



Collin County Logic and Accuracy Report



This report summarizes the key findings, positive aspects, and areas for improvement observed during the Collin County election test on October 11, 2024. It highlights both the successes and challenges faced during the testing process, providing a comprehensive overview for stakeholders and election officials.

October 11, 2024

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WHAT IS A LOGIC AND ACCURACY TEST?

According to the Election Assistance Commission, “Logic and Accuracy (L&A) Testing is a collection of pre-election procedures that insure that the voting equipment and ballots to be used in an upcoming election can properly display the ballot, collect votes, and tabulate results. Usually referred to as L&A, these tests occur prior to the election and are conducted in such a way as to make public observation of the procedures and results possible. The historical purpose of L&A was to permit candidates, parties and the public to review ballots and lever machine programming prior to the election. The purpose was to demonstrate that the ballot was accurate, complete and votes cast could be properly tabulated.”

GENERAL OBSERVATIONS ON OCTOBER 11, 2024

- When citizens arrived, they were provided with a one-page document describing the Logic and Accuracy test.
- The public test began around 9:30 AM
- For the first time since CDF has been attending the Logic & Accuracy Public testing, the public was allowed to choose machines from the warehouse for the testing. Six citizens chose a DS200, Ballot Marking Device and ExpressTouch from the Davis Library cabinet for testing.
- By law, the Hash validation is conducted before counting can begin. The Hash failed on the DS200 that was pulled. Around 2 PM and after many attempts to validate the source code software, the Election office staff gave up and decided to choose a second DS200.
- The Election Administrator, Mr. Sherbet, directed the defective DS200 to be quarantined and not eligible for use in the 2024 General election.
- Citizens again went into the warehouse and chose another DS200 from Davis Library (Although they could have chosen from any of the cabinets per Mr. Sherbet, Mr Breaux was adamant that it needed to be picked from Davis. The Republican test board member acquiesced to the Democrat board member even though the other citizens wanted to choose from a different location).
- The second DS200 failed the hash validation on the first try, but successfully passed on a subsequent test. One citizen overheard the Assistant Election Administrator blame the tech for the failures. They moved to the warehouse away from the public to continue their conversation.
- CDF requested that some of the pristine ballots be folded to simulate how they would arrive during the election. This was the first time citizens have ever been able to touch any ballots. The Mail-in Ballot test included 142 ballots folded by citizens.
- None of the mail-in ballots were sequentially numbered or labeled as "test" ballots.

- The total number of ballots in the test: 2464, including 10 with write-in candidates (written with a sharpie marker).
- Counting the mail in ballots on the DS850 failed to meet the expected results twice before finally succeeding on the 3rd attempt.
- Citizens were concerned that many of the races had multiple races where the votes for two or more candidates were the same. So, the election office created another test and added a different number of votes to the candidates to test that vote flipping could not occur.
- The test lasted longer than usual and ended around 7PM.

DS850 MAIL-IN BALLOT TEST RESULTS

a. First scan:

- 1 ballot jammed and was recreated
- Total ballots scanned: 2444 + 10
- 10 off target (0.4% off*)

b. Second scan:

- 1 ballot jammed and was recreated
- Total ballots scanned: 2383 + 10
- 71 off target (2.88% off*)

c. Third scan:

- Counts cleared and zero report run before rescanning
- Rollers cleaned between 2nd and 3rd scan to remove dust and ink buildup

Expected results for Mail-in ballots: 2454 regular ballots + 10 write-ins

*Exceeds the Help America Vote Act error rate requirement

EXPRESSVOTE TEST

- The test included test ballots for Early Voting and Election Day
- About four races were off due to undervotes
- Explanation: The Ballots (baseline) were given to ES&S employees to enter into the BMDs. The explanation was that these ballots were punched incorrectly, causing final count inaccuracies.

