



**CODY HART FOR  
GOVERNMENT ACCOUNTABILITY**

**November 3, 2020  
Skagit County  
Election Audit**

**SECTION 3  
Duplicate Ballot Analysis:  
Evidence of Ballot Fraud and Forgery**

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Date: January 17, 2022

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## ***SECTION 3: Duplicate Ballot Analysis: Evidence of Ballot Fraud and Forgery***

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### **INTRODUCTION:**

Following the November 3, 2020 election, numerous records requests were submitted to the Skagit County Records office for election results, communications, videos, reports, and other data critical to performing an audit of how the election was managed by County officials. Responses to late 2021 record request relating to the ballot duplication process and other obtained data, as referenced and found in the Appendix, was used as the basis of this reports analysis and findings.

### **Ballot Duplication Process**

Upon review of Washington state election laws, the State legislature has established many statutes for election offices to follow during the ballot duplication process with many requirements outlined in RCW 29A.60, WAC 434-261, and WAC 434-262.

Furthermore, individual election offices are required to adopt state minimum standards into county specific documents acknowledging state requirements while also outlining local processes to be used to comply with state laws as described in RCW 29A.60.140.

*(4) The county canvassing board shall adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction.*

Outlined by both state law and in the locally adopted *Skagit County Canvassing Board Administrative Rules (Pg. 19)*, the ballot duplication process requires teams of two for both the duplication and the audit approval process before duplicated ballot can be tabulated;

#### ***Ballot Duplication Procedures***

*If a ballot is damaged, unreadable, uncountable, or unable to be resolved by the tabulation system, a team of two people working together must duplicate ballots to reflect the voter's intent according to WAC 434-261-086. A different team of two working together must audit every duplicated ballot to verify the ballots were duplicated correctly. The voter's original ballot may not be altered. The county auditor shall tabulate the duplicate ballot.*

Of particular importance to a ballot duplication analysis, unreadable ballots commonly include those received electronically (email or fax) that cannot be read by the election system tabulation machinery so a duplicate ballot must be generated. Notably, the legislature has clearly defined the limitations on ballots that may be received electronically as described in WAC 434-250-120 that states;

*(5)(b) Only service and overseas voters are eligible to return a ballot electronically. For electronic ballots received from voters who are not service or overseas voters the county auditor must:*

*... (ii) Count only the ballot received by mail or ballot drop box if the voter returns both an electronic ballot and a ballot by mail or ballot drop box.*

## Ballot Duplication Process -CONTINUED-

The service and overseas voter's electronic (Email or Fax) ballot submittal accommodation of WAC 434-250-120 parallels federal standards under 52 USC 20301, commonly referred to **Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)**

Notably, UOCAVA electronic ballot submittals is the least secure of all ballot submittal processes in Washington States election system by not requiring a physical ballot be submitted by the voter and allowing the ballot to be received electronically from unknown sources and further by the legislation that the source of the email transmittal be prohibited from disclosure;

*WAC 434-250-120 (5).....The electronic versions of the email, ballot declaration, and ballot are exempt from public disclosure.....*

Skagit County Canvassing Board Administrative Rules define the ballot duplication process as shown Exhibit 1.

### Procedures to Duplicate a Ballot

1. Duplicate any ballot that is unreadable or uncountable by the tabulating machines. The ballot markings must be clear enough to determine the intent of the voter. If the voter's intent is not clear, the ballot must be sent to the Canvassing Board. Only the Canvassing Board may reject a ballot or part of a ballot.
2. Create and maintain an audit trail for the action taken with each duplicated ballot.
3. Assign each ballot duplicated and sent to the Canvassing Board a unique control number. Mark the number on the face of the original ballot and its duplicate.
4. Use teams of two to duplicate ballots. First team member will mark the duplicate ballot while the second team member calls out the offices and/or measures to be marked. The first person then will read back the offices/measures that have been marked while the second person verifies them.
5. Keep a log of the ballots duplicated and sent to canvass, including the following:
  - (a) The control number of each ballot;
  - (b) The initials of two people who participated in the duplication process;
  - (c) The total number of ballots duplicated and sent to canvass.
6. Each initial duplication team shall be audited by a different two person team to ensure all ballots have been processed accurately.
7. Originals and duplicated ballots are kept in secure storage at all times, except when being processed, tabulated, inspected by the Canvassing Board, or to conduct an audit. The seal numbers, along with the date and time, are recorded on a ballot security log and are witnessed by two elections employees whenever ballot storage is opened and closed.

