:** Christina Adkins <CAdkins@sos.texas.gov>; Keith Ingram <KIngram@sos.texas.gov>  
**Cc:** Troy C. Havard <TCHavard@tarrantcounty.com>  
**Subject:** RE: Letter from Secretary Scott

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Good afternoon Christina and Keith.

Attached to this email is the response to the letter received. I ask that you please forward my response letter to the Secretary. Would you like a hard copy to follow in the mail or will the electronic version suffice?

Thanks,

Heider Garcia, PMP, CERA  
Tarrant County Elections Administrator  
2700 Premier Street  
Fort Worth, Texas 76111  
(817) 831-8683



---

**From:** Christina Adkins <CAdkins@sos.texas.gov>  
**Sent:** Friday, December 10, 2021 4:32 PM  
**To:** Collin - Bruce Sherbet (bsherbet@co.collin.tx.us) <bsherbet@co.collin.tx.us>; Dallas - Michael J. Scarpello (michael.scarpello@dallascounty.org) <michael.scarpello@dallascounty.org>; Heider I. Garcia

<HIGarcia@tarrantcounty.com>; Harris - Isabel Longoria (Isabel.Longoria@vote.hctx.net)

<Isabel.Longoria@vote.hctx.net>

**Subject:** Letter from Secretary Scott

**Sensitivity:** Personal

**EXTERNAL EMAIL ALERT! Think Before You Click!**

Please see the attached correspondence from Secretary Scott.

Thank you,

**Christina Worrell Adkins**

Legal Director – Elections Division

Office of the Texas Secretary of State

1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701

512-463-9859 (direct) | 1.800.252.VOTE (8683)

[elections@sos.texas.gov](mailto:elections@sos.texas.gov) | [www.sos.texas.gov](http://www.sos.texas.gov)

**For Voter Related Information, please visit:**



*The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.*

**HEIDER GARCIA**  
Elections Administrator



**TROY HAVARD**  
Assistant Elections Administrator

## TARRANT COUNTY ELECTIONS ADMINISTRATION

December 21, 2021

Honorable John Scott  
Texas Secretary of State  
P.O. Box 12060  
Austin, TX 78711-2060

Mr. Secretary,

I am in receipt of your letter dated December 10, 2021. I sincerely appreciate the work being done by your office to provide clarity and confidence to all Texas voters about the 2020 Election and, as we have said from the day the audit was announced, Tarrant County stands ready to assist your office in the process. I am 100% confident that the outcome will show, once again, what has been clear from the beginning: that Texas has safe and secure elections, and that the 2020 Presidential Election was not an exception.

The list below is our response to the information you requested us to provide in writing by today:

- *A list of Early Voting or Election Day polling locations that had a discrepancy of one percent or more between the number of voters that checked in to the number of votes cast at that location.*

Official results are not generated per location, but rather per election precinct as required in Chapter 67 of the Texas Election Code. To produce the numbers per location as requested, we have turned to other documentation we use to check on the progress of the election activities.

During Early Voting, Lead Clerks are required to call in to our office and report, at the end of every day, the number of voters checked into the electronic poll book and the number of ballots cast in the ballot scanner. While the number of voters checked in is accessible from our offices, the fact that the voting system is air-gapped leaves no choice but to obtain this information through a phone call. Using that daily phone report, we have verified that while there are minor discrepancies, all of them are below the 1% threshold you have inquired about.

For Election Day, we compared the number of voters who signed in on the electronic poll book to the numbers of ballots cast as reported by the ballot scanners on election night. As a regular practice, Tarrant County does a comparison of these two numbers on election night, which allows us to detect any potential problems and address them immediately, and we keep a record of what was done that night (we call it the Election-night audit). That report, however, **does not include the provisional ballots that are approved by the ballot board after election day**, hence there are minor variations that are not considered red flags. The table below summarizes the 16 sites (out of 323) that fall within the specified range:

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

Table 1 - Election Day sites that have a 1% or greater discrepancy between the number of voters checked in the number of ballots cast

- *Whether any voting sites were closed or added due to an emergency or other necessity*

The list below are the Early Voting locations that had to be closed due to COVID-19 cases:

- Monday 10/12: Keller Town Hall, Villages of Woodland Springs and Euless Family Life Senior Center had staff affected by a COVID-19 case in a training class. The Keller Town Hall and Villages of Woodland Springs locations opened by 9:00 a.m., and the Euless location opened by 10:00 a.m.
- Friday 10/22: The Lead Clerk for the Brookside Community Center tested positive for COVID-19 and the site had to close for the day.
- Monday 10/26: JPS Como closed for the day due to a poll worker testing positive for COVID-19.

There were no Election Day polling locations closed.

- *Any known procedural or chain of custody defects*

There are no known procedural or chain of custody issues to report.

- *Any other issues discovered that you would like to disclose now that may be relevant to our audit process*

There are no known issues to report.

- *A list of complaints received and resolved, with a description of any known investigative steps or known resolution.*

Complaints received from voters are handled via emails. These emails are over a year old, and as such have been archived by our IT Department. We are in the process of retrieving and sorting them, so that they are available in January when the audit team arrives on site. I apologize for not having them attached to this response, but on such short notice, and so close to the holidays, it was just not possible to complete this request.

- *A detailed accounting of the following:*

- *Total Early Voting Ballots by Mail Requested: 89,305.*

- *Total Early Voting Ballots by Mail Sent out:* 89,305.
- *Total Early Voting Ballots requested by FPCA:* 4,983.
- *Breakdown of Early Voting Ballots by Mail accepted/rejected:* 65,995 accepted/311 rejected.
- *Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted in person:* 11,735 voters cancelled an absentee ballot and voted in person. The system does not record whether the voter surrendered the ballot or not.
- *Total number of mail ballot voters that surrendered their mail ballot and voted in person:* 11,735 voters cancelled an absentee ballot and voted in person. The system does not record whether the voter surrendered the ballot or not.
- *A detailed accounting of the following:*
  - *Total Number of Provisional Votes Cast:* 10,845.
  - *A list of Provisional Voters by reason for voting provisionally:* Please refer to the report attached "1120 Provisionals".
  - *Total Number of Provisional Votes cast for voters lacking ID:* 96.
  - *Total number of Provisional Voted Accepted/Rejected:*
    - *Accepted:* 4,385.
    - *Rejected:* 6,460.
- *List of entities that conducted recounts or had election contests*

There were no recounts or election contests requested.

Please note Tarrant County is currently engaged in litigation which may impact the ability of the Tarrant County Elections Administration to retrieve some of the data sought by the Secretary of State's Office. Specifically, an individual sought and received a Temporary Restraining Order and then an Agreed Temporary Injunction which has led to the powering down and secure storage of various servers and hard drives used in the November 2020 election. This lawsuit seeks to allow the plaintiff to access some data and information on these devices pursuant to the Texas Public Information Act. Should the Secretary of State wish to consider having Tarrant County approach the District Court with jurisdiction over the information to seek permission to access the information to aid your audit, please contact us so that we may explore that possibility.

Finally, the Tarrant County Elections Administration will assist the Secretary of State in procuring a secure space for the performance of this audit in January 2022. However, because the Elections Administration will be in the midst of preparing for the March 2022 primary elections, it is highly likely such a work area for the Secretary of State would be in a building separate from the main Elections Administration office. The Elections Administration will also assist in finding a way to transport the data, documents, and other information sought by the Secretary of State to this secure location.

In closing, Mr. Secretary, I want to reiterate once again that we are here to assist your office and fully cooperate in this process. I know you and your staff will understand the need to balance out the workload of this project with the conduct of the Primary and Municipal elections happening in the first half of 2022. The successful completion of both projects will be our utmost priority for the new year.

Sincerely,



Heider Garcia  
Elections Administrator

---

**From:** Keith Ingram  
**Sent:** Wednesday, December 22, 2021 8:20 AM  
**To:** Adam Bitter; Sam Taylor; Joe Esparza  
**Subject:** FW: Letter from Secretary Scott  
**Attachments:** Harris County\_12.21.2021 Response to Texas SOS.pdf; Harris County\_12.21.2021 Response to Texas SOS\_Attachment.pdf

**Sensitivity:** Personal

---

**From:** Longoria, Isabel (Elections) <Isabel.Longoria@vote.hctx.net>  
**Sent:** Tuesday, December 21, 2021 9:38 PM  
**To:** John Scott <JScott@sos.texas.gov>  
**Cc:** Keith Ingram <KIngram@sos.texas.gov>; Christina Adkins <CAdkins@sos.texas.gov>  
**Subject:** RE: Letter from Secretary Scott  
**Sensitivity:** Personal

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Please see the attached response.



