



**"Election Integrity - Not Just a "Big City" issue:
Shocking Findings from the Smith County
2020 General Election Records Review."**

February 13, 2023

Fact-Based Recommendations

- **Initiate official inquiry into:**
 - ***584 disenfranchised Absentee Ballot Voters***
- **Implement process, policy and chain of custody changes**
- **Conduct a review of the 2022 General Election to validate integrity of recommended changes**

Short history & Findings

- ▶ **Voter Canvass Phase**
 - ▶ Interviews with 385 Smith County voters (non-partisan, affiliation blind)
 - ▶ Anomalies between voter statements & county records, especially “Votes Not Recorded”
 - ▶ Statistical variances reported out to County Judge & Election Administrator on May 23, 2022
- ▶ **Non-Secure Records Review Phase**
 - ▶ Twenty (20) boxes of records reviewed and analyzed
 - ▶ Some anomalies resolved, but most remained open issues
 - ▶ Wide scope of record management and policy violations identified
 - ▶ Data and Process problems reported to County Judge & Election Administrator on July 20, 2022
- ▶ **Secure Records Review Phase**
 - ▶ Thirty-six (36) boxes of secure records reviewed and analyzed
 - ▶ In-Person, Absentee and Special Process Ballot problems confirmed
 - ▶ Additional record management issues documented
 - ▶ Final Report presented to County Officials on December 19, 2022

Today's meeting summarizes the “Final Report” issues and recommendations

The Human Cost of Voter Disenfranchisement

- ▶ **Nichole Smith** – Speaking of behalf on **Al Williamson** - AB vote on Oct 15, 2020
- ▶ **Donna Ziober** – Speaking on behalf of late husband **Marion “Zeke” Ziober**



Definitions

- ▶ **Provisional Ballot** – Ballot cast but not tabulated pending Ballot Board Review of registration issues
- ▶ **Military/Overseas** – Ballots requiring special handling, including transcribing “email ballots” onto scannable ballot
- ▶ **Privacy Ballots** – Ballots from individuals whose addresses are hidden from public voter records (e.g. police, judges, etc.)
- ▶ **Limited Ballots** – Voters moving inter-county within the 30 day window must vote in their new county but are limited to state/federal contests
- ▶ **Cast Vote Record (CVR)** – Stored details of voter selections – not traceable
- ▶ **Vote Not Recorded** – Situations where in-person or Absentee voters report casting their ballot, but county records do not reflect their vote counting

Records Management Problems

- ▶ Voters disenfranchised by incorrect precinct assignment (local races)
- ▶ Bullard Trustee candidates left off relevant ballots
- ▶ Missing control logs from Work Hub and Lindale
- ▶ No control logs for Limited Ballots
- ▶ Provisional Ballot Logs partially dispositioned or incorrectly processed
- ▶ The fifty-six storage boxes were incorrectly marked
- ▶ Critical records in many boxes were totally disorganized

Type of Election (Tipo de Elección)	#5649528
General	Chapel Hill Fire Dept
Date of Election (Fecha de la Elección)	Authority Conducting Election (Autoridad Administrando la Elección)
11-3-2020	Smith County

Voting List of Provisional Voters

To be Completed by the Voting Clerk		To be Completed by the Ballot Board Judge	
Name of Provisional Voter	Precinct Number	Accepted for Counting	Rejected for Counting
	26	✓	✓
	32	✓	✓
	31	✓	✓
	3	✓	✓
	10-28	✓	✓
	10-07	✓	✓
	53	✓	✓
	6	✓	✓
	31	✓	✓
	10	✓	✓
	56-01	✓	✓
	5-12	✓	✓
	10-09	✓	✓
	10-08	✓	✓
	5	✓	✓
	0	✓	✓
	32	✓	✓
	31	✓	✓
	3	✓	✓
	23	✓	✓
	32-05	✓	✓
	32	✓	✓
	82	✓	✓

Then 5 ballots accidentally placed in "vote" stack by count teams

[Signature]

Number of Provisional Ballots in Ballot Box:
 (as shown on list)
23

I certify that the numbers represented above are true and correct as evidenced by my signature.

