TFAF

County Election Official Survey Report [Interim]

OVERVIEW

The Texas For America First Election Integrity team spent some time reaching out to County Level Election Officials statewide to set up interviews with the intent to complete pre-drafted questionnaires designed to establish certain basic information on county-level election systems and procedures. This is an interim report. A final report on these surveys will be released shortly after each county is submitted.

REGISTRATIONS

Most counties report multiple agencies are helping them maintain clean voter rolls, including providing death certificates, change of address information and **cancellations of registrations** from **ERIC** along with cross-state checks. Daily, weekly and monthly registration audits are reported to be taking place across these counties, and certain EPoll Books are reportedly updated through the internet.

VOTING SYSTEMS

Texas maintains several counties using pre-printed, hand- marked paper ballots (**Cameron, Denton Counties**) as well as the more modern, and more common, "hybrid" style voting systems. These hybrid voting systems use PVRs and BMDs, while retaining pre-printed, hand-marked ballots for BBMs only.

Most county election officials report absolutely **no issues** with their electronic voting systems, though a few administrators were honest about the concerns brought to them. **Colorado County EA** reported a voter complaining about **receiving the wrong ballot style** and being unsatisfied with explanations provided.

Updates are regular, and with all counties reporting no online capabilities other than EPoll Books.

Security measures sometimes include **Chain of Custody,** though several counties did not mention this process at all in their answers related to securing systems. **This will need further pursuit across the board.**

L&A and HASH Testing is often done in-house though it would appear that **voting system vendors play an active part in testing of equipment.**

FUNDING

Many counties report out-of-state 2020 funds from one of several sources including **CTCL**, **HAVA**, **The CARES Act**, and the **Schwarzenegger Fund**.

TRAINING

Almost every county reports to offer poll worker training and make all manuals available to the public. Every county EA deferred to the SOS for Poll Watcher Trainings. Some EAs actively encourage poll **watchers** to attend poll **worker** training for more context.

MISCELLANEOUS

It seems as though a common concern among the majority of counties is the new legislation related to **Applications for Ballot By Mai**l (ABBMs) as well as the carrier envelopes for the **Ballots By Mail** (BBMs).

Apparently new legislation, which was either vaguely communicated to these county officials, or not communicated to them at all, has **authorized candidates to send ABBMs to voters**. This third-party process may need additional advisory tips from the SOS.

Additionally, EAs report concerns over **last-minute changes to paper forms** and **funding for re-printing these items** just prior to the election.

Finally, concerns over identifying appropriate polling locations have been mentioned as a possible obstacle for this election cycle.

COMPILED RESPONSES

(Q 1,2) What is your biggest concern about the upcoming election?

- 12 of the 18 counties interviewed identified STAFFING as a main issue.
- 4 of the 18 identified the following concerns: UNCLEAR BBM PROCESS, SECURITY, TRAINING, CONFUSED or ANGRY VOTERS, and LIMITED POLLING LOCATIONS.
- Other concerns included: EQUIPMENT and SUPPLY SHORTAGES, FUNDING SHORTAGE, CONFUSING ADVISORY CODES or LEGISLATION, PUBLIC TESTING ISSUES, and LARGE BBM BALLOT APPLICATIONS.

(Q 3,4) Do you feel like you have the resources, equipment, personnel, and training needed to run an effective election in November?

- 14 of the 18 counties interviewed stated that they DO have everything they need.
- 4 of the 18 counties admitted that they DO NOT have enough staff, funding, or are missing guidance on new mandates.

(Q 5) Who serves on your county Election Board?

- 14 of the 18 counties interviewed reported having a fully, lawfully staffed Election Board, who convenes year-round, near elections or as needed.
- 3 of the 18 counties provided unclear responses as to the makeup of the Election Board, or had not participated in the process.
- 1 of the 18 counties reported to have no formal Election Board.

(Q 6) How many employees in the Elections Department? Who supervises?

- Each of the 18 counties reported anywhere from 1 staff member to 40 staffers, including seasonal/ temporary workers for the elections.
- Each of the 18 counties reported that all staffers are supervised by the E.A., County Clerk or Tax Assessor, depending on the structure of the county.

(Q 7) Is the County Election Commission engaged in election work year-round, or mostly near elections and how public are meetings?