**Isabel Longoria**  
Harris County Elections  
Administrator  
[Isabel.Longoria@vote.hctx.net](mailto:Isabel.Longoria@vote.hctx.net)  
832.584.1757  
she/hers

---

**From:** Christina Adkins <[CAdkins@sos.texas.gov](mailto:CAdkins@sos.texas.gov)>  
**Sent:** Friday, December 10, 2021 4:32 PM  
**To:** Collin - Bruce Sherbet ([bsherbet@co.collin.tx.us](mailto:bsherbet@co.collin.tx.us)) <[bsherbet@co.collin.tx.us](mailto:bsherbet@co.collin.tx.us)>; Dallas - Michael J. Scarpello ([michael.scarpello@dallascounty.org](mailto:michael.scarpello@dallascounty.org)) <[michael.scarpello@dallascounty.org](mailto:michael.scarpello@dallascounty.org)>; Heider I. Garcia <[HIGarcia@tarrantcounty.com](mailto:HIGarcia@tarrantcounty.com)>; Longoria, Isabel (EAD) <[Isabel.Longoria@vote.hctx.net](mailto:Isabel.Longoria@vote.hctx.net)>  
**Subject:** Letter from Secretary Scott  
**Sensitivity:** Personal

Please see the attached correspondence from Secretary Scott.

Thank you,

**Christina Worrell Adkins**  
Legal Director – Elections Division  
Office of the Texas Secretary of State

1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701

512-463-9859 (direct) | 1.800.252.VOTE (8683)

[elections@sos.texas.gov](mailto:elections@sos.texas.gov) | [www.sos.texas.gov](http://www.sos.texas.gov)

**For Voter Related Information, please visit:**



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OFFICE OF ISABEL LONGORIA  
ELECTIONS ADMINISTRATOR  
HARRIS COUNTY ★ STATE OF TEXAS



December 21, 2021

John B. Scott  
Texas Secretary of State  
Elections Division  
P.O. Box 12060  
Austin, Texas 78711-2060

Dear Secretary Scott:

I write in response to your letter dated December 10, 2021, regarding “Phase 2 of the Full Forensic Audit,” in which you asked my office to compile a list of responses by December 21, and you provided an almost 8-page list of documents indicating you would like our office to “begin locating the documents listed to prepare for our Forensic Audit Division’s on-site examinations, which will be coordinated at a mutually convenient time in January 2022.” That is an impossible timeline by which to complete the tasks requested.

Our office is in the process of preparing to hold six elections over the course of the next six months, four of which are countywide elections, some even ordered by the state legislature: a special election in January, the Primary elections in March, a likely runoff for the special election, the May 7 uniform election, the May 24 Primary election runoff and the election for Precinct Chairs, and the likely runoff for the May 7 uniform election. Every day from now until June 2022 there is either voting actively occurring or a critical deadline our office must complete for at least one of those six elections. Thus, it would be cumbersome and potentially irresponsible for us to divert staff and resources away from active elections to host an “audit” of a past, certified election.

Additionally, the extensive requirements of Senate Bill 1 will be in effect, for the first time, for the Republican and Democratic Primary Elections. Planning and executing the implementation of such a wide sweeping legislation is a massive undertaking and requires my staff’s full time and attention. Because your office has released little guidance on how to implement these important new provisions, we are left to sort through the logistics on our own in hopes that they meet the undisclosed SOS standards.

In short, taking hundreds of hours from staff time to pull documents listed in your prior letter instead of working toward implementation of SB1, nor preparing for the massive election calendar over the next six months, would be asking us to put the 2022 Primaries and compliance with Senate Bill 1 in jeopardy.

Since I was sworn into office on November 18, 2020, 15 days after the November 2020 Presidential Election concluded, the Elections Administrator's Office has endeavored to run elections fairly, equitably, accurately, and smoothly. That is why we are doing everything in our power to fully prepare for the upcoming 2022 elections for the sake of Harris County voters.

We attach responses to the questions in your December 10, 2021 letter. For the remainder of your requests, we await your call to discuss the time and resources it would take to go through the documents.

Sincerely,



Isabel Longoria  
Harris County Elections Administrator

Attachments:

*Attachment 1: Response to Texas SOS December 10 Initial Requests*

**Harris County Elections Administrator**  
**Attachment 1: Response to Texas SOS December 10 Initial Requests**

- 1. A list of Early Voting or Election Day polling locations that had a discrepancy of one percent or more between the number of voters that checked in to the number of votes cast at that location.**

Our office has gathered information and is in the process of comparing for any percentage discrepancies.

- 2. Whether any voting sites were closed or added due to an emergency or other necessity.**

Yes, three locations were closed for the remainder of a day due to weather-related issues.

- 3. Any known procedural or chain of custody defects.**

Procedural and Chain of Custody documents from the November 2020 Election have been maintained and are available for review to ascertain the existence and nature of any defects.

- 4. Any other issues discovered that you would like to disclose now that may be relevant to our audit process.**

Please see response to no. 3.

- 5. A list of complaints received and resolved, with a description of any known investigative steps or known resolution.**

Our office is in the process of gathering the ADA complaints from Nov 2020.

- 6. A detailed accounting of the following:**

- a. **Total Early Voting Ballots by Mail Requested** 194,566 (does not include FPCA or Emergency ballot applications)
- b. **Total Early Voting Ballots by Mail Sent out** 206,020
- c. **Total Early Voting Ballots requested by FPCA** 12,895
- d. **Breakdown of Early Voting Ballots by Mail accepted/rejected**
  - i. Total received: 180,007
  - ii. Accepted: 179,174
  - iii. Rejected: 224
  - iv. Late ballots: 609
- e. **Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted in person**

- i. Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted provisionally in person: 8,337
  - ii. Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted regularly in person: 57
- f. **Total number of mail ballot voters that surrendered their mail ballot and voted in person: 45,225**

**7. A detailed accounting of the following:**

- a. **Total Number of Provisional Votes Cast: 13,835**
- b. **A list of Provisional Voters by reason for voting provisionally:** A comprehensive list does not exist. While our office does not currently have the capacity to go through the nearly 14,000 provisional ballot affidavits from the November 2020 election, the provisional ballot affidavits and additional provisional ballot documentation are available for review and our office will provide them to you at a mutually agreed upon time.
- c. **Total Number of Provisional Votes cast for voters lacking ID: 8,528**
- d. **Total number of Provisional Voted Accepted/Rejected: 5,307**

**8. List of entities that conducted recounts or had election contests:**

Harris County MUD 24 conducted a recount of their November 2020 election.

---

**From:** Keith Ingram  
**Sent:** Wednesday, September 29, 2021 10:29 AM  
**To:** James Brase; Adam Bitter  
**Subject:** Fwd: audit information  
**Attachments:** 9.28.2021\_Full Forensic Audit Summary\_Texas Secretary of State.pdf

**Sensitivity:** Personal

Here is what we sent to the counties yesterday.

Get [Outlook for iOS](#)

---

**From:** Keith Ingram <KIngram@sos.texas.gov>  
**Sent:** Tuesday, September 28, 2021 6:00 PM  
**To:** Collin - Bruce Sherbet (bsherbet@collincountytx.gov); Dallas - Michael J. Scarpello (michael.scarpello@dallascounty.org); Harris - Isabel Longoria (Isabel.Longoria@vote.hctx.net); Heider I. Garcia  
**Subject:** audit information

Good evening everyone, attached is additional information regarding the audit our office announced last week.

Keith Ingram  
Director, Elections Division  
Office of the Secretary of State  
800-252-VOTE(8683)  
[www.sos.state.tx.us/elections/index.shtml](http://www.sos.state.tx.us/elections/index.shtml)  
**For Voter Related Information, please visit:**



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# **Texas Secretary of State Full Forensic Audit of 2020**

## **General Election**

The Texas Secretary of State's office has announced a full forensic audit of the 2020 General Election in Dallas, Harris, Tarrant and Collin counties. The full forensic audit is being conducted in two phases, the first of which is already underway. The purpose of this audit is to ensure all Texas voters can have confidence in the elections systems in our state, and to address any outstanding issues county election officials may face that undermines the integrity of our elections.