Signature of Voting Clerk: [Signature]

Signature of Voter Registrar: _____

Signature of Voting Ballot Board Judge: _____

Type of Election (Tipo de Elección)	#5649530
General	Noonday EVO1
Date of Election (Fecha de la Elección)	Authority Conducting Election (Autoridad Administrando la Elección)
11-03-2020	Smith County

Early Voting List of Provisional Voters

To be Completed by the Early Voting Clerk		To be Completed by the Ballot Board Judge	
Name of Provisional Voter	Precinct Number	Accepted for Counting	Rejected for Counting
	44 ✓	✓	
	75 ✓	✓	
	40 ✓	✓	
	79 ✓	✓	
	75 ✓	✓	
	71 ✓	✓	
	42 ✓	✓	
	44-3 ✓	✓	
	25-01 ✓	✓	
	40-11 ✓	✓	✓
	41 ✓	✓	✓
	58-01 ✓	✓	✓
	42-04 ✓	✓	
	75-03 ✓	✓	
	75-03 ✓	✓	
	41 ✓	✓	✓
	18 ✓	✓	
	40 ✓	✓	✓
	40 ✓	✓	
	79 ✓	✓	
	29-05 ✓	✓	
	79-07 ✓	✓	
	40 ✓	✓	
	75 B190 ✓	✓	

Number of Provisional Ballots in Ballot Box:
 (as shown on list)

I certify that the numbers represented above are true and correct as evidenced by my signature.