- 14 of the 18 counties interviewed reported a full, lawful, engaged Election Commission meeting as needed and near elections, with recorded meetings posted publicly on the county website.
- 3 of the counties interviewed reported having no information on their county Election Commission.
- 1 of the counties interviewed reported having no E.A. to convene an Election Commission as the county has not created that position yet.

(Q 8) When was the last time the voter rolls were scrubbed or cleansed of voters who no longer live at their address of record, or deceased voters?

- 13 of the 18 counties interviewed reported daily cleaning of voter rolls.
- 2 of the counties reported monthly cleaning of voter rolls.
- 1 of the counties reported yearly cleaning of the voter rolls.
- 1 of the counties reported weekly cleaning of the voter rolls.

(Q 9) Do you use updated lists from the Health Department / coroner/ funeral home / or Bureau of Vital Statistics to maintain a clean voter roll, how often are you updated with lists of voters to remove, and is this list publicly available?

- 17 of the 18 counties interviewed reported that the DO work with these agencies to maintain voter rolls, and that all information is publicly available.
- 1 of the counties reported N/A as responses.
- 4 of the 18 counties reported relying on alternate sources: TEAMS System, DASHBOARD, and ERIC.

(Q 10) When was the last time the County Clerk or District Clerk submitted a list of individuals who declined to serve on jury duty on the basis of being a non-citizen?

- 10 of the 18 counties interviewed reported weekly submissions of declined jury duty lists, though it is unclear if these lists have a category for Non-Citizens.

- 5 of the 18 counties interviewed reported not receiving these lists at all.
- 3 of the 18 counties reported unclear responses or were not receiving these lists.

(Q 11) Does your office have access to the National Change of Address (USPS) List? How often do you utilize it to update your voter rolls?

- 9 of the 18 counties interviewed reported that they DO USE the NCOA USPS list.
- 9 of the 18 counties reported that they DO NOT USE the NCOA USPS list, or do not have access to it.

(Q 12) Are you confident that the voter rolls in your county are accurate and up to date?

- 16 of the counties interviewed reported YES, they ARE CONFIDENT.
- 1 of the counties reported NO, they ARE NOT CONFIDENT.
- 1 of the counties reported they are UNSURE if they are confident.

(Q 13) How many households in your county have more than 7 individual registered voters living at the same address?

- 16 of the counties interviewed reported that they have NO WAY TO TRACK this data.
- 1 of the counties reported finding a MAXIMUM of 4 VOTERS IN ONE HOME, and no higher single home total. 1 of the counties reported that they DO NOT KNOW.

(Q 14) Volunteer Deputy Registrars are permitted to accept voter registration applications. Concerning this: a. Is there a log of these Volunteer Deputy Registrars, and is there a log of applications submitted?

- Each of the 18 counties interviewed reported: YES they DO have a sort of log of all county VDRs.
- 15 of the 18 counties interviewed reported: YES they DO KEEP REGISTRATION APPLICATIONS from their VDRs. 3 of the 18 counties reported that they DO NOT KEEP REGISTRATION APPLICATIONS from VDRs.

(Q 15a) Does your county use electronic poll books, if so, when was the last time the software was updated, and have you had problems with your electronic poll books? Paper Ballots? Any issues with electronic voting system?

- Each of the 18 counties interviewed uses EPOLL BOOKS.
- 12 of the 18 counties reported NO PROBLEMS with their electronic voting system.
- 5 of the 18 counties did not respond to the question of problems.
- 12 of the 18 counties reported their most recent update was in spring of 2022.
- 1 - last update was the week of the interview.
- 1 - last update was day of interview.
- 1 - last update was in 2021.
- 1 - last update in 2022.
- 1 - never been updated.

(Q 15b) Does your county use pre-printed paper ballots or electronic voting systems or both?

