

## On Texas' Secretary of State Ordered Automatic Manual Recount Process

### An observation of the post-election manual count process after the March 1<sup>st</sup>, 2022 Primary Elections

Upon deeper examination of the Phase 1 Audit Progress Report performed by the Texas Secretary of State (SoS) and Tarrant County Elections (TCE) department, it is understood that the Secretary of State issued an order to TCE to conduct a partial manual count of the November 2020 Railroad Commissioners' race from seven selected precincts. It is reported that the SoS was satisfied with the results of the manual count by precinct. The Phase 1 Audit Progress Report allegedly reported that a partial manual count of certain races by precinct perfectly matched the electronic count reported by the county to the SoS. However, independent investigations seeking to verify the findings has revealed severe discrepancies between the Phase 1 Audit Progress Report charts and Tarrant County Precinct Cumulative Reports. The public was expecting to learn whether any discrepancies exist between County records and State records by precinct, as this is what is prescribed and allegedly detailed in the States' report released to the public. As I have detailed below, this is not the case. See the following figures from the SoS Phase 1 Audit Progress Report.

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.

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

#### Tarrant County Partial Manual County November 2020

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

**Reported by Texas SoS on Tarrant County partial Manual Count Nov. 2020**

**Tarrant County's Nov. 3, 2020 Election Precinct Cumulative Report -vs- SoS Phase 1 Audit Report Manual Count. Each row totals reports from County's own Precinct Cumulative Report (blue columns) as compared to the SOS Audit Report totals (yellow columns) and ends in the difference of votes between the two reports, page numbers where these discrepancies can be found in the Tarrant County Precinct Cumulative Report.**

Precinct	Per TC Precinct Report				Per precinct total	SOS audit-HandCount				TC rpted vs HandCount	TC Precinct rpt PAGE#
	Absentee	EV	ED	Adding Total		Mail-in	EV	ED	Adding total		
1061	17	106	53	176	176	17	103	594	714	(538)	p188
1460	112	1,329	303	1,744	1,744	109	1,295	106	1,510	234	p1361
2381	14	299	79	392	392	14	287	437	738	(346)	p2830
3160	122	1,394	252	1,768	1,768	118	1,358	402	1,878	(110)	p3881
4285	23	347	117	487	487	23	331	-	354	133	p6028
4452	72	2,088	255	2,415	2,415	69	2,029	-	2,098	317	p6260
4591	92	1,815	323	2,230	2,230	89	1,780	-	1,869	381	p6581
				9,212	9,212				9,161	51	

Despite the Phase 1 Audit Progress Report seeming to depict results of “partial manual counts” by precinct, which do not match County Level Precinct Cumulative Reports, it has been uncovered that the discrepancies have a simple, albeit a concerning explanation. The difference in County Cumulative report totals and the States’ reported manual count totals can be explained by the fact that the SoS authorized TCE to manually count ballots by EITHER POLLING LOCATION OR PRECINCT as counting by PRECINCT would be more difficult due to the county’s participation in the Countywide Polling Place program. Ballots are not stored by Precinct any longer, as required in Chapter 66 of the Texas Election Code. Tarrant County chose to recount by POLLING LOCATION, and not by PRECINCT, as claimed in the SOS Phase 1 Audit Progress Report. At this time, Tarrant County was not producing cumulative reports by polling location.

The issue here is two-fold. First, why did the SOS not accurately relay to the People reading their report which counties counted by Precinct and which were counting by polling location? Secondly, which data set was the SoS comparing with and confirming against the manual count totals reported back to them by county election officials, when no electronic count of results by POLLING LOCATION had been compiled, and therefore not published, anywhere, for reference?

As a poll watcher in Tarrant County’s March 1<sup>st</sup> 2022 Republican primary election, I observed county election employees working on manual counts in order to meet the SoS’ requirements. The race selected for this partial manual count was the Texas Comptroller, a state level position but again, a race not widely monitored. Once again, Tarrant County was manually counting ballots by POLLING LOCATION instead of by PRECINCT, and once again no electronic record of POLLING LOCATION data had been compiled or published for comparison of these totals. Without having access to these reports by polling location, Poll Watchers cannot effectively observe the process in order to determine if the totals tabulated by hand confirm digitally compiled totals by location or precinct, which end up being reallocated from location totals to precinct totals in an opaque digital process. Neither the SoS nor the county provide any proof that the sampling is a proper representation of the actual election results by polling location, as Early Vote Result Tapes are not produced by Polling Location to confirm, and voters no longer vote strictly in precinct due to the County’s choice to participate in the Countywide Polling Place Program.

For election integrity and transparency, Tarrant County would do well to strive for these partial manual counts prescribed by the SoS to more accurately represent vote totals as reported. The cumulative report by polling locations for Election Day and Early Voting need to be published, in a timely manner, so that lawfully appointed Poll Watchers may perform their duties. Additionally, a greater sample size should be added to the manual count, by simply including top executive and local positions on the ballots being counted, so that a post-election report would more accurately represent a sample of any given county’s election data. To have a more thorough auditing process, just like auditing a private business, a true audit should not focus merely on nickels and dimes, with no receipts to verify the data reported.

Thank you,