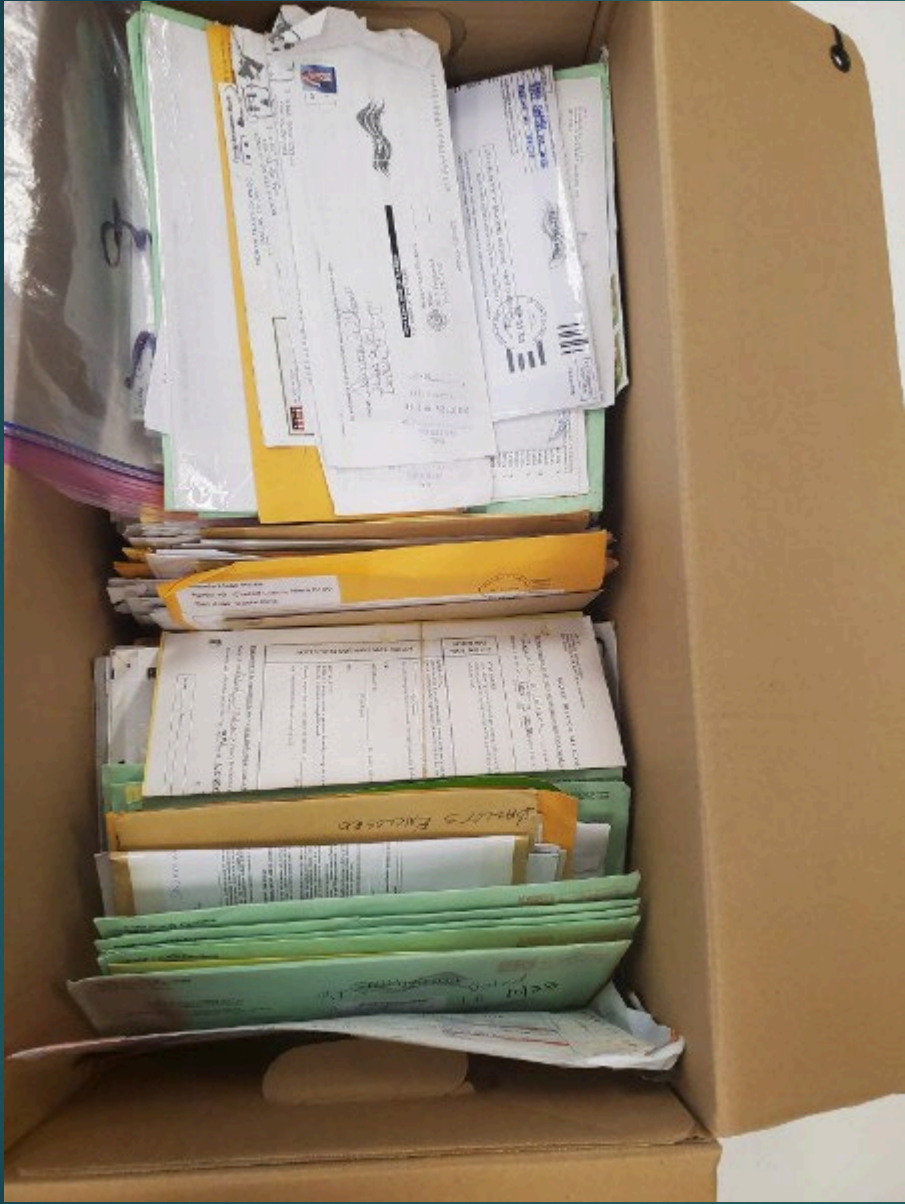
Signature of Early Voting Clerk: _____

Signature of Voter Registrar: _____

Signature of Early Voting Ballot Board Judge: _____

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VOTE COUNT RECONCILIATION

November 3, 2020
General Election
Smith County

	Election				
	Absentee	Early	Day	Unknown	Total
Official Reported Results	8,372	79,787	12,538	-	100,697
Voter Export GE 07202022 from M. Allcon 7-20-22	8,621	78,784	12,520	16	99,941
<i>versus reported</i>	<i>249</i>	<i>(1,003)</i>	<i>(18)</i>	<i>16</i>	<i>(756)</i>
Adjustments to Voter Export:					
Privacy voters	-	24	4	-	28
Limited ballot voters * <i>Pct. 0001 turnout vs. CVR report</i>	-	522	-	-	522
Provisional ballot accepted * <i>per envelope count</i> <i>ED and EV loaded as EV</i>	-	206	-	-	206
Total Adjustments	-	752	4	-	756
ADJUSTED TOTALS	8,621	79,536	12,524	16	100,697
Reported less adjusted totals	(249)	251	14	(16)	-
<i>* Not verifiable, best estimate available</i>					

Smith County Voter Validation Study Provisional Ballot Analysis

Provisional Ballot Summary - From Polling Location Inventory Lists

Type	Accepted	Rejected	Not Marked	Total ²
Provisional Ballot Inventories	163	297	176	636
ENVELOPE HAND COUNT ¹	206	331	6	543
Variance Hand Count to Inventory	43	34	-170	-93

Note 1: The 6 Ballots in actual count summary line are noted as envelopes marked "Rejected" but had notation that *ballots were counted in error!*

Note 2: the 93 variance between physical lists of ballots taken at each polling location vs the physical count of actual provisional ballot envelopes is a serious lack of process control. Unfortunately, the inventories do not have VUID, only Name and precinct making audits very difficult.

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**This Reconciliation shows what the review determined from the records
WHAT YOU DON'T SEE ARE 584 MISSING VOTES**

Voter Canvassing Identified Anomalies

- ▶ **385 Voters Canvassed – 71 (18%) reported variances to County records**
 - ▶ 40 Votes NOT recorded and 31 mis-categorized
- ▶ **Vote Not Recorded (VNR) was focus of further investigation**
 - ▶ 16 Absentee and 24 In Person VNRs
 - ▶ All but one Absentee VNR confirmed as submitting a ballot
 - ▶ *Unable to validate In-Person VNRs. Witness statements corroborated many claims*
- ▶ **A second canvass targeted 402 “Reliable Voters” recorded as not voting**
 - ▶ 49 were interviewed and 36 (73%) said they did vote

These canvassing error rates were much higher than reported in five other Texas counties canvassed

County: Smith

City: TYLER

Walk List: HOLLYTREE CIR (18)