### **Phase 1: Testing Voting Machine Accuracy, Cybersecurity Assessments, and Identifying and Removing Ineligible Voters Who Cast Ballots in 2020 (Already Completed or Underway)**

- After every single Texas election, counties are required to conduct a partial manual count of electronic voting system ballots within 72 hours of the polls closing to ensure the accuracy of the tabulation of electronic voting systems results ([Sec. 127.201](#)).
- All counties are required to undergo an Election Security Assessment (ESA) of the county's election system ([Sec. 279.003](#)). All 254 counties have completed these assessments.
- Under both state and federal law, the Texas Secretary of State's office is empowered to maintain the accuracy of the statewide voter registration list to ensure that ineligible voters – including deceased individuals, individuals registered in multiple states or counties, and non-U.S. citizens – do not remain on the voter rolls ([Secs. 18.061 – 18.0681](#)).
- As part of the audit process, the office has received reports from the Electronic Registration Information Center (ERIC) regarding voters who may have voted twice in state and across state lines. We have also received a report of persons who may have been deceased when a vote was cast in their name. Finally, we have identified potential non-U.S. citizen voters and have directed county voter registrars to take action to verify the eligibility of registered voters and cancel their registration if they do not present proof of eligibility. Once that action has been taken, our office evaluates the persons cancelled and refers any instances of possible illegal voting to the Office of the Texas Attorney General for investigation ([Sec. 31.006](#)).

### **Phase 2: Comprehensive Election Records Examination (Spring 2022)**

- As part of the Texas Secretary of State's duty to assist and advise all election authorities with regard to the application, operation, and interpretation of the Texas Election Code ([Sec. 31.004](#)) and to obtain and maintain uniformity in the application of the Code ([Sec. 31.003](#)), the office will conduct a comprehensive election records examination over the next several months to ensure election

administration procedures were properly followed during the 2020 General Election.

- The records examined from each county will include – but are not limited to – the following types of documents:
  - Logic & Accuracy Testing Records for Voting Machines, including:
    - All test ballots voted
    - Test Deck Records
    - Testing Media
  - Early Voting and Election Day Materials, including:
    - List of registered voters used in the 2020 General Election
    - Daily Early Voting Rosters for in-person voting
    - Chain of Custody forms that document the seals on the ballot boxes
    - Chain of Custody delivery and pickup of equipment at voting sites
    - Statements of Residence
    - Reasonable Impediment Declarations
    - Limited Ballot Applications
    - Audit Logs from applicable Voting System Devices
    - List of Rejected Provisional Ballots and reason for rejection
    - Ballot and Seal Certificates
    - Hand Delivery of a Ballot by Mail Roster and Forms
    - Receipts of Sealed Early Voting Ballot Boxes
  - Signature Verification Committee Materials
  - Early Voting Ballot Board Materials, including:
    - Receipt of Sealed Early Voting Ballot Boxes
    - Poll List of Mail Voters
    - Notice of Rejected Carriers and reasons
  - Central Counting Station Plan
  - Training Materials
- County election officials must retain these records for 22 months under both federal law ([52 USC 20701](#)) and state law ([Texas Election Code Sec. 66.058](#)).
- All of this information is available to the general public ([Sec. 1.012](#)).
- After a thorough examination of the abovementioned records and materials in each county, irregularities or deviations from election administration procedures that may have affected the accuracy of the electronic voting system ballot count could trigger a full manual recount of ballots in the affected precincts or polling locations, pursuant to the Secretary of State's authority to ensure the accuracy of the tabulation of electronic voting system results ([Sec. 127.202](#)).

---

**From:** Christina Adkins  
**Sent:** Tuesday, September 28, 2021 6:40 PM  
**To:** Elec Legal  
**Subject:** Fwd: audit information  
**Attachments:** 9.28.2021\_Full Forensic Audit Summary\_Texas Secretary of State.pdf

**Sensitivity:** Personal

See below. This was sent to the four counties. It's also posted on our website. Here's the link --

<https://www.sos.texas.gov/about/forms/9-28-21-forensic-audit-summary.pdf>

---

**From:** Keith Ingram <KIngram@sos.texas.gov>  
**Sent:** Tuesday, September 28, 2021, 6:00 PM  
**To:** Collin - Bruce Sherbet (bsherbet@collincountytx.gov); Dallas - Michael J. Scarpello (michael.scarpello@dallascounty.org); Harris - Isabel Longoria (Isabel.Longoria@vote.hctx.net); Heider I. Garcia  
**Subject:** audit information

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Keith Ingram  
Director, Elections Division  
Office of the Secretary of State  
800-252-VOTE(8683)

[www.sos.state.tx.us/elections/index.shtml](http://www.sos.state.tx.us/elections/index.shtml)

**For Voter Related Information, please visit:**



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    - Reasonable Impediment Declarations
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**From:** Texas Secretary of State Press Office <TXSoSPress@public.govdelivery.com>  
**Sent:** Monday, November 22, 2021 11:03 AM  
**To:** Beva Kellison  
**Subject:** ICYMI: Secretary John Scott: Full Forensic Audit will Restore Faith in Texas Elections

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**Texas Secretary of State**

**John B. Scott**

**For Immediate Distribution**  
November 22, 2021

Contact: Sam Taylor  
[smtaylor@sos.texas.gov](mailto:smtaylor@sos.texas.gov)  
(512) 463-6116

**ICYMI: Secretary John Scott: Full Forensic Audit will Restore Faith in Texas Elections**

AUSTIN — Writing in the *Houston Chronicle* yesterday, Texas Secretary of State John Scott explained the need for the full forensic audit of the 2020 General Election currently underway, highlighting that the ultimate goal of the audit is to restore Texas voters' trust in our state's election systems. The column comes after Governor Abbott and state legislative leadership [approved \\$4 million for the creation of a permanent Election Audit Division](#) within the Texas Secretary of State's office to [complete the ongoing full forensic audit of the 2020 General Election and subsequent audits required by Senate Bill 1](#).

"For the past several election cycles, voters have faced a crisis of confidence in the very system that underpins our representative form of government," Secretary Scott [wrote in the column](#).

"Whether it was the specter of foreign interference in our elections or allegations of widespread mail ballot fraud during the pandemic, voters have been hit with a barrage of reasons to doubt the system. And, unsurprisingly, it's starting to take its toll on their faith in the integrity of our elections..."

"...This is why, in order to restore voters' confidence in the strength and resilience of our election systems, Texas is conducting the largest and most comprehensive forensic audit of the 2020 General Election."

Secretary Scott continued: "While county election officials have already conducted partial manual recounts, election security assessments and voter eligibility verification, the Texas Forensic Audit goes well beyond any other legislative election audit proposals or models in other states. Our audit examines, among other items: chain of custody records of voted ballots and voting equipment, audit logs from electronic voting systems, and materials from Early Voting Ballot Boards and Signature Verification Committees to ensure that mail ballots were not subjected to tampering and match the list of voters who requested them.

"Importantly, this will be the country's most comprehensive 'forensic' audit of the 2020 election, using analytical tools to examine the literal nuts and bolts of election administration to determine if any illegal activity may have occurred. Using the authority given to our agency by the Legislature, we will conduct additional full manual recounts of any and all precincts affected by election irregularities.

"We will follow the facts, follow the evidence and ensure any cases of illegal voting or election crimes are investigated by the proper law enforcement authorities, including the Texas Attorney General's Office.

"Texans should be encouraged by the dedicated county election officials who work cycle after cycle to conduct elections with the integrity and professionalism that voters deserve.

"But voters also need peace of mind — they need assurances that Texas election law and federal laws protecting the rights of legal, eligible voters are being followed at every step in the process. When irregularities occur, no matter how inconsequential they may seem, it takes a concerted effort to restore voters' faith in elections."

[Read Secretary Scott's full column in the \*Houston Chronicle\*.](#)

###

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**From:** Paul Craft [REDACTED]  
**Sent:** Monday, September 27, 2021 9:08 AM  
**To:** Christina Adkins  
**Subject:** Our Conversation This Morning

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Dear Ms. Adkins,

As we discussed this morning, the Freeman, Craft, McGregor Group is interested in conducting election audit projects for the Texas Secretary of State. Our experience in election administration reviews and audits include projects for the City of Chicago and Cook County, Illinois, the State of Maryland, Minneapolis Minnesota, and the City of London Ontario. Our proposal would be for an audit of elections operations, adequacy of and compliance with procedures, internal controls, and effectiveness of security, not a recount.

Our project team would include, Kate McGregor, Steve Weingart, Dr. Gisela Salas, Connie Schmidt and myself.