CDF and our volunteers appreciate that:

- The Election Office answered our questions pertaining to the creation of the Test ballots before the public testing on Oct 11.
- Citizens were provided with a one-page document describing what to expect.
- Citizens were allowed to fold 142 mail-in ballots before the counting began.
- Citizens were allowed to choose machines randomly for the first time since our first L&A test in October 2022.
- Many citizens chose to participate in this public testing. The most we have ever seen.
- For the most, the Election Office complied with the statutes codified in TEC 129.023. It is not clear if ES&S employees touched the machines that were hash validated OR if any of the testing board cast any ballots.
- The many positive conversations with Mr. Sherbet during the day.
- CDF was consulted during the day on procedural matters.
- The changes that the Election office is implementing based on our observations, including:
 - Password changes
 - Better processes for accounting for the unused ballots.

AREAS FOR IMPROVEMENT – OCT 11, 2024

This section provides observations during the Collin County L&A test and includes the issue, the observation, and a comment on each item.

ISSUE	OBSERVATION	COMMENT
RJ45 port	<p>Door #6 on the DS200 that was selected was unsealed and opened for the public. Inside, we observed an open RJ45 port. When we asked about this port, we were told that these machines are mass-produced and that some states allow internet connectivity with modems (Texas does not.)</p>	<p>Shelby Williams, GOP chair, asked if in future elections, a cap and seal could be placed on these ports for more security.</p> <p>The election office already has these caps in stock. They were agreeable to this suggestion.</p>
<p>Test Creation (See Addendum 1)</p>	<p>CDF observed many of the expected results with the <u>same number of votes</u> for multiple candidates <u>in the same race</u>.</p> <p>We also observed that the test ballots did not have anything identifying them as test ballots, instead they were labeled as "Official Ballots."</p> <p>When we inquired about these issues, we were told that they would be placed in a sealed container at the end of the day, and we observed this action at the end of the day.</p> <p>The ballots should be sequentially numbered to be similar to the election conditions.</p>	<p>Every race needs a different number of votes for each candidate.</p> <p>When multiple candidates have the same expected number of votes, observers cannot tell if the machine might flip the votes for those candidates during the actual election.</p> <p>For the next election, we request that the test ballots be created so that all candidates in a race have a different number of votes.</p> <p>They should also be sequentially numbered and labeled as test votes – not "official ballots."</p>
<p>Central Count Tabulators</p>	<p>The first batch of ballots had to be rerun three times before it produced the expected count.</p> <p>The hypothesis was that the rollers were not clean and caused jamming on the first two runs.</p>	<p>In an election where you do not have expected results upfront, when there is a jam, are the ballots in that stack re-run multiple times to get the counts to match at least twice?</p> <p>CDF knows that the ballot board stacks the ballots in packs of 50. So, this may be the way to ensure that the count is correct.</p>

<p>DS200 failed Hash Validation</p>	<p>The hash validation test failed on the one and only randomly selected and tested DS200. A second DS200 from the same location was pulled. After an initial failure on the hash test on the second DS200, it finally passed.</p>	<p>This failure was alarming to all in attendance, including the Election Administrator.</p> <p>Mr. Sherbet expressed his concern and indicated that he would contact ES&S on Monday to get direction. He also indicated that he would feel more comfortable if there was more hash testing on all of the machines being deployed, especially the high-volume locations.</p> <p>We agreed with Mr. Sherbet and hoped that the public would be included in witnessing any extra hash testing.</p> <p>However, after emailing on Monday morning, CDF received an email response from Mr. Breaux (Addendum 3).</p> <p>CDF has consulted with three software/cybersecurity experts who all agree that this response is inadequate.</p> <p>CDF is also dismayed that the public was not invited to this extra testing on Saturday to witness what occurred. This extra testing took place to determine why there was a failure. This lack of transparency is what breeds distrust in the election system.</p> <p>Since this is the first time a randomly selected DS200 was tested and failed, two important questions arise:</p> <ol style="list-style-type: none"> 1. Have the machines deployed in past elections been compromised? 2. Given that the fix for the 16 tested machines was essentially a factory reset, what about the other machines being deployed for both Early Voting and Election Day in THIS election? <p>The need for a factory reset to pass hash validation reveals a critical flaw in the voting system. This indicates that during normal operation, the software is modifying key files that are part of the hash validation process. Essentially, the software is altering itself, which undermines the integrity and trustworthiness of the entire system.</p> <p>A robust hash validation should ensure that core files remain unmodified during operation. If running the system alters files included in the hash, it renders the validation process fundamentally unreliable. This self-modification of code is a clear indication that these machines cannot be trusted to accurately and securely record and count votes.</p>
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<p>Microsoft Patches (See Addendum 2)</p>	<p>Citizens asked about Microsoft Patches that are updated monthly. Some of these patches are critical and could affect Election Management Systems.</p> <p>When asked about these patches, we were told that if they were performed, then the machines would lose certification and must be re-certified.</p>	<p>This is a place that needs legislation. Critical patches ought to be allowed to prevent security issues.</p> <p>According to Dr. Walter Daugherty, "It has been incorrectly claimed that continually updating virus definitions would decertify voting systems. This is untrue...On the contrary, failing to continually update virus definitions violates EAC standard and this failure to comply with EAC standards therefore renders the voting system illegal in Texas. (Texas Election Code 122.001 (a)(3))"</p> <p>The Texas legislature needs to clarify this issue.</p>
<p>Unprofessionalism</p>	<p>There were numerous citizens who complained that they felt election staff were unprofessional and rude to them.</p> <p>This attitude was observed to trickle down from the Assistant Election Administrator to the lower ranking staff.</p>	<p>Citizens should not be considered as adversaries and treated as if they are there to cause problems. We are there to observe.</p> <p>If there are questions from citizens, they should be answered with respect.</p> <p>If there are instructions to citizens, they should be delivered with respect.</p> <p>The citizens are there to observe what is happening and for accountability to the procedures and law.</p> <p>An unprofessional attitude just fosters more distrust in the system and those who administer it.</p>