EXHIBIT 1 – SKAGIT COUNTY CANVASSING BOARD  
BALLOT DUPLICATION, PG 19-20

## Auditing and Audit Trail

Skagit County Canvassing Board Administrative Rules define the Duplicate Ballot Audit process to be performed by two independent auditors after ballot duplication as shown in Exhibit 2.

### Audit of Duplicated Ballots Procedure

All duplicated ballots will be audited before the duplicated ballots are scanned. A team of two other than the team of two who duplicated the ballots will conduct the audit.

The auditor shall notify political parties of the date of the audit.

Procedure:

1. Teams of two that were not involved in the duplicating process will conduct the audit.
  - a. Items needed:
    - i. Spoiled ballots
    - ii. Duplicated ballots
    - iii. Spoiled ballot log
    - iv. Certification of Audit form
2. Pull all duplicated ballots and spoiled ballots, putting them in order of the duplicating log.
3. Using the audit certification form, write down the control number from the duplicated ballot.
4. Working with one set at a time (one spoiled ballot and the matching duplicated ballot), compare them to each other and mark if they match or not on the form.
5. If there are any discrepancies, place the set containing the spoiled ballot and matching duplicated ballot aside.
6. The duplicating team will then duplicate a new ballot.
  - a. Attach the incorrectly marked ballot to the original spoiled ballot marked by the voter and place them with the other spoiled ballots.
  - b. Place the new duplicated ballot with the other duplicated ballots waiting to be audited.
  - c. Use a red pen and write the next sequential duplication number (from the duplicating log) on the new ballot, the incorrectly marked ballot and the original spoiled ballot marked by the voter and write the precinct on the log.
  - d. Make a notation of "N" (not matched) in the column on the Certification of Audit form.
7. Replace the audited spoiled ballots in the spoiled ballot envelope.
8. Replace the new audited duplicated ballots back in the tray – to be tabulated.
9. Report the results of the audit to the canvassing board.

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EXHIBIT 2 – SKAGIT COUNTY CANVASSING BOARD  
AUDIT OF DUPLICATED BALLOTS, PG 24

## Auditing and Audit Trail -CONTINUED-

Required in Skagit County Board Administrative Rules, and specifically outlined in RCW 29A.60.18 Audit of results, independent of the two member audit team used for duplication approval, the Auditor ALSO has an Audit role specially assigned for ballot duplication,

*“Prior to certification of the election, the county auditor must conduct an audit of ballots duplicated ....”*

Additionally, RCW 29A.60.125 requires that a log must be kept of the ballots duplicated, which must at least include

*“(c) The total number of ballots duplicated.”*

In RCW 29A.60.235 the Washington State legislature outlines mandated election reporting requirements to be provided in reconciliation reporting that requires reconciliation reporting to include all information necessary to “maintain an audit trail”;

*(1) The county auditor shall prepare at the time of certification an election reconciliation report that discloses ..... Any other information the auditor or secretary of state deems necessary to reconcile the number of ballots counted with the number of voters credited with voting, and to maintain an audit trail.*

Significantly, the importance of the state Audit Trail requirements are supported by federal statute as found in **52 U.S. Code § 21081 - Voting systems standards**, that affirms the requirement to provide an audit trial under item (b) Voting system defined;

*(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—*

*... (D) to maintain and produce any audit trail information...*

Further emphasized as a significant oversight aspect of the election system, ballot duplication has been specifically identified by the State Legislature as an item requiring auditing, thus an audit trail, prior to certification as confirmed in the language of RCW 29A.60.185