For the background of our partners and more information on our experience please see our website at:  
<https://fcmconsulting.com/>

Thank you,  
Paul Craft

---

**From:** Mark Pillsbury <[REDACTED]>  
**Sent:** Friday, October 1, 2021 4:23 PM  
**To:** Christina Adkins  
**Subject:** Re: Audit (4 counties)

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[hope this is the right email address]

On Tuesday, September 28, 2021, 04:38:16 PM CDT, Mark Pillsbury <markpills@ymail.com> wrote:

To: Christina W. Adkins

Re: full forensic audit of 2020 election

CWA: I wanted you to know about the *Houston Chronicle* opinion page Monday, September 27, 2021

On page A17 an opinion piece called the upcoming audit (quote) "embarrassing"

One quote that I would also point out: "*there was no evidence of widespread voter fraud in 2020.*" (in Texas)

I disagree with that statement, but maybe there is wiggle-room in the definition of the word: "**widespread**"?

Certainly there was some degree of voter fraud in some form in almost all 254 counties in Texas, and not just the four your office is allegedly going to audit; for example, there were thousands of **felons either on probation or parole** who voted in Texas despite the TECode saying that a felon voting is committing another (2nd degree) felony by illegally voting! This was definitely "widespread" and I know the exact names and addresses (correlated/cross-referenced) because the data is public and available.

Indeed, I don't know the scope of what the Sec'y. of State considers a **full forensic audit**, b/c it is a multi-faceted problem. That's why I'm emailing you, and also because I have travelled a similar path: e.g., Univ. of Texas undergrad, and SMU Law School, are my degrees, just like you!

I would like to help with the SOS audit, either as a full-time employee, part-time employee, or as a consultant. I'm a former prosecutor, w/ extensive experience in a large independent E&P corporation which gave me an eye to detail, finance, auditing, legal documents, etc.

If you have sent others to the four counties, I would be willing to take up their dockets of cases, or go to each county and help assimilate the data needed to find the voter fraud that surely exists. I can start by providing you the complete list of felons who voted in the 2020 election. They committed a state jail felony by merely attempting to unlawfully cast a ballot, although I'm sure many would say *they didn't know it was illegal?*

The Chron.com opinion piece calls the audit a threat, and "setting the stage for a constitutional crisis," however, when the evidence of fraud is discovered, in whatever form, I doubt they will write another

(retraction) op-ed article. The democratic process should have zero tolerance for negligence, fraud, or criminal activity within our state elections, and I hope you have success in your efforts, but let me repeat: I would like to help.

LinkedIn: [linkedin.com/in/markpillsburylawyer](https://www.linkedin.com/in/markpillsburylawyer)

SBOT bar card no. 16011340

Mobile phone no. (713) 444-7811

Many thanks, --markpills

---

**From:** Keith Ingram  
**Sent:** Friday, September 24, 2021 10:35 AM  
**To:** Windy Johnson  
**Cc:** Adam Bitter  
**Subject:** Re: Election audit

nothing finalized yet.

---

**From:** Windy Johnson <[REDACTED]>  
**Sent:** Friday, September 24, 2021 9:01 AM  
**To:** Keith Ingram <KIngram@sos.texas.gov>  
**Subject:** Election audit

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Hi Keith,

Can you please share the amount of funds the sos is requesting from the legislature to complete the forensic audit?

Thank you,

Windy Johnson  
Urban Counties

---

**From:** Charles Pinney  
**Sent:** Wednesday, September 29, 2021 1:48 PM  
**To:** Tammy Biggar  
**Subject:** Re: Request for forensic audit (El Response)

Hello,

I'm afraid I don't have an answer to that question at the moment.

For the time being, you can point them to the information that our office has released about the audit that will be occurring in four counties: <https://www.sos.texas.gov/about/newsreleases/2021/092321.shtml>

Please let us know if you have any other questions about this issue or anything else relating to the election. You can reach us at [Elections@sos.texas.gov](mailto:Elections@sos.texas.gov) or 1-800-252-8683, or you can visit our website at [sos.state.tx.us/elections/index.shtml](https://sos.state.tx.us/elections/index.shtml).

Thanks,

**Chuck Pinney**

Attorney -- Elections Division  
Office of the Texas Secretary of State  
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701  
1.800.252.VOTE (8683)  
[elections@sos.texas.gov](mailto:elections@sos.texas.gov) | [www.sos.texas.gov/elections](http://www.sos.texas.gov/elections)



*The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.*

---

**From:** Tammy Biggar <[tbiggar@fanninco.net](mailto:tbiggar@fanninco.net)>  
**Sent:** Thursday, September 23, 2021 9:59 AM  
**To:** Elections Internet <[Elections@sos.texas.gov](mailto:Elections@sos.texas.gov)>  
**Subject:** Request for forensic audit

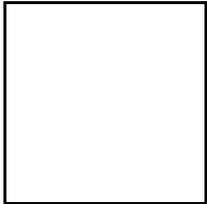
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I was asked by a constituent how a forensic audit can be ordered for Fannin County. I don't know the answer to this. Is there a simple explanation that you can email?

Tammy Biggar  
Fannin County Clerk  
Public Information Officer (PIO)  
800 E. 2<sup>nd</sup> Street  
Bonham, TX 75418  
Tele: 903-583-7486  
Fax: 903-640-4241  
[tbiggar@fanninco.net](mailto:tbiggar@fanninco.net)



Click on Button for more information



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[www.avast.com](http://www.avast.com)

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**From:** Texas Secretary of State Press Office <TXSoSPress@public.govdelivery.com>  
**Sent:** Friday, December 31, 2021 12:17 PM  
**To:** Adam Bitter  
**Subject:** Secretary Scott Releases Phase 1 Progress Report on Full Forensic Audit of 2020 General Election

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**Texas Secretary of State**

**John B. Scott**

**For Immediate Distribution**  
December 31, 2021

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## **Secretary Scott Releases Phase 1 Progress Report on Full Forensic Audit of 2020 General Election**

AUSTIN — Texas Secretary of State John Scott today released a progress report upon conclusion of Phase 1 of the state's full forensic audit of the 2020 General Election. The report, which outlines initial findings regarding the security and integrity of Texas' election systems in Collin, Dallas, Harris and Tarrant counties, shows that:

- Statewide, a total of **509** potential cross-state duplicate votes were cast in the November 2020 General Election - meaning these individuals may have cast a ballot in both Texas and another state. Of those, 9 cast ballots in Collin County, 12 cast ballots in Dallas County, 27 cast ballots in Harris County, and 12 cast ballots in Tarrant County.
- Since November 2020, **224,585** deceased voters have been removed from the voter rolls in Texas - indicating the counties are performing their fundamental duties under federal and state law to maintain the accuracy of the statewide voter registration list and mitigate fraudulent activity related to potentially deceased voters. Collin County

removed 4,889 deceased voters, Dallas County removed 14,926 deceased voters, Harris County removed 23,914 deceased voters, and Tarrant County removed 13,955 deceased voters.

- Statewide, a total of **67** potential votes cast in the name of deceased people are under investigation. Of those, 3 were cast in Collin County, 9 were cast in Dallas County, 4 were cast in Harris County and 1 was cast in Tarrant County.
- Statewide, a total of **11,737** potential non-U.S. citizens were identified as being registered to vote. Of these, 327 records were identified in Collin County, 1,385 were identified in Dallas County, 3,063 were identified in Harris County and 708 were identified in Tarrant County. While counties still have a significant number of pending investigations to complete, and have undertaken this list maintenance process to varying degrees, so far Dallas County has cancelled 1,193 potential non-U.S. citizen records, Tarrant County has cancelled one record, and Collin and Harris have not cancelled any potential non-U.S. citizen records. The final findings will be verified during Phase 2 of the full forensic audit.
- In a review of each county's partial manual count report required under Texas law, **three of the four counties reported discrepancies between ballots counted electronically versus those counted by hand**. The reported reasons for these discrepancies are included in the report and will be re-examined, investigated and verified during Phase 2 of the full forensic audit.
- Each of the four counties has dedicated at least **\$136,000** to enhancing their respective election security postures over the past two years - including both cybersecurity and physical security of election equipment. This includes funds provided through Help America Vote Act (HAVA) Election Security allocation to the State of Texas, as well as local matching county funds.

To the extent any information was not made available to the Texas Secretary of State's office before the publication of this report, the SOS office will endeavor to include any outstanding data figures in the final forensic audit report released after the completion of Phase 2.

To read the full Phase 1 progress report, [click here](#).