THE CURRENT LOGIC AND ACCURACY TEST IS INADEQUATE.

So what can we do to improve this test?

First of all, the legislature has mandated that the L&A test be performed, and it has given TEC imperatives that must be completed according to the law. This section of this document will show that the current L&A test is missing the mark. An L&A test could be so much better, and it could solve problems before they are discovered during early voting or election day. Of these suggestions, some could be adopted voluntarily by any county in Texas. Some counties will say they do not have enough funds to do it right. Some counties might adopt some of these recommendations. Our prayer is that Collin County will be a leader and voluntarily lead the way to a valid and useful L&A and take it away from the perspective of a dog and pony show – to a real verification and useful tool.

PART ONE – PROBLEMS WITH THE L&A AS DEFINED BY LAW TODAY.

These are the issues with the L&A test today.

1. L&A testing was created for monolithic lever machines. Back in the 1970s and 1980s, large lever machines were used for voting. It was a simpler time, with less population and fewer representatives and fewer ballot styles. The purpose of the test was originally to make sure that if you voted for a person – that the vote was tallied correctly in the final count.
2. L&A testing is by law only mandated for a representative selection of a single machine per type. This means that one DS-200, one DS-850, one DS-650, and one Ballot Marking Device (BMD) are tested. If this is the extent of the testing, then this leads to a test coverage of about 1-5% or even less depending on the total number of machines deployed by a county.
3. To appreciate this deficiency, let's think about a small business with 20 Windows PCs all connected to a network. We envision a security audit where a representative sample of one DELL and one HP computer is selected to make sure that virus and security software is proper, and that there has not been any alteration of the base operating system. This is analogous to the hash validation and the L&A test for election systems. The question is what good is testing 2 out of 20 computers in the above scenario.
4. In the same vein, what good is testing one of each type of voting machine when there are many devices fielded to poll locations for Early Voting and more for Election Day?