Date: 3/19/2022

Start Time: 12:00 Stop Time: 4:20

Number of Addresses Visited: _____

Canvasser 1 Name: Tom FABAY

Number of Voters Responded: _____

Canvasser 2 Name: Tom FABAY

Affidavits: _____

pc 1 of 3

This walk list has 36 addresses

#	VUID	Method of voting	Age	Name	Address	Visited	Talked to voter	Resident answered for voter	Confirmed vote record	Unknown	Record incorrect (add comment)	Does not live here	Affidavit	Do Not revisit	Comment
1			30												
2		EV	55												
3		EV	59												
4		EV	25												
5			30												
6		EV	53												
7			52												
8		EV	38												
9		EV	38												
10		EV	57												
11		EV	85												
12			57												
13		AB	75												
14		EV	71												
15			19												
16		EV	54												
17		EV	54												
18		AB	94												
19		EV	49												
20		EV	49												
21			85												
22			88												
23		EV	50												
24		EV	40												
25			22												
26		EV	59												
27		EV	57												
28		EV	21												
29		EV	58												
30			23												
31		EV	60												

SAID SON VOTED EV ALSO

MOVED ~~7~~ JULY 2019
 ED - BUT NOT APP. DUE
 VOTED TOGETHER

CLAIM VOTED ED 903-961-8608
 CLAIMS VOTED ED →

COME BACK DURING WEEK

mom states Ab at College - Birmingham

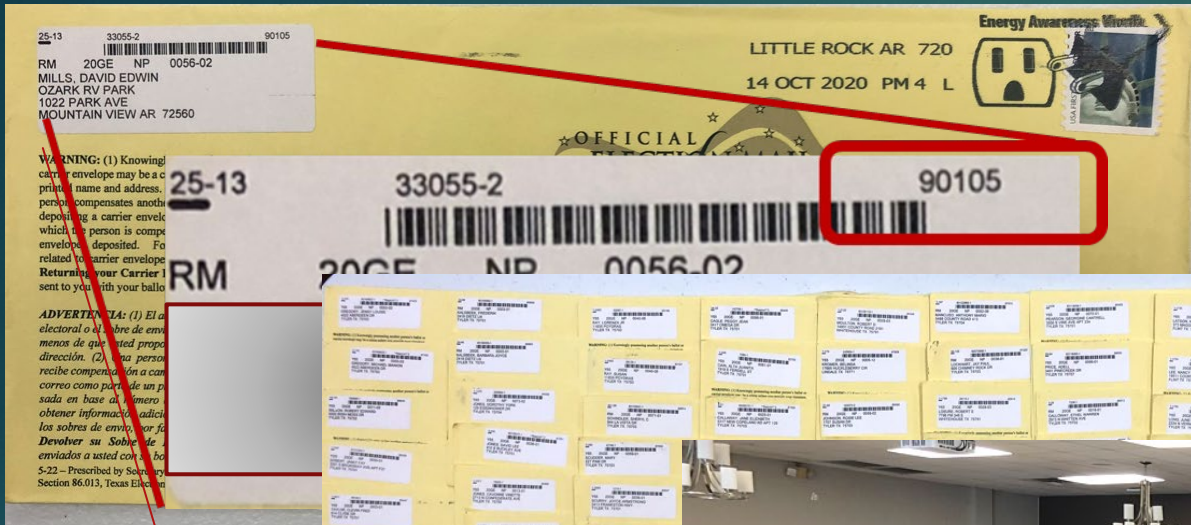
Focus on Absentee Voters vs In -Person

- **Absentee Records required to audit WERE available to the Team**
 - ✓ Absentee Ballot requests and mail-out logs
 - ✓ Signature Sheets for drop off ballots
 - ✓ Post processing envelopes
 - ✓ Voter history records
 - ✓ Physical ballots
- **In-Person Records were NOT available**
 - *NOTE: The same types of anomalies were reported in In-Person as Absentee*
 - *But there was no way to complete an audit*
 - VOTEC Poll Books which record IP voters were replaced post 2020 election
 - The team did NOT have access to ES&S data bases or software
- **The Election Administrator in charge in 2020 had been replaced**

Absentee Ballots: What Is the “Right” Number?