###

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John B. Scott  
Secretary of State

December 31, 2021

## **Phase 1 Progress Report:** **Full Forensic Audit of November 2020 General Election**

On September 23, 2021, the office of the Texas Secretary of State (SOS) announced a full forensic audit of the November 2020 General Election in Collin, Dallas, Harris and Tarrant counties. Combined, a total of 3,885,875 votes were cast in these four counties in the November 2020 election – approximately 35% of the roughly 11.3 million votes cast statewide.

During Phase 1 of the full forensic audit, the SOS announced it would review available data and documents concerning the security and accuracy of voting systems used in each of the four counties, as well as the counties' work to maintain the accuracy of their respective lists of registered voters.

The below progress report on Phase 1 of the full forensic audit outlines the SOS's findings within four categories:

- I. Completion of the statutorily required partial manual count of electronic voting system ballots;
- II. Completion of statutorily required Election Security Assessments (ESAs) and dedication of remediation funds to address any gaps in security;
- III. Maintaining the accuracy of the statewide voter registration database; and
- IV. Identifying potential non-U.S. citizens who are registered to vote in Texas and who cast a ballot in the November 2020 election, individuals registered in Texas and another state who cast more than one ballot in the November 2020 election, and potential votes cast in the name of deceased people.

This information, together with [each of the four counties' timely responses to the SOS's pre-audit survey](#), will help guide the SOS's in-person [comprehensive document examinations conducted in Phase 2](#). To the extent any information was not made available to our office before the publication of this report, the SOS will endeavor to include any outstanding data figures in the final forensic audit report released after the completion of Phase 2.

### **I. Partial Manual Count of Electronic Voting System Ballots**

Pursuant to [Section 127.201 of the Texas Election Code](#), Texas counties are required to initiate a partial manual count of electronic voting system ballots within 72 hours of the polls closing, and are required to complete the partial manual count not later than the 21<sup>st</sup> day after Election Day. The purpose of this requirement is to ensure that votes cast and counted on electronic voting systems were tabulated accurately. To be used in Texas elections, voting systems must be certified

by the U.S. Election Assistance Commission (EAC) and certified by the State of Texas through an examination by the SOS and the Office of the Texas Attorney General, under [TEC Chapter 122](#). All information regarding voting system certification is [available on the Texas SOS web site](#).

Under [TEC Section 127.201](#), counties are required to conduct a manual count in at least one percent of the election precincts or in three precincts, whichever is greater, in which an electronic voting system was used in a general election. The SOS is responsible for choosing the race(s) and precinct(s) used to conduct the partial manual count in a general election. For the November 2020 Election, the office of Texas Railroad Commissioner was chosen as the race for which counties conducted their respective partial manual counts. In order to protect the security and integrity of the voted ballots, the SOS has provided alternate Election Day locations for the partial manual count for counties that are part of the [Countywide Polling Place Program \(CWPP\)](#). This is done to ensure that the accuracy of the voting system equipment is thoroughly audited in a specific location while also ensuring that fewer election office personnel are handling voted ballots from across the county. None of the four counties reported any discrepancies in Election Day ballots counted electronically versus those counted by hand.

Under [Sec. 127.201\(e\)](#), counties are required to deliver a written report of the results of the partial manual count to the SOS within three days of completing the count.

In Collin County, precincts 126, 209 and 66 were chosen for the partial manual count. Among these three precincts, the results provided to the SOS office showed a 17 vote discrepancy between electronic and hand counts. Collin County indicated that the discrepancy between the electronic count and hand count in these precincts was due to the use of direct-recording electronic (DRE) voting machines in curbside voting for individuals who are physically unable to enter the polling place. The DREs that Collin County employed for curbside voting do not produce a paper record and therefore were not included in the manual count. The SOS office will verify this explanation during its on-site examination of records in Collin County as part of Phase 2 of the full forensic audit.

#### Collin County Partial Manual Count November 2020

Precinct	Mail Ballot Electronic Count	Mail Ballot Hand Count	Early Voting In Person Electronic Count	Early Voting In Person Hand Count	Election Day Electronic Count	Election Day Hand Count	Count Discrepancy
126	198	197	2,906	2,899	175	175	8
209	32	32	611	609	308	308	2
66	141	137	1,266	1,263	127	127	7
						<b>Total Discrepancy:</b>	<b>17</b>

In Dallas County, precincts 1062, 1111, 1726, 2003, 3401, 4046 and 4269 were included in the partial manual count. Among these seven precincts, the results of the partial manual count provided to the SOS office showed a 10 vote discrepancy between electronic and hand counts. The 10 vote discrepancy in early in-person votes in precinct 1111 appears to have resulted from a data entry error by county officials when transmitting the partial manual count report to the SOS. The SOS office will verify the cause of this discrepancy during its on-site examination of records in Dallas County as part of Phase 2 of the full forensic audit.

**Dallas County Partial Manual Count November 2020**

Precinct	Mail Ballot Electronic Count	Mail Ballot Hand Count	Early Voting In Person Electronic Count	Early Voting In Person Hand Count	Election Day Electronic Count	Election Day Hand Count	Count Discrepancy
1062	2	2	16	16	142	142	0
1111	23	23	540	550	427	427	10
1726	121	121	805	805	91	91	0
2003	294	294	1,764	1,764	336	336	0
3401	0	0	3	3	142	142	0
4046	50	50	434	434	137	137	0
4629	51	51	656	656	0	0	0
						<b>Total Discrepancy:</b>	<b>10</b>

In Harris County, precincts 130, 188, 553, 600, 668, 783, 791, 924, 948 and 952 were included in the partial manual count. Among these 10 precincts, the results of the partial manual count provided to the SOS office showed a 5 vote discrepancy between electronic and hand counts. Because Harris County employed DRE devices during the November 2020 General Election, a hand count of ballots cast on DRE systems was impossible. Therefore, Harris County was only able to provide electronic and manual count figures for mail ballots cast. Harris County indicated that the 5 ballot discrepancy occurred due to an error in the manual counting of mail-in ballots. The SOS office will verify this explanation during its on-site examination of Harris County's records as part of Phase 2.

**Harris County Partial Manual Count November 2020**

Precinct	Mail Ballot Electronic Count	Mail Ballot Hand Count	Count Discrepancy
130	352	348	4
188	68	68	0
553	127	127	0
600	354	353	1
668	278	278	0
783	15	15	0
791	3	3	0
924	0	0	0
948	0	0	0
952	7	7	0
		<b>Total Discrepancy:</b>	<b>5</b>

In Tarrant County, precincts 1061, 1460, 2381, 3160, 4285, 4452 and 4591 were included in the partial manual count. Among these seven precincts, the results of the partial manual count provided to the SOS office showed a 0 vote discrepancy between electronic and hand counts.

**Tarrant County Partial Manual County November 2020**

Precinct	Mail Ballot Electronic Count	Mail Ballot Hand Count	Early Voting In Person Electronic Count	Early Voting In Person Hand Count	Election Day Electronic Count	Election Day Hand Count	Count Discrepancy
1061	17	17	103	103	594	594	0
1460	109	109	1,295	1,295	106	106	0
2381	14	14	287	287	437	437	0
3160	118	118	1,358	1,358	402	402	0
4285	23	23	331	331	0	0	0
4452	69	69	2,029	2,029	0	0	0
4591	89	89	1,780	1,780	0	0	0
						<b>Total Discrepancy:</b>	<b>0</b>

**II. Election Security Assessments**

Pursuant to [Section 279.003 of the Texas Election Code](#), all 254 Texas counties are required to undergo an Election Security Assessment (ESA) to identify potential gaps in the cybersecurity and physical security postures of each county's election office, and recommend steps the county must take to address the issues identified. In 2018, the EAC [released \\$23,252,604 in Help America Vote Act \(HAVA\) funds to strengthen the security of Texas' election infrastructure](#). While a portion of those funds were used to conduct the ESAs at no cost to the counties, additional funding was reserved for remediation in the event that county elections offices needed assistance to fill gaps in their respective cybersecurity postures.

Contracts for the ESAs were executed with each county through the Texas Department of Information Resources (DIR) Managed Security Services (MSS) program. Although the results of these assessments are confidential under state law, we are able to disclose the following information regarding each county's request for remediation funds to enhance election security:

- **Collin County's** ESA was completed in July 2020. The county requested \$120,000 in federal HAVA funds, which required \$16,000 in matching funds from the county. Collin County used a portion of these funds for security enhancements that included additional ballot scanners and security cameras.
- **Dallas County's** ESA was completed in February 2019. The county requested \$120,000 in federal HAVA funds, requiring a \$16,000 match from the county. Security enhancements included products to secure band service to help improve and secure network communication between E-pollbooks and the data center. The combination of features provide for an end-to-end, highly secure encrypted environment to transport voter registration data.