SOLUTIONS

1. Even if it takes a few days, every machine should be hash validated. Period. Not enough money and not enough manpower are just excuses to stick with the status quo and not make any changes. The security of our elections is paramount and should be taken seriously.
2. Every individual logging into the pollbook (from volunteer to temps to employees) should have a separate login to every election system with traceability and audit logs.
3. The access code bypass should be deleted from the system.
4. Once ballot styles are created, EVERY machine must be tested with EVERY ballot style. If the hash validation is performed for every machine, this plank could be reduced to a small representative sample.
5. The L&A test needs to simulate mail-in, early voting in person, and election day voting in person AND cycle through enough "days" to simulate the entire process.
6. Provide a TESTING PLAN that governs what happens in the L&A and in what order so that the public can follow along and include the secret hardware testing that happens after the public is dismissed.
7. If we are going to use machines, we should enact real Cybersecurity measures:
 - a. nmap scan for open ports
 - b. Figure out a way for election systems to be updated to the latest OS without negating the certification.
 - c. Prepare your own test deck (minimum of 1000 ballots) in addition to the vendor-supplied test deck
 - d. SHA software validation NOT using ES&S tools on every machine, not just a sample.
 - e. Ballots on counterfeit paper--are they detected and rejected?
 - f. Check that all Windows logs are at least 20 GB and set to halt when full.
 - g. Delete all anonymous accounts (such as admin, guest, electionworker01, vendortechnician01, etc.) and only allow accounts with personal first and last names (e.g., john.smith).

TEXAS LAW GOVERNING THE LOGIC AND ACCURACY TESTING

Sec. 129.023. PUBLIC TEST OF LOGIC AND ACCURACY.

- a. The general custodian of election records shall create a testing board consisting of at least two persons. The general custodian of election records shall make every reasonable effort to ensure that the testing board consists of at least one person from each political party that holds a primary election.
- b. Not later than 48 hours before voting begins on a voting system, the general custodian of election records shall conduct a logic and accuracy test. Public notice of the test must be published on the county's Internet website, if the county maintains an Internet website, or on the bulletin board used for posting notice of meetings of the commissioners court if the county does not maintain an Internet website, at least 48 hours before the test begins, and the test must be open to the public.
 1. If the test is being conducted for a primary election, the general custodian of election records shall notify the county chair of the test at least 48 hours before the date of the test. The county chair shall confirm receipt of the notice.
 2. If the test is being conducted for an election in which a county election board has been established under Section 51.002, the general custodian of election records shall notify each member of the board of the test at least 48 hours before the date of the test. If the county election board chooses to witness the test, each member shall sign the statement required by Subsection (e)(1).
- c. The general custodian of election records shall adopt procedures for testing that:
 1. direct the testing board to cast votes;
 2. verify that each contest position, as well as each precinct and ballot style, on the ballot can be voted and is accurately counted;
 3. include overvotes and undervotes for each race, if applicable to the system being tested;
 4. include write-in votes, when applicable to the election;
 5. include provisional votes, if applicable to the system being tested;
 6. calculate the expected results from the test ballots;
 7. ensure that each voting machine has any public counter reset to zero and presented to the testing board for verification before testing;
 8. require that, for each feature of the system that allows disabled voters to cast a ballot, at least one vote be cast and verified by a two-person testing board team using that feature; and
 9. require that, when all votes are cast, the general custodian of election records and the testing board observe the tabulation of all ballots and compare the actual results to the expected results.

- c-1. A test conducted under this section must also require the general custodian of election records to **demonstrate**, using a representative sample of voting system equipment, that the source code of the equipment has not been altered.
- d. A test is successful if the actual results are identical to the expected results.
- e. To provide a full and accurate account of the condition of a given voting machine, the testing board and the general custodian of election records shall:
 - 1. sign a written statement attesting to:
 - i. the qualification of each direct recording electronic voting machine that was successfully tested;
 - ii. any problems discovered; and
 - iii. the cause of any problem if it can be identified; and
 - 2. provide any other documentation as necessary.
- f. On completing the testing:
 - 1. the testing board shall witness and document all steps taken to reset, seal, and secure any equipment or test materials, as appropriate; and
 - 2. the general custodian for election records shall preserve a copy of the system's software at a secure location that is outside the administrator's and programming entity's control until at least 22 months after election day.

