

VFBI Special Report: Dallas County Primaries

Election Administrator Michael Scarpello...



Experience in Runbeck, ES&S and Dallas County Election Disasters

Michael Scarpello has a long history of managing election systems across the nation, from Nebraska to Colorado, Arizona and California, to the Great State of Texas. His experience is nearly unmatched, and he has been active in the game since at least the 2000 election debacle which cast doubt over previous processing of hand-marking ballots, initiating the push towards an electronic voting system.

Dallas GOP Election Integrity Committee

The Dallas County Republican party has taken great strides in addressing issues in their local elections, initially by creating a committee tasked with focusing on Election Integrity. This committee has achieved significant remedy when it comes to proper ballot preparation, which was negotiated in exchange for running "mixed" primary elections. "Split" primaries are

primary elections in which parties use separate machines to check in, cast and tabulate ballots, and "Mixed" primaries are, understandably, the opposite.

Why We Care

Texas Constitution Article 6, Section 2 (c) *The privilege of free suffrage shall be protected by laws regulating elections and prohibiting under adequate penalties all undue influence in elections from power, bribery, tumult, or other improper practice.*

Texas Election Code 1.0015. LEGISLATIVE INTENT. *It is the intent of the legislature that the application of this code and the conduct of elections be uniform and consistent throughout this state to reduce the likelihood of fraud in the conduct of elections, protect the secrecy of the ballot, promote voter access, and ensure that all legally cast ballots are counted.*

These two provisions taken from the Constitution and the Texas State Statutes outline that elections shall be protected by laws with associated penalties for the violation thereof, and those laws must be applied uniformly in elections statewide. The wilful circumvention of State Statutes is a violation of public trust as well as codified election law, regardless of the perceived authority who authorizes said violations.

Below is a series of events documenting one patriot's deep detective work into Dallas County's 2022 primary election.

Dallas County Primaries - Early Voting Disaster

Poll workers in Dallas County's 2022 Primary Elections experienced significant, widespread and nearly simultaneous machine failures during the early voting time period. **ES&S brand DS200 tabulators across the county displayed a glitch, requiring at least twenty-two of the forty-seven early voting locations to call for replacements. Replacing these tabulators entailed removal of the "heads" containing the thumb drives which held the electronic count of ballots. The paper records at these locations were not transported along with the digital records, and the replacement "heads" showed 0 on the screens, causing issues with the required "daily reconciliation report" filled out by the Early Voting clerks.** Additionally, on the final day of early voting, Michael Scarpello obtained a court order requiring early voting polling locations to keep some polling locations open until 10pm. The extension of the voting hours was due to inclement weather.

A Poll Watcher's Request for Election Records

Texas Secretary of State Advisory Code 2019-23 Section 6, Subsection 5(b) outlines the requirement to produce "result tapes" for early voting. These tapes are printed directly from the scanner/tabulators used at the polling locations, and show the total votes per candidate cast at that location, along with the dates they were cast. **These "result tapes" are not supposed to be printed at the early voting polling locations, but at "central count" which is convened at the county's elections office on election night.** One poll watcher, who was appointed by a candidate on the primary ballot, requested to view them **and was informed that he should have been present the day before, when they were printed, if he had wanted to see them.** When he asked how he could have known when the tapes would be produced, he was told there was no way to know unless he was appointed by one of the two political parties.

To obtain the records, the watcher submitted a public information act request on behalf of his appointing authority for copies of the early vote result tapes, and was quoted \$150 for the records, against Texas Election Code 1.015(e) which limits Texas entities from charging more than \$50 for election records. Because this limitation was unknown to the watcher at the time. The watcher paid the fee and waited for the records to be sent.

On April 8th the watcher obtained what was reported to be the "result tapes" for early voting, consisting of an incomplete set of records. **Twenty-two locations were not included in the set of result tapes provided. The missing result tapes were those of each of the twenty-two locations who had their DS200 tabulators replaced. Additionally, the "print date" on each of the tapes provided showed varied dates of production. Most of the tapes provided showed a print date of March 16th, while others showed a print date of March 17th. The poll watcher received newly created closing tapes instead of copies of the March 9th closing tapes requested. This poll watcher was told that it was "easier" to print new tapes rather than making copies of the original tapes printed on March 9th. More concerning was the discovery that much of these tapes, showing different assigned polling locations, shared the same scanner/ tabulator serial number.** This poll watcher was unable to confirm that the closing tapes for these 25 locations were created before the election results were certified.

Another piece of information which came out during the investigation into the early vote records is that **the ballots cast at each of the twenty-two polling locations were removed from their ballot bags and rescanned at central count to obtain tabulations per polling location.** This is a violation of the preservation period process, as well as potentially breaking the chain of custody for those ballots.

Examination of the Early Vote Result Tapes

The poll watcher whose work is documented in this report has created a detailed, concise and thorough file comparing the tapes from each of the polling twenty-five early voting locations who had result tapes provided, as well as the digital aggregates of the remaining twenty-two locations who's result tapes were never produced due to a mishandling of records after simultaneous machine failures. The file has color coded the result tapes which were produced from the same scanner/ tabulator, seemingly showing tabulators printing result tapes from a variety of polling locations. At first glance it would appear that these tabulators were used at multiple early voting locations - a nearly impossible scenario. **This is how we learned that the tapes were not printed from their original DS200s, but were reprinted using ten random DS200s and various thumb drives.**

The results from the twenty-two locations who did not have tapes to produce were provided to the poll watcher on June 22nd, sorted by location, via electronic files from the high speed scanner at central count. This digital aggregate does not exist on any tabulator which might print the tapes for examination.

The final item will be to manually count these ballots from these polling locations, which must be done within 60 days of the election, so as to have a record of ballots stored by location to compare to the results. After 60 days, the ballots are physically removed from their identifying ballot transfer bags and stored altogether in another container for the remainder of the preservation period. Once this is performed, the ballots cannot be traced back to polling locations.

The entire point of this effort is to track and reconcile totals per candidate throughout the early voting period, when approximately 60% of votes are collected. The inability to audit even the most basic documents and records from Dallas county elections displays the need to raise the level of public awareness and trust by enforcing State statutes and confirming adherence to all lawful practices in order to preserve our ability to audit our own election results at the most basic level.

As it would seem in Dallas County, Texas, auditable election results are not a top priority of Michael Scarpello or his election staff. The file with the comparison of the only available early vote result tapes and the digital aggregates of early vote totals from locations missing early vote result tapes can be found [here](#).

— Voter Fraud Bureau of Investigation