- **Harris County**'s ESA was completed in February 2020. The county requested \$120,000 in federal HAVA funds, which required \$16,000 in county matching funds. Security enhancements included E-pollbook software development and maintenance.
- **Tarrant County**'s ESA was completed in October 2020. The county requested \$120,000 in federal HAVA funds, requiring a \$16,000 county match. Security enhancements included: upgrading and repairing election equipment containers used to transport and secure equipment during distribution to polling locations; curbside voting equipment; security components for the voter registration system; and security cameras and video surveillance equipment.

### III. Accuracy of Statewide Voter Registration List<sup>1</sup>

The National Voter Registration Act of 1993 (NVRA) requires states to adopt and implement procedures to maintain accurate and current voter registration lists. Additionally, states are required to implement a voter registration list maintenance program that makes a reasonable effort to remove ineligible persons from the voter lists in accordance with the NVRA and state law.

Likewise, the Texas Election Code (TEC) 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 SOS and county voter registrars, and identifying the criteria used to match this information with the statewide voter registration list. Specifically, Sections [18.068](#) and [18.0681](#) of the Texas Election Code require the SOS to conduct comparative reviews of the statewide voter registration list with information received under [TEC Chapter 16](#). Following the identification of matched records, the SOS 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 list.

Each county voter registrar, pursuant to [TEC Section 18.061](#), is required to provide to the SOS on an expedited basis the information necessary to maintain the registration list for their respective counties. This includes the electronic submission of all voter registration related maintenance activities. Data collected and represented in this progress report is dependent on the electronic submission of information from the counties included in this audit to the statewide voter registration database. All four counties currently use an independent voter registration system.

**Please note that removal of ineligible and/or deceased voters from the statewide voter registration list in and of itself does not indicate that any illegal votes were cast. These maintenance activities are prescribed by state law to ensure the integrity and accuracy of the statewide voter registration list. Voter list maintenance is performed on a regular and ongoing basis in Texas to prevent ineligible voters from casting ballots and to prevent individuals from casting ballots using another person's voter registration information.**

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<sup>1</sup> The data in this section reflects information in the SOS's statewide voter registration database as of December 7, 2021.

**Ineligibility Due to Death**

[Section 18.068](#) of the Texas Election Code requires a quarterly comparison of the statewide voter registration list to identify all potential deceased voters. To meet this requirement, the SOS implemented a comparative analysis of the statewide system to records provided by the Local Registrars of Death, Clerks of the Court, the Bureau of Vital Statistics, the Electronic Registration Information Center (ERIC), and the Social Security Administration, in accordance with the Texas Election Code.

Based on the matching criteria outlined in [TEC 18.068](#) and the SOS's administrative rules ([1 Tex. Admin. Code § 81.6\(a\)](#)), records that are strong matched with the above identified sources are cancelled by the state system. 'Strong' matches are those whose last name, date of birth, and full Social Security Number are all an exact match. Records that are considered 'weak' matches, on the other hand, require an additional review process to be conducted by each individual county voter registrar. Since November 2020, 190,227 strong matched records have been cancelled by the state and 67,551 weak matched records have been provided to county voter registrars statewide for further review. Overall, since November 2020, a review of the voter registration system indicates that 257,778 potential deceased voters were identified through the statewide voter registration system, resulting in the identification and cancellation of 224,585 voter registrations for deceased voters.

An overview of the data of the counties included in this audit is indicated below for the time period of November 2020 to the present.

**Cancellation of Deceased Voter Registrations**

County	Strong Matches Cancelled by State	Weak Matches Provided to County	Number of Reviews Completed by County	Number of Reviews Remaining Unresolved	Weak Matches Cancelled by County	Total Number of Cancellations
<b>Collin</b>	4,074	1,674	1,619	55	815	4,889
<b>Dallas</b>	12,507	6,153	6,153	0	2,419	14,926
<b>Harris</b>	19,064	11,361	11,356	5	4,850	23,914
<b>Tarrant</b>	11,876	4,740	4,730	10	2,079	13,955

**Ineligibility due to Felony Conviction**

[TEC Section 16.003](#) requires the Department of Public Safety (DPS) to prepare and file an abstract of final judgment of a felony conviction for any person 18 years of age or over each weekday. The SOS compares this information to the statewide voter registration records and provides this information to county voter registrars for further review.

A review of the [cancellation trend reports](#) indicates that 1,628 potential felon voters were identified, investigated and had their voter registrations cancelled statewide since November 2020. Specifically, a review of data related to the felon process for the respective counties examined in this audit found the following information since November 2020:

### Cancellation of Felon Voter Registrations

County	Number of Reviews Remaining Unresolved	Total Number of Cancellations
<b>Collin</b>	114	0
<b>Dallas</b>	46	16
<b>Harris</b>	65	13
<b>Tarrant</b>	103	4

The SOS has limited visibility into all notices provided to county voter registrars from various local and court authorities, which occur independent of the statewide system. However, when these records are cancelled, those cancellations are ultimately reported in the SOS's statewide voter registration database.

#### **Ineligibility due to Non-U.S. Citizenship**

[TEC Section 18.068](#), [TEC Section 16.0332](#), and [Section 62.113](#) of the Government Code require the SOS to compare the statewide voter registration records to identify any possible non-U.S. citizen records and to provide this information to county voter registrars for further review. Voting records in need of review are identified through a comparison of voter registration records, data provided by DPS, and information reported under [Section 62.113](#) of the Texas Government Code.

Based on the matching criteria outlined in the TEC, all records that matched with the above identified sources are sent to county voter registrars for further review. As with the felon process, information obtained through the numerous court authorities prevents the SOS from tracking the overall number of notices provided to county voter registrars from these sources as some notifications are independent of the statewide system. However, all voter registration cancellations are reported to the SOS through the statewide voter registration system. Since November 2020, a review of the cancellation trend reports suggest that 74 potential non-U.S. citizen voters were identified, investigated and voter registrations cancelled statewide from data provided by local and court authorities, including responses to jury summons in which an individual indicated that he or she is not a U.S. citizen.

Beginning in September of 2021, the SOS [implemented a comparative process utilizing DPS citizenship data pursuant to a 2019 settlement agreement](#). Since that time, 11,737 possible non-U.S. citizen voter records have been sent to county registrars for review statewide. Of the 11,737 records, 278 voting records have been cancelled due to confirmation of non-U.S. citizenship by the county. Additionally, 2,049 voter records have been cancelled for failure to respond to a notice from the county voter registrar requesting documentation of proof of citizenship. Overall, 2,327 voting records have been removed from the active statewide voter registration list as a result of this agreed-upon process, which has now been codified into state law.

A review of data specifically related to this maintenance activity for Collin, Dallas, Harris and Tarrant counties is listed below. Voting records currently under review and/or pending response from a voter as part of the examination process are not reflected as this information has not been electronically submitted to the statewide voter registration system. It is important to note that some

voter records may have been examined and resolved as part of the deceased, felony, and/or duplicate process.

### **Cancellation of Non-U.S. Citizen Voter Registrations**

<b>County</b>	<b>Number of Records Provided to County</b>	<b>Number of Cancellations for Confirmed Non-U.S. citizenship</b>	<b>Number of Cancellations for Failure to Respond to Notice of Examination</b>	<b>Number of Reviews Remaining in State System</b>	<b>Total Number of Cancellations</b>
<b>Collin</b>	327	0	0	14	0
<b>Dallas</b>	1,385	5	1,188	0	1,193
<b>Harris</b>	3,063	0	0	11	0
<b>Tarrant</b>	708	1	0	528	1

Due to the lack of data available to track the status of this maintenance activity, the SOS requested an update from all Texas counties on the agreed-upon noncitizen review process. Collin County indicated that 273 notices had been sent to possible noncitizens requesting proof of citizenship and the review of these records remains in progress at this time. Tarrant County indicated that it was in the process of reviewing each of the records and confirming citizenship documentation with DPS. No status update was provided from Dallas or Harris County. Dallas County has reported no outstanding reviews to complete. The SOS will work to determine what steps were taken to investigate these records in Harris County.