In addition, the Texas Secretary of State has issued the following guidelines for the Logic and Accuracy Testing:

- 1. <https://www.sos.texas.gov/elections/laws/advisory2022-30.shtml>
- 2. <https://www.sos.state.tx.us/elections/forms/seminar/2023/41st/logic-and-accuracy-testing.pdf>

Addendum 1

Image of Expected Results showing same number of votes for multiple candidates in the same race

President/Vice President
Vote For 1

	TOTAL	VOTE %	Election Day	Early Voting	Ballot by mail	Provisional	Limited
Rep Donald J. Trump/JD Vance	736	24.91%	328	1	406	0	1
Dem Kamala D. Harris/Tim Walz	736	24.91%	328	1	406	0	1
Lib Chase Oliver/Mike ter Maat	740	25.04%	328	3	406	0	3
Grn Jill Stein/Rudolph Ware	736	24.91%	328	1	406	0	1
Write-In Totals	7	0.24%	0	1	6	0	0
Total Votes Cast	2,955	100.00%	1,312	7	1,630	0	6
Overvotes	406		0	0	406	0	0
Undervotes	550		55	48	418	21	8
Contest Totals	3,911		1,367	55	2,454	21	14

Image of Second Test Showing a different number of votes for the races which had the same number of votes in the first baseline test.

President/Vice President
(Vote For 1)

Rep Donald J. Trump/JD Vance	1
Dem Kamala D. Harris/Tim Walz	2
Lib Chase Oliver/Mike ter Maat	0
Grn Jill Stein/Rudolph Ware	3
Write-in	0
Over Votes	0
Under Votes	19
Total	25

Addendum 2

White Paper by Dr. Walter Daugherty

Vulnerable Voting Machines Are Illegal In Texas

Updated September 10, 2024

1. Voting systems in Texas are required by law to operate “safely”, to comply “with the voting system standards adopted by the Election Assistance Commission [EAC]”, and to be “safe from fraudulent or unauthorized manipulation.” (*Texas Election Code § 122.001*)
2. By definition, “safe” means “protected”, “secure”, and “not vulnerable”, so voting systems in Texas must not be unprotected, insecure, or vulnerable.
3. This is explicitly addressed in one of those “voting system standards adopted” by the EAC (with which voting systems in Texas must comply) as follows:

7.4.2 Protection Against Malicious Software

Voting systems shall deploy protection against the many forms of threats to which they may be exposed such as file and macro viruses, worms, Trojan horses, and logic bombs. Vendors shall develop and document the procedures to be followed to ensure that such protection is maintained in a current status.

(Voluntary Voting System Guidelines Version 1.0)

4. Note that although EAC standards are voluntary in the sense that individual states may choose whether or not to participate in the EAC, once a state chooses to participate, as Texas has done (see ¶ 1 above), EAC standards such as in ¶ 3 above are binding (see section 1.4 of https://www.eac.gov/sites/default/files/eac_assets/1/28/VSTLManual%207%208%2015%20FINAL.pdf).
5. All voting systems currently approved for use in Texas contain an Election Management Server (EMS) running a Microsoft Windows operating system and other Microsoft software. Other Texas voting system components in addition to the EMS also contain Microsoft software. All of this Microsoft software must be protected as required by the binding EAC standards in ¶ 3 above.
6. Microsoft offers the required protection in the form of software updates issued monthly on the second Tuesday (“Patch Tuesday”) and also more frequently in emergency cybersecurity situations. These software updates include patches to vulnerabilities announced in the preceding month, and must be installed monthly to maintain “current status” as required by the binding EAC standards in ¶ 3 above.
7. The most recent Patch Tuesday was September 10, 2024, and included software updates to patch 79 vulnerabilities, including 7 vulnerabilities rated “critical” since their exploitation could allow code execution *without* user interaction. Consequently, Microsoft recommends that customers apply critical updates immediately. This raises the cumulative total number of Microsoft in 2024 up to 783 vulnerabilities including 34

which are critical. Although many of these patches do not apply to voting systems, a number of them do. By definition a voting system with even one unpatched vulnerability is not safe, and unsafe voting systems are illegal in Texas. (*Texas Election Code § 122.001*)