*(2) Prior to certification of the election, the county auditor must conduct an audit of ballots duplicated under RCW 29A.60.125. The audit of duplicated ballots must involve a comparison of the duplicated ballot to the original ballot. The county canvassing board must establish procedures for the auditing of duplicated ballots.*

## Canvassing and Certifications

The legislature clearly defined in RCW 29A.60.140 the responsibility for election certification

*(3) The county canvassing board may not delegate the responsibility of certifying the returns of a primary or election, of determining the validity of challenged ballots, or of determining the validity of provisional ballots referred to the board by the county auditor.*

Also, the legislature affirmed that the Canvassing Board has a responsibility to inspect duplicate ballots as can be found in the language of RCW 29A.60.125:

*Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by the canvassing board, tabulation, or to conduct an audit under RCW 29A.60.185.*

Furthermore, the legislature clearly defined in RCW 29A.60.140 that the Canvassing Board meetings are public and that public meeting laws and rules apply.

*(5) Meetings of the county canvassing board are public meetings under chapter 42.30 RCW. All rules adopted by the county canvassing board must be adopted in a public meeting under chapter 42.30 RCW, and once adopted must be available to the public to review and copy under chapter 42.56 RCW.*

Each member of the Canvassing Board affirmed to the public in their signed certifications, the election had been conducted in accordance with state requirements and that the “RESULTS” were true and correct.

<p><b>Certification of the Canvassing Board</b></p>	
STATE OF WASHINGTON	)
	) ss.
COUNTY OF SKAGIT	)
<p>The undersigned officers designated by law as constituting the Canvassing Board for the County of Skagit, State of Washington, hereby certify that this is a full, true and correct copy of the Abstract of Votes including the number of registered eligible voters, cumulative results, precinct results, and report of votes cast at the General Election held on November 3<sup>rd</sup>, 2020 in Skagit County, State of Washington.</p>	
<p><b>Oath of Authenticity</b></p>	
STATE OF WASHINGTON	)
	) ss.
COUNTY OF SKAGIT	)
<p>I solemnly swear that the unofficial returns and supporting documentation of the General Election held on November 3<sup>rd</sup>, 2020 in Skagit County, State of Washington, are true and correct.</p>	

EXHIBIT 3 – SKAGIT COUNTY CANVASSING BOARD  
ELECTION CERTIFICATION

## Data Analysis

The Skagit County records office provided PDFs of hand notated (signed/initialed) duplication logs from the Skagit County Election office in response to records requests for November 2020 election ballot duplication that were titled "Inspection/Board/Duplication/Audit".

### Inspection Board/Duplication/Audit

Election Date: 11-3-2020

<b>Signatures of Inspection Board</b>	Board # _____	Date: _____
<b>Signatures of Duplication Board</b>	Board # <u>3</u>	Date: <u>10-30-20</u>
<i>[Signatures]</i>		
<b>Signatures of Audit Board</b>	Board # <u>4</u>	Date: <u>11-16-20</u>
<i>[Signature]</i>		

Inspection Board		Duplication/Audit Board					
Batch Number	Precinct - Split	No Duplication	Duplication Number	Ballots to Canvassing Board	Ballots to Scanner	Duplication Team Initials	Audit Team Initials
electronic	217-00		169		1	<i>[Initials]</i>	<i>[Initials]</i>
ballots	211-00		170		1		
no batch number	211-00		171		1		
	211-00		172		1		
	211-00		173		1		
	211-00		174		1		
	211-00		175		1		
	211-00		176		1		
	211-00		177	#	1		
	209-01		178		1		
	209-01		179		1		
	209-01		180		1		
	209-01		181		1		
	209-01		182		1		
	209-01		183		1		
	209-01		184		1		
	209-01		185		1		
	209-01		186		1		
	209-00		187				
	209-00		188				
	209-00		189				
	209-00		190				
	209-00		191				

EXHIBIT 4 – Duplication Form Title

Very noticeably, the provided duplication PDF data file was suspected to have been intentionally organized out of sequence and scanned at an extremely high resolution making both working with and interpreting the large amount of data difficult.