The NVRA requires that states complete their generalized programs to remove voters from the rolls not later than 90 days before a federal primary or general election ([52 U.S.C. § 20507\(c\)](#)). The SOS has provided notice to county registrars that the 90-day period for the March 1, 2022 primary election has begun. Under the NVRA, the only permissible voter removal programs that voter registrars may undertake until after the primary election, and any subsequent primary runoff election, is to remove voters who voluntarily cancel their voter registration, voters who are deceased, and voters who are finally convicted of a felony or adjudicated mentally incompetent for voting.

### **Duplicate Registration Records**

[TEC Section 18.0681](#) requires the SOS to periodically compare the county voter registration records to determine if any voters have more than one voter registration record on file. Upon completion of the statewide database comparative process, potentially duplicative records are sent to county voter registrars with the oldest registration record for further investigation.

If the duplicative records are within the same county, the voter registrar may merge the records following a determination that each record belongs to the same voter using the procedure for the correction of registration records under [TEC Section 15.022](#). If the records are located in more than one county, the registrar of the county with the oldest record may deliver a written confirmation notice in accordance with [Section 15.051](#) or cancel the registration of the voter in accordance with [Section 16.031\(a\)\(1\)](#), provided that the voter's record in the county with the newest registration record is not on the suspense list.

A review of the [cancellation trend reports](#) from the statewide voter registration system indicated that during the timeline included in this audit, 11,803 duplicative records were within the same county of registration. This figure does not include records that were reviewed and merged within the same county of registration to retain voting participation information. Additionally, the review reveals that 437,559 duplicative records were cancelled for voters having a voter registration record in more than one county. Overall, the state review process resulted in the identification and removal of 449,362 duplicate voter registrations from the statewide voter registration list.

A review of data specifically for Collin, Dallas, Harris and Tarrant counties is listed below for the timeframe of November 2020 to the present.

**Cancellation of Duplicate Voter Registrations**

<b>County</b>	<b>Number of Cancellations Within the Same County</b>	<b>Number of Cancellations Outside the County</b>	<b>Number of Reviews Remaining in State System</b>	<b>Total Number of Cancellations</b>
<b>Collin</b>	200	19,564	66	19,764
<b>Dallas</b>	81	39,717	1	39,798
<b>Harris</b>	1,117	53,255	7,801	54,372
<b>Tarrant</b>	615	30,160	28	30,775

**IV. Non-U.S. Citizen Voters, Cross-State Duplicate Voters and Deceased Voters**

**Non-U.S. Citizen Voters**

As noted above, the SOS comparative process utilizing DPS citizenship data [pursuant to a 2019 settlement agreement](#) has identified 11,737 possible non-U.S. citizen voter records statewide. Those records have been sent to county voter registrars for further review. Potential non-U.S. citizen records do not indicate an illegal vote has been cast, and are not resolved until the county investigation is complete and the voter has been removed from the statewide voter list due to non-U.S. citizenship.

In the four counties included in this audit, the breakdown of the possible non-U.S. citizen voter records were as follows:

<b>County</b>	<b>Possible non-U.S. citizen voter records identified</b>
<b>Collin</b>	327
<b>Dallas</b>	1,385
<b>Harris</b>	3,063
<b>Tarrant</b>	708

The SOS is actively reviewing the 2,327 voting records that have recently been cancelled throughout the state as part of this review process for voter participation history. Of those 2,327, county voter registrars reported 278 registered voters as confirmed non-U.S. citizens. The SOS, in coordination with county voter registrars, continues to verify the number of non-U.S. citizens registered to vote statewide to identify those that may have voted in the November 2020 election.

All records with voting history suggesting the potential of an illegal vote cast will be referred to the Office of the Attorney General (OAG) for further investigation, pursuant to [Sec. 31.006 of the Texas Election Code](#).

While several counties took action promptly to work their potential non-U.S. citizen matches, others did not begin investigating or send notices of examination until mid to late November of 2021. As a result, the 30-day window in which the registrant could provide proof of U.S. citizenship fell *after* the federally-required NVRA moratorium on voter registration cancellations had begun. This means that many potential non-U.S. citizens identified through the agreed-upon process would have until, at the latest, May 25<sup>th</sup>, 2022 to respond to a notice of examination before their voter registration is cancelled.

### **Cross-State Duplicate Voters**

[Section 18.062](#) of the Texas Election Code requires the SOS to participate in an interstate crosscheck program to prevent duplication of registration in more than one state or jurisdiction. As a member of the Electronic Registration Information Center (ERIC), the State of Texas—through the SOS’s Elections Division—works with the 31 other member states to compare voter registration lists and voter participation records to identify voters whose addresses may have changed, as well as to identify any voters who may have voted in more than one state or jurisdiction.

The SOS, in collaboration with other states, is currently conducting a thorough review of voters who may have voted in more than one state or jurisdiction as well as voters that have been identified through the cross-state program as deceased. This extensive review includes the sharing of information such as voter identification verification and voter participation records.

Though this collaborative work is still in progress with other states or jurisdictions, the SOS is actively engaged in a review of 509 voter records in which the voter may have cast a vote in the 2020 November General Election in more than one state or jurisdiction. Initially, the work involves the elimination of any records that were erroneously matched due to missing or incomplete data and/or data entry errors to clearly identify remaining records that warrant further investigation. The continued review of the remaining records is expected to be completed in January 2022, contingent upon timely information sharing from other ERIC member states in which cross-state duplicate votes may have been cast. Upon completion of the review process, all records indicating potential illegal voter registration and/or voter participation across more than one state or jurisdiction will be referred to the OAG for further investigation. Below is a breakdown of the information specific to the counties included in this audit review.<sup>2</sup>

<b>County</b>	<b>Number of Potential Cross-State Voters Under Review</b>
<b>Collin</b>	9
<b>Dallas</b>	12
<b>Harris</b>	27
<b>Tarrant</b>	12

<sup>2</sup> These figures are current as of December 29, 2021.

**Deceased Voters**

Additionally, the SOS has completed an initial review of 236 potentially deceased voters who were recorded as having voted in the 2020 November General Election. Like the cross-state review process, the initial work involves the elimination of any records that were erroneously matched due to missing or incomplete data and/or data entry errors to clearly identify remaining records that warrant further investigation. Of the 236 potential deceased voters included on the initial review list, 169 have been eliminated as erroneous matches. The investigation of the remaining 67 records is ongoing and is expected to be completed in January 2022. Below is a breakdown of the information specific to the counties included in this audit review.<sup>3</sup>

<b>County</b>	<b>Number of Potentially Deceased Voters Under Review</b>
<b>Collin</b>	3
<b>Dallas</b>	9
<b>Harris</b>	4
<b>Tarrant</b>	1

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<sup>3</sup> These figures are current as of December 29, 2021.

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**From:** James Slattery <[REDACTED]>  
**Sent:** Friday, September 24, 2021 2:53 PM  
**To:** Secretary  
**Cc:** Keith Ingram; Adam Bitter  
**Subject:** TCRP Letter Regarding 2020 Election "Audit"  
**Attachments:** [FINAL] Letter to SOS re 2020 Audit 9.24.21.pdf

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Dear Deputy Secretary Esparza,

Please find attached a letter from the Texas Civil Rights Project regarding the election "audit" that your office announced late last night, including a list of questions we have about the legal and factual bases for the review and the procedures under which it will be conducted.

We would appreciate a response by the close of business on Tuesday, September 28, 2021.

