The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov
www.votetexas.gov

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

John B. Scott
Secretary of State

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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 21st 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
						Total Discrepancy:	**17**

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
						Total Discrepancy:	**10**

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
		Total Discrepancy:	**5**

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
						Total Discrepancy:	**0**

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[1]

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.

[1] 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
Collin	4,074	1,674	1,619	55	815	4,889
Dallas	12,507	6,153	6,153	0	2,419	14,926
Harris	19,064	11,361	11,356	5	4,850	23,914
Tarrant	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
Collin	114	0
Dallas	46	16
Harris	65	13
Tarrant	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

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

County	Number of Cancellations Within the Same County	Number of Cancellations Outside the County	Number of Reviews Remaining in State System	Total Number of Cancellations
Collin	200	19,564	66	19,764
Dallas	81	39,717	1	39,798
Harris	1,117	53,255	7,801	54,372
Tarrant	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:

County	Possible non-U.S. citizen voter records identified
Collin	327
Dallas	1,385
Harris	3,063
Tarrant	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 25th, 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.[2]

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

[2] 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.[3]

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

[3] These figures are current as of December 29, 2021.