Method	CVR	Official	Voter List	History File	SoS
Absentee	8242	8372	8398	8621	8310

Rigorous Analysis of Absentee Vote Records



OLD AIRPORT
2020

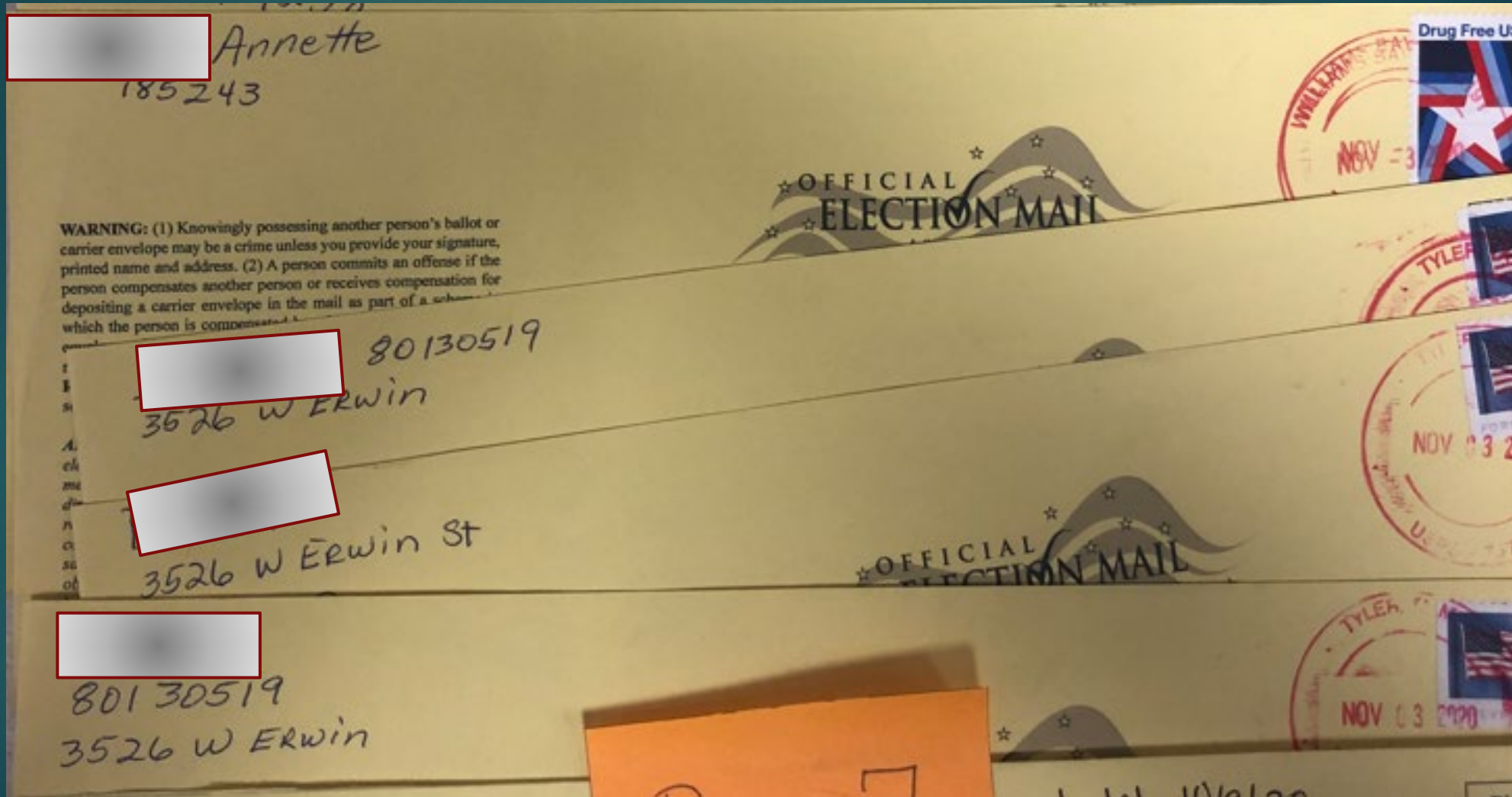
Analysis Identified Multiple Problems

- 7,240 Absentee Ballot envelopes analyzed
 - *Over 1,000 others were missing*
- 197 Unsealed Envelopes found for voters *not recorded as voting*
 - *Included 15 of 16 voters originally canvassed as VNR-AB*
- 9 Envelopes were still sealed with *ballots inside*
- 223 Absentee voters added after November 3rd
- 4 Hand Marked envelopes apparently issued and postmarked Nov 3rd
- Physical Ballots examined and compared to county records
 - 9 batches of *physical absentee ballots* were counted
 - **8,234 Ballots** vs 8,398 Recorded Voters