- 14 of the 18 counties interviewed reported using PVRs (Printed Vote Records) with BMDs (Ballot Marking Devices) for EARLY IN-PERSON VOTING and ELECTION DAY, and PRE-PRINTED BALLOTS for BBMs ONLY.
- 1 of the counties reported using 100% PRE-PRINTED BALLOTS
- 1 of the counties reported using PVRs and BMDs during EARLY IN-PERSON VOTING only, and PRE-PRINTED BALLOTS for ELECTION DAY and BBMS.
- 1 of the counties reported using PVRs for EARLY IN-PERSON VOTING, and PRE-PRINTED BALLOTS for ELECTION DAY and BBMS.
- 1 of the counties reported using DRE (Direct Recording Electronic) machines for ALL IN-PERSON VOTING with NO PAPER TRAIL, and PRE-PRINTED BALLOTS for BBMs.

(Q 15c) What problems have you experienced with your electronic voting systems?

- 16 of the 18 counties interviewed reported NO PROBLEMS with their electronic voting systems.
- 2 of the counties reported BLUE SCREENS AFTER UPDATES, PAPER JAMS and SCANNER MALFUNCTIONS.

(Q 16, 17) Who tests the electronic voting system in this county, are tests public and does any 3rd party have access to these machines outside of testing and county election staff?

- Each of the 18 counties interviewed reported that TESTING IS DONE IN-HOUSE.

- Each of the 18 counties reported that TESTING IS PUBLIC and witnessed by PARTISAN OBSERVERS..
- Processes include L&A (Logic and Accuracy) Testing, HASH CODE Testing, TEST DECKS prepared to confirm accuracy of machines, and VENDOR SOFTWARE UPDATES just prior to elections, containing the PROGRAM for EACH ELECTION.
- 17 of the 18 counties reported that there is NO 3RD PARTY ACCESS to MACHINES.
- 1 of the counties reported that school staff have access to equipment at polling locations.
- 6 of the 18 counties reported using ES&S, 3 use HART, 1 uses KNOWiNK, 1 uses CYPRITECH, and 4 did not report their brand of voting system.

(Q 18) Are your electronic voting systems ever connected to the internet?

- Each of the 18 counties reported that their electronic voting systems ARE NEVER CONNECTED TO THE INTERNET.

(Q 19) Does your county have storage areas for electronic voting systems with electronic *surveillance*, keypad locks or e-locks, and are they connected to an outside monitoring source, who enforces implemented plans, climate control, and are there any problems implementing and enforcing secure, lawful storage plans? Polling Location Storage plans?

- 10 of the 18 counties interviewed reported using padlocks, seals, and that they DO HAVE CAMERAS monitoring equipment in county custody.
- 5 of the counties reported using padlocks, seals, and that they DO NOT HAVE CAMERAS monitoring equipment in their custody.
- 2 counties did not mention CAMERAS, but mentioned having a plan for security.
- 1 county was unsure of storage plan.
- Each of the 18 counties reported to use SEALS and CHAIN OF CUSTODY and PADLOCKS at polling locations to secure equipment with TEMPERATURE CONTROLS in place.
- 1 county indicated using a WISP (Written Information Security Plan) as required by law.

(Q 20) Have you ever received any funding or in-kind contributions for training, staff, voter education, or equipment, or any other purpose from outside the State of Texas?

- 9 of the 18 counties interviewed reported DID RECEIVE OUT-OF-STATE FUNDS.
- 8 of the 18 counties reported NO OUT-OF-STATE FUNDS.
- 1 county reported being unsure about funds received.
- 4 counties reported receiving CTCL FUNDS.
- 3 counties reported receiving HAVA FUNDS.
- 3 counties reported receiving CARES Act FUNDS.
- 1 county reported receiving funds from the SCHWARZENEGGER INSTITUTE.
- 3 counties reported receiving a COMBINATION of CTCL and HAVA FUNDS.
- 1 county reported receiving a COMBINATION of HAVA and CARES Act FUNDS.

(Q 21) Since 2020, voting component malfunctions must be reported. Have there been reports of malfunctions in this county, what were they and how were they handled?

- 15 of the 18 counties interviewed reported having NO PROBLEMS with their voting components.
- 3 counties reported having issues such as PAPER JAMS, COMPLAINTS OF WRONG BALLOT STYLES, and MACHINE MALFUNCTIONS REPORTED TO VENDOR.

(Q 22, 23, 24, 35, 36, 37, 38) Drop Boxes.

- New Law for Drop Boxes: Illegal, Questions Dismissed by all.

(Q 25) Would you provide training and support, or designate us to provide training and support, for an election day poll watcher training program in accordance with Texas law?