## Data Analysis -CONTINUED-

After reorganizing the data into groupings based on sequenced duplications (i.e. Numeric, Alpha) per each two person duplication team, referred to as “BOARD”, it was found that for ballot duplications, of the six board members most consistently involved in the duplications, four of those, Boards 3 and 4, had overwhelming involvement and it was also recognized that these same boards almost exclusively audited the other Boards duplications including the electronic and UOCAVA duplications.

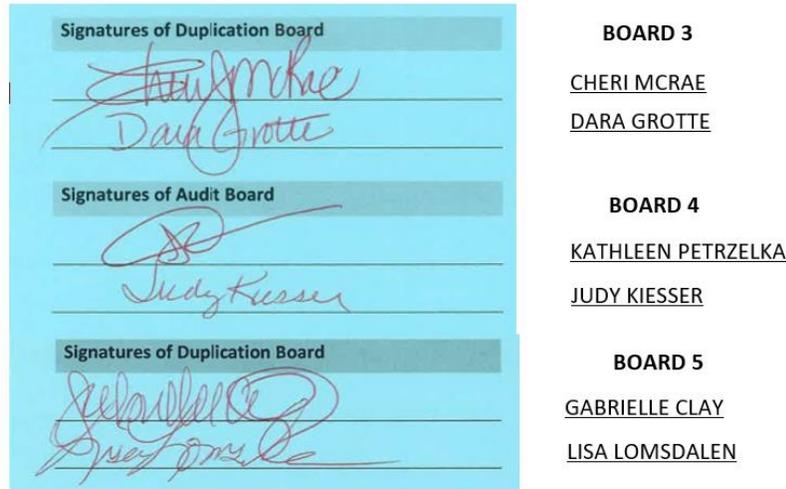


EXHIBIT 5 – Signatures of Duplication  
Boards 3, 4 and 5

Next, using the reorganized sequenced groups, tabulation of the general categories of ballot duplication used by the election offices documentation was performed and it was found that according to provided Duplication Logs, the Skagit County Election office had duplicated approximately 1900 ballots as shown in Exhibit 6.

BOARD	ELECTRONIC	UOCAVA	SPOIL/TB	SUSPEND SKAGIT	SUSPEND NON- SKAGIT	TOTAL
3	200	326	190	0	0	716
4	492	135	318	0	0	945
5	19	0	47	100	66	232
<b>TOTALS =</b>	<b>711</b>	<b>461</b>	<b>555</b>	<b>100</b>	<b>66</b>	<b>1893</b>

EXHIBIT 6 – TABLUATION OF  
REPLACEMENT BALLOTS

Unfortunately, because the Skagit County election office used a duplication numbering system that repeated numerical labeling by independent Boards, included alpha characters, and most notably the election office or auditor did not provide a total number of ballots in response to multiple records request or in its reconciliation report, the official total number of duplicated ballots in the November 2020 election is still undefinable.

## Data Analysis -CONTINUED-

Next, a review of the Board 3 and 4 ballot duplication logs was performed for compliance with the approved two member duplication and auditing requirements outlined in the Skagit County Canvassing Board Administrative Rules

<b>BOARD 3: TWO PERSON DUPLICATION/AUDITING COMPLIANCE</b>	
1. DUPLICATION BOARD	
a. BALLOTS NOT INDIVIDUALLY INITIALED/SIGNED:	VIOLATIONS
b. TWO BOARD MEMBERS APPROVE DUPLICATION:	VIOLATIONS
2. AUDIT BOARD	
a. BALLOTS NOT INDIVIDUALLY INITIALED/SIGNED:	VIOLATIONS
b. TWO BOARD MEMBERS APPROVE DUPLICATION:	VIOLATIONS
<b>BOARD 4 TWO PERSON DUPLICATION/AUDITNG COMPLIANCE</b>	
1. DUPLICATION BOARD	
a. BALLOTS NOT INDIVIDUALLY INITIALED/SIGNED:	VIOLATIONS
b. TWO BOARD MEMBERS APPROVE DUPLICATION:	VIOLATIONS
3. AUDIT BOARD	
c. BALLOTS NOT INDIVIDUALLY INITIALED/SIGNED:	VIOLATIONS
d. TWO BOARD MEMBERS APPROVE DUPLICATION:	VIOLATIONS