8. In some older voting systems, updated antivirus definitions required by ¶ 3 above are provided by companies other than Microsoft. For example, ES&S voting systems prior to 6.2.0.0 use Symantec antivirus definitions, which are updated **daily**. Thus, to maintain “current status” as required by ¶ 3 above, ES&S voting systems prior to 6.2.0.0 must be updated **daily**. (Beginning with 6.2.0.0, ES&S voting systems use Microsoft Windows Defender Antivirus as described in ¶ 6 above.)
9. It has been incorrectly claimed that continually updating virus definitions would decertify voting systems. This is untrue, as described in the preceding paragraphs. On the contrary, **failing** to continually update virus definitions violates this EAC standard and this failure to comply with EAC standards therefore renders the voting system illegal in Texas. (*Texas Election Code § 122.001(a)(3)*)
10. In the case of Hart InterCivic voting systems, both Verity Count and Verity Central also contain the Microsoft SQL Server database management system. The known vulnerabilities in Microsoft SQL Server (for example, in version 2017, used in Hart InterCivic versions 2.5 and 2.6) must all be patched or else it is unsafe and therefore illegal in Texas (see ¶¶ 1-2 above).
11. In the case of ES&S voting systems, the database management system used is PostgreSQL. As of today, the most recent known vulnerability is CVE-2024-7348, which must be patched by installing PostgreSQL version 16.4 issued August 8, 2024. Otherwise, it is unsafe and therefore illegal in Texas (see ¶¶ 1-2 above).
12. Unless and until all of these software patches have been installed on the EMS and all other voting system components, those voting systems’ federally-required protection is not in “current status”, and because those voting systems are vulnerable and not safe, they are illegal to use in Texas. (*Texas Election Code § 122.001*)
13. Further, illegal voting systems can only produce illegal election results. As the legal metaphor called “the fruit of the poisonous tree” puts it, if the source (the illegal voting system, or “tree”) is illegal, then any evidence (election results, or the “fruit”) gained from that tree is illegal as well. This legal principle is also similarly expressed as “*Crimen omnia ex se nata vitiat*” (crime vitiates everything which springs from it).
14. Note also that the laws and standards cited above cannot be waived, suspended, altered, or modified by any public official or election official. (*Texas Election Code § 276.019*)

Addendum 3

Email from Election Office about Hash Validation Failure

From Kaleb Breaux <kbreaux@co.collin.tx.us>

Date Mon 14/10/2024 12:23

To Debbie Lindstrom <dlindstrom@ccdfusa.com>; Bruce Sherbet <bsherbet@co.collin.tx.us>

Cc Tara Schulte <tschulte@ccdfusa.com>; Kathi Rivard <damn.yankee1973@gmail.com>; 'lisa babb.email' <lisa@babb.email>; 'KC McClain' <kcmclain@me.com>

Debbie,

Thank you for the email. I want to address the issue with DS200 failing hash validation on Friday during the Public Logic and Accuracy Test. Since the Public L&A Test we have been able to further research the cause for failure, which I would like to share with you now.

Prior to the Public Logic and Accuracy Test on Friday, our office agreed to pull hardware from Election Supply Cabinets that were prepared to be deployed to an Early Voting location for the November 5, 2024 election. This new process was implemented as a request made by Citizens Defending Freedom during previous Public L&A Tests performed over the last few years. This was a new process for our Public L&A Test this election. The equipment, specifically the DS200s, had already been hardware diagnostic tested by our warehouse team, as part of our normal process of preparing for the election. Part of the hardware diagnostics testing includes opening a unit, casting test votes on the unit, closing the unit, and finally clearing the results from the unit before it is sent to the location.

During our investigation and further research on DS200s, we found that performing the hardware diagnostics steps on a DS200 would prevent it from generating a successful hash file export from the unit. The first step that should have been taken on the DS200 that was pulled from the ESC prior to our beginning hash validation should have been to completely reset the machine by performing the EQC process, which was an oversight on our part. We have updated our notes regarding the hash validation process so this does not occur as we move forward with testing.

Our team was able to successfully replicate the failure on Saturday, October 12, 2024, as part of the investigation into the matter. To ensure the accuracy and integrity of our election equipment, we pulled 16 DS200s from ESCs that were to be deployed for the November 5, 2024 election, and successfully hash validated them before they were deployed. We were also able to successfully hash validate the DS200 that failed to pass on Friday during the Public Logic and Accuracy Test. It should be noted as stated during the test, our office WILL NOT deploy the failed DS200 from Friday's test into the field for the November 5, 2024 election.

Respectfully,



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