Thank you very much,

**James Slattery**  
*Senior Staff Attorney, Voting Rights Program*  
Texas Civil Rights Project  
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# TEXAS

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## CIVIL RIGHTS PROJECT

September 24, 2021

The Honorable Jose A. Esparza  
Texas Deputy Secretary of State  
P.O. Box 12887  
Austin, TX 78711

Via email: [secretary@sos.texas.gov](mailto:secretary@sos.texas.gov)

Dear Deputy Secretary Esparza,

We write to express alarm regarding a recent Press Release announcing that the Secretary of State's Office will be conducting "a full and comprehensive forensic audit" of the 2020 election in Collin, Dallas, Harris, and Tarrant Counties.<sup>1</sup> Among other major unanswered questions, the Press Release provides the public with no details regarding the legal and factual basis of this review, the procedures you will use to conduct the review, how much time and money this project will take, and whether it was your office or ultimately Governor Abbott who made the decision to launch this "audit." **Given that similar reviews in other states have been used by partisan actors to undermine faith in the democratic process and lay the groundwork for new restrictions on voting, the Secretary of State simply cannot undertake this "audit" until, at a minimum, it has provided substantially more transparency into the process that led to this announcement along with details about the nature of the audit, including answering the questions we lay out below by the close of business on Tuesday, September 28, 2021.**

Without more information, conducting this so-called "audit" of the 2020 election now makes no sense, and strongly suggests that your office is being weaponized to advance a narrow partisan agenda. During the March 4, 2021 hearing of the Texas House Elections Committee, your own office reported to the Texas Legislature that the 2020 election was "a success" and was "smooth and secure." Yet now your office claims to find it necessary to conduct "a full and comprehensive forensic audit" of that election in four counties without providing any reason to justify a re-examination of the election. Rather than newly discovered evidence that calls into doubt the results of the election, the only new development that appears to have triggered this review is that

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<sup>1</sup> Press Release, *Texas Secretary of State's Office Announces Full Forensic Audit of 2020 General Election in Four Texas Counties*, Sept. 23, 2021, available at <https://www.sos.state.tx.us/about/newsreleases/2021/092321.shtml>.

the Governor's close political ally, former President Trump, had called on him only hours before to add a bill requiring an "audit" to the agenda of the current special session.<sup>2</sup>

Further, it is impossible to view this so-called "audit" in isolation from similar reviews proposed and conducted elsewhere. These "audits" have been nothing more than sham partisan exercises designed to fan baseless conspiracy theories about American elections, sow doubt in the legitimacy of election results, and provide a false basis for new voter suppression and election subversion measures. And they come on the heels of an historic number of voter suppression bills that have been proposed and enacted into law this year.<sup>3</sup> Seen in that context, this review can hardly be accepted as a genuine inquiry into the 2020 election, but instead as part of a nationwide assault on American democracy.

As a result, the Secretary of State must at a minimum answer the following questions about the proposed "audit" before taking any further action to conduct it:

- **What is the legal and factual basis for this review?** The Press Release claims that "existing Texas laws" grant the Secretary of State "the authority to conduct a full and comprehensive forensic audit of any election," yet the Press Release noticeably fails to cite any source of law for this assertion. What specific sections of the Texas Election Code or other law is your office relying on to conduct this review? Relatedly, given your office's testimony to the Texas Legislature back in March that the 2020 election was "a success" and was "smooth and secure," please identify any evidence or facts that your office learned of thereafter that has prompted this review.
- **What procedures will govern the review?** The Press Release fails to describe any of the standards that the Secretary of State will use to conduct the review. Handling ballots and other election records requires a careful and detailed set of procedures to ensure that they are not damaged or processed in a manner that violates federal or state law, and that they are not tainted by intentional or implicit bias against marginalized communities. Please lay out all of the procedures that your office will use to conduct this "audit."

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<sup>2</sup> James Barragán, *Despite his victory in Texas and no credible evidence of widespread fraud, Donald Trump calls for election audit legislation*, Texas Tribune, Sept. 23, 2021, available at <https://www.texastribune.org/2021/09/23/texas-election-audit-donald-trump/>.

<sup>3</sup> The non-partisan organization Voting Rights Lab is currently tracking 513 anti-voter bills introduced in 47 states so far in 2021. *Comprehensive Bill Search*, Voting Rights Lab, last accessed Sept. 24, 2021, available at <https://tracker.votingrightslab.org/pending/search?number=5020050041765195>. Similarly, the Brennan Center for Justice at NYU School of Law found that "[b]etween January 1 and July 14, 2021, at least 18 states enacted 30 laws that restrict access to the vote." *Voting Laws Roundup: July 2021*, Brennan Center for Justice at NYU School of Law, July 22, 2021, available at <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-july-2021>.

- **Who will conduct the review?** In yet another major omission, the Press Release does not identify who will conduct the review. Will the Secretary of State's Office conduct the review? Will it hire a third party vendor, such as the "Cyber Ninjas" who have conducted (and botched) the audit in Arizona? Will the audit be conducted in partnership with the elections administrators of the four counties? To the extent that SOS conducts the audit with either a third party vendor, the county election administrators, or other third parties, what will be the division of labor among these various entities?
- **How long will the audit take?** The Press Release fails to give the public any estimate of how much time the "audit" will take. What is the Secretary of State's estimate for how long the review will take, and has the Secretary of State set a deadline by which the review must be completed?
- **How much will the "audit" cost taxpayers, and what is the source of the funds paying for the review?** Conducting a "full and comprehensive forensic audit" of an election, even in just four counties, is a potentially very expensive undertaking, yet you have provided no estimate for how much this will cost taxpayers. Further, the Press Release contradicts itself: you say both that you "anticipate the Legislature will provide funds for this purpose" at some point in the future, yet also say that the review "has already begun," strongly suggesting that previously appropriated funds are even now being expended on the project. Please provide an estimate of the cost of this "audit," and identify the source of the funds being used, including whether any funds under the Help America Vote Act or the American Rescue Plan Act of 2021 (currently being considered in the third special session of the 87th Texas Legislature) may be used for this purpose.
- **What will be the final product of the "audit"?** The Press Release provides zero clarity about what the Secretary of State intends to do at the end of the "audit." For instance, do you plan to issue a report to the public or the Legislature with your findings? Do you intend to make recommendations for legislation to be considered in a special session of the 87th Texas Legislature or in the regular session of the 88th Texas Legislature? Do you intend to take other steps at the end of the "audit"?
- **Who made the decision to conduct the review, and who has your office consulted with about the "audit"?** Given that the Office of Secretary of State is technically vacant at the moment, it defies belief that your office truly made the decision to undertake such a far reaching initiative. Further, given that your office announced this project a few hours after the Governor's close political ally, former President Donald Trump, called for legislation requiring an "audit" of the 2020 election be added to the agenda of the current special session, your Press Release strongly suggests that Governor Abbott is the person who made

the decision to conduct this “audit.” The public deserves transparency as to who made this decision and how it was made, including the nature of any conversations your office has held with national organizations and political figures who have been promoting “audits” in other states.

**Please provide the answers to these questions by the close of business on Tuesday, September 28, 2021.**

Sincerely,

/s

Mimi Marziani

President

Texas Civil Rights Project

/s

James Slattery

Senior Staff Attorney

Texas Civil Rights Project

cc: Keith Ingram  
Director of Elections

Via email: [kingram@sos.texas.gov](mailto:kingram@sos.texas.gov)

Adam Bitter  
General Counsel

Via email: [abitter@sos.texas.gov](mailto:abitter@sos.texas.gov)

**From:** [Texas Secretary of State Press Office](#)  
**To:** [Beva Kellison](#)  
**Subject:** Texas Secretary of State Issues Document Request for Phase 2 of Full Forensic Audit of 2020 Election in Collin, Dallas, Harris and Tarrant Counties  
**Date:** Friday, December 10, 2021 4:49:21 PM

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**Texas Secretary of State**

**John B. Scott**

**For Immediate Distribution**  
December 10, 2021

Contact: Sam Taylor  
[smtaylor@sos.texas.gov](mailto:smtaylor@sos.texas.gov)  
(512) 463-6116

**Texas Secretary of State Issues Document Request for Phase 2 of Full Forensic Audit of 2020 Election in Collin, Dallas, Harris and Tarrant Counties**

AUSTIN — The Texas Secretary of State's office today issued an exhaustive document request of publicly available election materials from Collin, Dallas, Harris and Tarrant counties as part of the office's [Full Forensic Audit of the November 2020 General Election](#). The document request, which covers more election materials than any other election audit in the United States to date, includes all documents that county election officials are required to maintain for 22 months following each election under both federal and state law. In total, the full forensic audit of Collin, Dallas, Harris and Tarrant counties will cover approximately 35% of all votes cast in the November 2020 General Election in Texas.

"Texas is leading in election integrity. As we embark on Phase 2 of our agency's Full Forensic Audit of the 2020 Election, we want to ensure every single eligible Texas voter knows that ballots in Texas are being properly processed, tabulated, and reported by county election officials in accordance with state and federal law," Secretary John Scott said. "Where there are irregularities or issues discovered, our office will absolutely be fully transparent about our findings, and we have all of the resources we need at our disposal to do so. To the extent that systemic reforms to our election processes are needed, we will report those to the Texas Legislature. To the extent that any criminal activity may have occurred, we will refer any and all information to the Texas Attorney General's office for investigation."

A summary of findings of Phase 1 of the audit will be issued publicly by the end of December 2021.

[Read the full request issued to Collin, Dallas, Harris and Tarrant counties today.](#)

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