### EXHIBIT 7 – TABULATION OF TWO PERSON DUPLICATOIN AND AUDIT DISCREPRENCIES

Following the documentation compliance analysis, an analysis of the reconciliation report against the ballot duplication data found significant discrepancies between the certified results and the ballot duplication logs.

- 1172 Ballots were duplicated and tabulated based on being electronic and UOCAVA. Since only UOCAVA can be considered if received electronically, all 1172 were processed through the duplication process as UOCAVA however only 668 County UOCAVA ballots were certified received.
- 711 Ballots were duplicated and tabulated based on being received electronically, not considering an additional 461 received and duplicated as UOCAVA. Contrarily, the Certified Reconciliation report indicates only 432 were received electronically (email/fax) creating a 279 ballot discrepancy in the certified records.
- While the currently available data provided for this analysis may be found to represent all duplicated ballots, the lack of being provided a summary sheet in any form by election officials, and the lack of information on the nature and quantity of duplicated ballots on the reconciliation report, provides no auditable means (audit trail) to determine the true magnitude of ballots duplicated.

# Data Analysis -CONTINUED-

## Skagit County Auditor

### Reconciliation Form

General information		Registered voters eligible to participate	
County name	Skagit	Active registered voters	85,682
Election date	11/3/2020	Inactive registered voters	3,886

#### Category Reconciliation (detailed accounting of ballots)

	Issued (number of voters issued ballots)	Credited voters in VoteWA (envelopes containing ballots)	Ballots Accepted (Counted / Tabulated)	Ballots not counted		Discrepancy (If zero, category balances)
				Ballots forwarded to other counties	Ballots Rejected	
UOCAVA	1,830	673	668	N/A	5	0
Federal write-in	N/A	0	0	N/A	0	0
Provisional	0	0	0	0	0	0
DREs	0	0	0	N/A	0	0
All voters not reported in above categories	88,760	73,878	73,371	0	507	0
<b>Total for all voter categories</b>	<b>90,590</b>	<b>74,551</b>	<b>74,039</b>	<b>0</b>	<b>512</b>	<b>0</b>

#### Summary

##### Reconciliation

<b>Overall Ballot Reconciliation</b>	
Ballots Received	74,551
Ballots Accepted	74,039
Ballots Not Counted	512
Discrepancy	0

##### Voters credited to ballots counted

Credited voters in VoteWA	74,036
Credited envelopes without ballots	(11)
Voters not credited in VoteWA (examples: FWAB or ACP)	13
<b>Total valid ballots</b>	<b>74,038</b>
Discrepancy	(4)

##### Additional Information

###### Replacement Ballots

Requested	3,690
Issued	3,686
Returned	2,659
Counted	2,627
Rejected	32

###### Return method

Email	418
Fax	14
Deposited at staffed, unstaffed deposit sites and voting centers	60,749
Non-UOCAVA returned by Fax or Email	0

###### Generation method

VoteWA	1,393
Other online programs	0
PDF originating from county	0
Non-UOCAVA ballots issued electronically	1,423

###### AVU

Estimated number of paper ballots printed by AVU	3
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Category discrepancy explanation

VoteWA discrepancy explanation

After being separated for voter privacy, found 2 ballots in once secrecy sleeve, both ballots were counted

Report prepared by: Gabrielle Clay Date: November 24, 2020

Contact number: 360-416-1702

Rev 2.4 (08/13/2019)

EXHIBIT 8 – RECONCILIATION REPORT

# Data Analysis -CONTINUED-

## Oath of Authenticity

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

I solemnly swear that the unofficial returns and supporting documentation of the General Election held on November 3<sup>rd</sup>, 2020 in Skagit County, State of Washington, are true and correct.