- 11 of the 18 counties interviewed replied YES.
- 3 counties replied NO.
- 5 counties had NO REPLY.

(Q 26, 27, 28) What information do you provide to election judges and election clerks regarding rights and responsibilities of poll watchers? Is it also available on-line to the public, do you refer to the SOS Poll Watcher Training the Governor signed into law?

- Each of the 18 counties interviewed reported providing poll workers with the SOS TRAINING MANUAL, that it is PUBLICLY AVAILABLE, and that they are AWARE OF NEW REQUIREMENTS FOR POLL WATCHERS.

(Q 29, 31) Do you believe the reforms made will improve election integrity in your county? What do you like/ dislike about the new legislation?

- 9 of the 18 counties interviewed DO NOT feel as though the new legislation was helpful.
- 7 of the counties reported that they DID find the new legislation helpful.
- Dislikes include BBM LIMITATIONS, LAST-MINUTE CHANGES to BBM FORMS, EXTRA WORK FOR COUNTYSTAFF, BBM REQUIRES APPLICATIONS.
- Likes include BBM LIMITATIONS, ABILITY TO CURE BBMS, POLL WATCHER TRAINING, SERIALIZED SEALS, BALLOT CORRECTING OPTIONS.

(Q 32) Have you identified any areas of confusion or unclear directions or conflicts in the new law?

- Each of the 18 counties reported confusion, unclear directions and conflicts.
- 14 of the counties reported VOTER CONFUSION over BBM FORMS.
- 2 of the counties reported CHANGING GUIDANCE FROM TX SOS.
- 1 county reported 3rd PARTY CONFUSION when MAILING BBM APPLICATIONS.
- 1 county reported SSN NUMBER on FLAP of CARRIER ENVELOPE is a problem.
- Other complaints include EXTRA WORK, CONFUSING BBM INSTRUCTIONS, and BBM FONT TOO SMALL.

(Q 33) Do you believe the early voting period is just right, not enough or too long?

- 10 of the 18 counties interviewed reported EARLY VOTING PERIOD is JUST RIGHT.
- 5 of the counties reported EARLY VOTING PERIOD is TOO LONG.

- Comments in SUPPORT of EV PERIOD suggest it is CRITICAL.
- Comments in opposition to EV PERIOD suggest it is TOO COSTLY.

(Q 34) Prior to the new law, how many drop boxes did you have in your county?

- NONE of the counties interviewed have used DROP BOXES previously.

FOCUS POINTS

STAFFING

RESOURCES

SOS ADVISORY

BBM PROCESS

REGISTRATION AUDITS (TEAMS, ERIC, DASHBOARD)

SECURITY CAMERAS

ANALYSIS AND RECOMMENDATIONS

Texas for America First is dedicated to promoting fair and transparent elections. We recognize that public faith in the integrity and fairness of elections has decreased significantly in recent years. To gain a deeper understanding of the issues, TFAF trained and deployed teams of long-term election observers to interview Election Administrators across the state.

The program began in July and is ongoing. As of mid-September 2022, we have approached the Election Administrator (EA) in 30 counties, and have conducted interviews with 18 EAs. We were unable to arrange interviews with 12 of the EAs we approached (those in Bexar, Brazoria, Dallas, Gillespie, Harris, Kaufman, Kinney, Lavaca, Tarrant, and Wilson), citing being too busy.

Using a structured questionnaire, each EA responded to the same set of questions. The following report summarizes the findings, includes some analysis as to why certain

electoral practices may undermine public confidence in Texas's election processes, and provides recommendations to state and election officials for reforming election processes to enhance transparency and increase voter confidence in the integrity of elections.

The most common concern for the upcoming midterm election is finding and training enough poll workers. EAs expressed concern about equipment and supplies, and worries about getting enough properly printed forms due to supply chain issues. Several EA expressed concern about security at the polling places, worried that voters have less trust in the elections; worried over increased outbursts from voters at polling places; schools as voting places could lead to school shootings, and have proposed restrictions preventing voters from bringing bags into polling locations. A sharp increase in Freedom of Information Act requests and requests for **Cast Vote Records (CVRs)** was reported, and just one EA said he had no concerns about the upcoming elections.