Logs of “Drop-Off” Ballots were Cataloged

Date of IP HUB Drop Off	Voter Signatures	Vote Not Recorded	VNR-AB Flags	Missing Envelope	Voted In Person, Not AB	Rejected Ballot Found	Voter not found
10/5/20	113			1			
10/6/20	91	1					
10/7/20	117			3			
10/8/20	70						
10/9/20	96			2			
10/10/20	2						
10/12/20	93						
10/13/20	82			4	3		
10/14/20	90						
10/15/20	73	71	8	3			
10/16/20	15						
10/21/20	15						
10/22/20	35			1			
10/23/20	18	2		2		1	
10/24/20	9			2			
10/26/20	33			3			
10/27/20	30			29			
10/28/20	13			13			
10/29/20	6			6			
10/30/20	19			18			
11/2/20	4			3			
11/3/20	7			7	1		2
Total	1031	74	8	93	4	1	2

Questionable Manual Ballot Envelopes



Scope of Absentee Ballot Problems

Absentee Ballot Categories	Counts
Voter List from Smith County	8,398
Voters added AFTER Nov 3 rd	223
Absentee Ballots NOT Recorded	197
Total Number of <i>Documented</i> AB Voters	8,818

There were **584** More Absentee Voters than ballots accounted for
(8,818 Voters vs 8,234 Ballots)

Approximately 6.6% of all Absentee Voters were likely disenfranchised because their vote was not recorded

Impact of Disenfranchised Absentee Voters

Seven LOCAL 2020 General Election races within
the 584 Vote Margin of Error

BALLOT ITEM	OPTIONS	VOTE	MARGIN
Proposition 3 Lindale	Yes	1020	36
	No	1056	
Proposition 4 Lindale	Yes	1422	290
	No	1132	
Proposition 5 Lindale	Yes	1490	421
	No	1069	
Council, Place #1 Overton	Hill	33	23
	Freeman	10	
Council, Place #3 Overton	Schurbon	16	5
	Hall	21	
	Wood	18	
Councilmember, District 4 Tyler	Wynne	2216	103
	Pesina	2113	
Proposition A Troup	For	585	193
	Against	778	

Recommendations

- **Numerous process and policy changes were identified**
 - **Current EA has identified and implemented several**
 - **Additional process, procedure and chain of custody solutions were recommended**
- **Initiate an official inquiry into:**
 - **584 disenfranchised Absentee Ballot Voters**
 - **Four highly questionable hand-marked absentee ballots**
- **Conduct a citizen review of the 2022 General Election**
 - **Validate current improvements**
 - **Identify any residual issues**

Additional Recommendation

Beyond the scope of this project

FACT:

- ✓ Any election process which cannot be **PROVEN** will generate challenges.
- ✓ Paper ballot systems like Absentee can be audited and reconciled.
- ✓ In-person voting results are difficult, if not impossible, to validate.

**GAWTP is on a state-wide Election Integrity Team whose goal is:
Dramatically improve the ACCURACY, TRANSPARANCY
AND ACCOUNTABILITY of Texas Elections**

**GAWTP will partner with Smith County officials to notify them of - and advocate for -
strong Election Integrity bills, especially for Senator Hall's proposals for *fully*
*auditable end-to-end processes and hand-marked paper ballots.***



The 2020 Election Review Team again expresses its appreciation to

(Former County Judge) Congressman Nathaniel Moran

County Judge Neal Franklin

Election Administrator Michelle Allcon

**for their unequivocal support and cooperation without which
these results and improvements would not have been possible!**

Election Integrity Panel



❖ **Toni Fabry – Moderator**

❖ **Richard Steenson**

❖ **Paul Parker**

❖ **Christina Drewry**

❖ **Tom Fabry**