Sandra Perkins  
County Auditor/Designee  
Subscribed and sworn to me this 24<sup>th</sup> day of November 2020

Olivia Jamich  
County Legislative Authority/Designee (witness)

M. Neel  
County Prosecuting Attorney/Designee (witness)



## Certification of the Canvassing Board

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

The undersigned officers designated by law as constituting the Canvassing Board for the County of Skagit, State of Washington, hereby certify that this is a full, true and correct copy of the Abstract of Votes including the number of registered eligible voters, cumulative results, precinct results, and report of votes cast at the General Election held on November 3<sup>rd</sup>, 2020 in Skagit County, State of Washington.

Witness our hands and official seal this 24<sup>th</sup> day of November 2020

Sandra Perkins  
County Auditor/Designee

Olivia Jamich  
County Legislative Authority/Designee

M. Neel  
County Prosecuting Attorney/Designee



EXHIBIT 9 –ELECTION CERTIFICATION

## FINDINGS

After receiving responses from Skagit county for ballot duplication records, an analysis of audit records and data was performed to confirm the logic of the data provided, compliance with applicable laws, and conflicts with certified election results that has found the following;

### BALLOT DUPLICATON AUDITING COMPLIANCE FINDINGS

1. Skagit County ballot duplication processes began occurring on October 28, 2020 without any known public notification or invitation to major political parties in violation of state laws.
2. Skagit County Canvassing Board has provided no meeting documents, including minutes of any November 2020 Canvassing Board meeting in violation of state laws.
3. SKAGIT COUNTY BALLOT DUPLICATION PROCESSESSING BY BOARD 3 AND BOARD 4 WAS KNOWINGLY AND WILLFULLY NEGLECTFUL IN ITS DUPLICATION AND AUDING OF BALLOTS IN VIOLATION OF STATE AND FEDERAL LAWS.

### BALLOT DUPLICATON ANALYSIS FINDINGS

4. If only UOCAVA ballots can be received electronically, and certified records confirm only 432 ballots total were received electronically, and none rejected, and zero non-UOCAVA Ballots were received electronically, 234 UOCAVA Ballots were received physically concluding either;
  - a. Another 505 ballot duplications were forged by election officials in violation of state and federal laws.
  - b. All 711 electronica ballot duplications were forgeries in violation of state and federal laws.
5. Accordingly to state and county election data, only 432 ballots are categorized as being received by email or fax, affirming the certified results. However, based on the analysis that 505-711 ballots as being received electronically were forged, this can only conclude that the state records as reported electronically by the County Election office is forged to conceal the forged duplicate ballots in violation of state and federal laws.

### BALLOT CERTIFICATION FINDINGS

6. IF NO MORE THAN THE CURRENTLY IDENTIFIED 505-711 FORGED BALLOTS ARE FOUND, THERE MAY BE A MIMIMUM TOTAL VOTE IMPACT OF 1422 VOTES IMPACTING THE OUTCOME OF **13 COMPETITIONS** IN THE NOVEMBER 3, 2020 SKAGIT COUNTY ELECTION.
7. THE SKAGIT COUNTY AUDITOR FAILURE TO PROVIDE THE TOTAL NUMBER OF BALLOTS TABULATED AND AN AUDIT TRAIL OF DUPLICATED BALLOTS IN THE RECONCILIATION REPORT IS A VIOLATION OF STATE AND FEDERAL LAWS.
8. THE SKAGIT COUNTY CANVASSING BOARD SIGNED CERTIFICATIONS FOR THE NOVEMBER 3, 2020 CONFLICT WITH SUPPORTING DOCUMENTATION IN VIOLATION OF STATE AND FEDERAL LAWS.

## CONCLUSION

Based upon the events and findings as described above, adequate evidence exists to support the determination that during the ballot duplication process for the November 3, 2020 election, multiple Skagit County election officials, including employees and canvassing board members, knowingly violated state laws and participated in the forging of ballots in violation of multiple state and federal laws.