Both the refusal by some administrators to meet with us, and the responses of those we did meet with, show increasing uneasiness with the growing public demand for transparent and credible election processes. Unsurprisingly, many administrators see criticism of the transparency of the election process as attacks on their own integrity.

Because election fraud is most easily accomplished by corrupt registration and polling teams, election integrity organizations should encourage members of the public concerned with election integrity to apply to be election workers, where from the inside they can help ensure election integrity with properly staffed, bi-partisan participation in administering elections.

Doubt is high over the accuracy of voting machines among voters of both major parties, so we spent some time learning about their use in Texas elections. All Texas counties use E-Poll Books, with varying voting machine makes and models. The two main types are **Ballot Marking Devices (BMDs),** and hand-marked ballot scanners. In the first, a voter inputs their choices on a machine, and the machine prints a marked ballot that can be checked by the voter, then inserted in a ballot scanner. The second type uses pre-printed ballots on which the voter marks

their choices, then they insert the ballot in a **ballot scanner (tabulator)**. In both cases a **paper record** is produced. Only one of these records is a real ballot, the hand-marked version. The paper record produced by the BMD is a **Printed Vote Record (PVR)**.

There is one other type of machine, called **Direct Recording Electronic (DRE)** device, where a voter makes their choice directly in the computer without any paper trail. DRE machines are seen as particularly vulnerable to fraud, however none of these computerized programs are transparent enough to allow verification of the election process.

Each of the administrators interviewed said their machines are never connected to the internet, though this appears to be a matter of faith over proven fact. But we also have concern that many of the vulnerabilities would be enabled through the thumb drives used to update the machines before each election, just as viruses used to propagate through the sharing of floppy disks.

Many Americans distrust voting machines, and this distrust is also common among the senior leadership of America's political parties (although few Democrats have spoken on this issue recently, many are on record—including the current Vice President and the Speaker of the House—expressing distrust of voting machines prior to the disputed 2020 presidential elections). Reported vulnerabilities can be found easily though a simple web search, and have been discovered in all of the machines used in Texas.

Numerous computer scientists have warned about security issues with machines that can connect to the internet, these machines are also vulnerable through the thumb drives used to update ballots and download results, and to malfeasance by technicians working on the machines (for example, Katie Hobbs, the Secretary of State in Arizona, recently decertified machines that had been audited out of concern that they might have been undetecably altered to favor a particular candidate or party during the audit process).

Voting machine processes are opaque because of their complexity, and manufacturers will not allow examination of their code. They cannot be effectively observed and verified by citizens, or poll watchers, or even election

officers. Ultimately, the only way we can restore trust in Texas elections is to revert to an open and transparent manual polling process, that ordinary voters can see, understand and verify.

The primary objective of election administrators must be to conduct elections that voters view as accurate and fair, resulting in elections that voters are confident in. International practice and our own history demonstrate that manual voting and counting are cheaper, faster, and more accurate. Even if the opposite were true, they would still be preferable, because they are the only processes transparent enough to restore public trust in elections. For this reason, we recommend that the Secretary of State review international best practices in manual elections (France provides a good example), and prepare a plan for the legislature for reversion to a manual election process.

To get a better understanding of the voter list update process, we asked the administrators a series of questions. Methods and frequency for updating their lists varied from county to county, but almost all were confident their rolls were accurate and up to date.

Several administrators reportedly rely on the **Electronic Registration Information Center (ERIC)** for updates. ERIC is a non-governmental organization funded by the far-left **Open Society Foundation**, which is itself funded by the anti-Democracy extremist billionaire, **George Soros**. Any association with this private and secretive organization damages public confidence in the integrity of our elections.

Despite the confidence of the administrators, TFAF and other election integrity groups believe that our voter lists are bloated and inaccurate, and that this is one of the most serious vulnerabilities in Texas elections. There are several steps that the Abbott administration can take to help rebuild public confidence in registration files:

First, Texas should follow the example of other states, and withdraw from ERIC.

Second, conduct a comprehensive voter registration audit to accurately assess the quality of our voter list, and to determine if there are areas that need improvement.

Third, enhance transparency and enable oversight by publishing the voter list online.

This is promoted internationally as best practice, and it is time Texas caught up to other modernizing states, and the rest of the world, on data and election transparency.

- TFAF Team