

***Preliminary Findings Report***  
***Executive Summary***

**November 8, 2022 General Election**  
**Harris County**



Office of the Secretary of State  
Elections Division  
P.O. Box 12060  
Austin, Texas 78711  
1.800.252.VOTE (8683)  
[www.sos.texas.gov](http://www.sos.texas.gov)

# Executive Summary

In 2021, the Texas Legislature enacted [Senate Bill 1](#) (87th Leg., 2nd Called Special Session), which included a provision requiring the Office of the Secretary of State to conduct audits in four randomly selected counties. [Section 127.351](#) of the Texas Election Code provides that the Secretary of State shall conduct an audit of the elections held in the preceding two years after the most recent November uniform election occurring in an even-numbered year. On July 28, 2022, the Secretary of State conducted a drawing to determine which counties would be audited for the 2021-2022 election period. In this drawing, Harris County, along with Cameron, Guadalupe and Eastland counties, was selected as one of the counties to be audited in the 2021-2022 election cycle.

The Secretary of State is still in the process of completing the comprehensive audit of all elections held on uniform dates in Harris County in 2021-2022. This report contains preliminary audit findings for the November 8, 2022 General Election. The Secretary of State has conducted an extensive analysis of election records and has conducted numerous interviews with county election officials and staff. Though the preliminary findings included in this report have been identified, it is important to note that additional findings, including patterns and trends identified across all elections within the auditable period, may be included in the comprehensive report that will be released at a later date.

## Preliminary Findings for November 8, 2022 General Election

In reviewing the documentation and data provided by Harris County, the Secretary of State's Office has identified the following preliminary findings resulting from the November 8, 2022 General Election.

### Data Inconsistencies Across Different Platforms

The statewide voter registration system is the official list of registered voters in an election. However, Harris County maintains a voter registration system that is independent from the statewide voter registration system. Though the two systems should have identical information, discrepancies exist between the county and state voter registration systems. Noticeable discrepancies are reflected in two separate areas: voter registration numbers and voting history.

---

***Harris County showed 9,000 more registered voters than the statewide system.***

---

With respect to voter registration, when the Secretary of State posted the [official voter registration numbers](#)<sup>1</sup> for the state by county, Harris County was listed as having 2,568,463 registered voters at the beginning of early voting based on the information submitted to the statewide voter registration system. Based on the list of voters provided by Harris County

---

<sup>1</sup> November 2022 Voter Registration Figures, Texas Secretary of State, <https://www.sos.state.tx.us/elections/historical/nov2022.shtml>.

from the county voter registration system, the county had 2,577,746 registered voters resulting in a difference of 9,283 more voters in the county system than had been successfully submitted to the statewide system. However, the [cumulative results report](#)<sup>2</sup> and [canvass report](#)<sup>3</sup> posted by Harris County showed a total of 2,543,162 registered voters which reflected 25,301 less voters than had been submitted to the statewide system.<sup>4</sup>

Based on the information obtained from Harris County, the Secretary of State is unable to definitively identify the exact cause of this discrepancy. It is unknown whether this inconsistency is due to ineffective county procedures or the mismanagement of election and voter registration data. This is a sizeable discrepancy that reflects the failure to accurately align various election systems utilized in Harris County.

Statewide Voter Registration System	Harris County Reports		
	Official List of Voters	Cumulative Results Report	Canvass Report
2,568,463	2,577,746	2,543,162	2,543,162

Figure A: Registered Voter Disparities Across Reporting Systems

A review of ballot by mail reports produced by Harris County revealed that 81,070 ballots were mailed for the November 8, 2022 General Election. However, the total number of ballots mailed as reported to the statewide system by Harris County was only 77,487 resulting in a difference of 3,583 ballots. Additionally, the Harris County Post Election report indicated that 81,064 ballots by mail were sent to voters in Harris County.<sup>5</sup>

---

***Almost 3,600 mail ballots were sent to voters but not reported to the state.***

---

This inconsistency in reporting across the multiple vendor systems used by Harris County occurs in every phase of the mail ballot process, including ballots mailed, received, accepted, or rejected, that was reviewed in conjunction with the audit.

These discrepancies result in significant fluctuations in data and, at times, incomplete or inaccurate voting rosters presented on the Secretary of State’s website. The posted information is an exact presentation of the actual voting participation record assigned to each voter as submitted by each county. It is the responsibility of the county to ensure that all voting rosters are submitted successfully and displayed accurately on the Secretary of State’s website.

<sup>2</sup> November 8, 2022 General Election Cumulative Report, Harris County County Clerk’s Office, <https://www.harrisvotes.com/Election-Results/Archives>.

<sup>3</sup> November 8, 2022 General Election Cumulative Report, Harris County County Clerk’s Office, <https://www.harrisvotes.com/Election-Results/Archives>.

<sup>4</sup> Voter registration is a dynamic process and continues during an election. However, each election has a specific voter registration deadline that determines eligibility for voting in that election.

<sup>5</sup> The Harris County Election Administrator’s Post Election Report did not indicate which data source they used to determine the total number of mail ballot sent to voters.

Discrepancies in election data lead to legitimate questions that, when unanswered, contribute to an erosion of public confidence in the integrity of election results.

While the inconsistencies may seem minor in comparison to the total number of registered voters and the total number of mail ballot voters, the inconsistencies make it difficult to validate election data and to ensure that eligible voters were able to cast a regular ballot for this election. These discrepancies also limit the ability to verify that ballots were handled properly, voting participation was properly recorded, or that the records accurately reflect the voting activity that occurred in a given election. Further investigation related to conflicting data and county procedures is warranted to ascertain the exact cause of the data discrepancies in the November 8, 2022 General Election.

---

***Incomplete records impede voters from being able to track or correct issues with their mail ballots.***

---

### **Ballot Paper Distributions Did Not Follow Election Code Requirements**

---

***Harris County ballot paper distributions did not comply with the Texas Election Code.***

---

Ballot paper distributions for election day did not comply with requirements outlined in the Texas Election Code. The Texas Election Code provides a specific rule in determining how much ballot stock to deploy to a given location. This allocation is based on expected voter

turnout of voters based on data from the most recent corresponding election, and requires that an additional 25% is included in the allocation for each location.<sup>6</sup> Harris County did not comply with the Texas Election Code requirements and instead relied on their own methodology.

However, the amount of ballot paper that was provided to several election day polling places was insufficient to account for the projected turnout of those locations under the county's own methodology for calculating the necessary supplies and equipment for each location. The documentation completed by election judges also indicates additional ballot paper allocations were made to at least 238 election day polling places, which is an indication that their alternative methodology was insufficient.

---

***Harris County failed to provide enough supplies even based on their own methodology and had no way to monitor voting trends on election day.***

---

Harris County had a plan to provide additional supplies to locations as needed, but the centralized system used to monitor polling place voter check-ins failed, and Harris County had no way to monitor voting trends on election day at the individual polling places.

---

<sup>6</sup> Tex. Elec. Code § 51.005.

This miscalculation of supply distributions, coupled with the county’s inability to monitor voting activity, meant that the county had no way to proactively provide needed supplies to their polling locations.

## **Equipment Issues Interfered with Voting Activities**

---

***Equipment issues during both early voting and election day were widespread and interfered with voting activities.***

---

Help desk logs, rover tickets provided by Harris County, and state inspector reports outlined numerous issues during early voting and on election day with voting system equipment. Specifically, certain polling locations were experiencing frequent paper jams that resulted in a high volume of spoiled ballots. As Harris County had a two-page

ballot for this election, the paper jams led to many locations utilizing more ballot paper than anticipated which may have further contributed to the supply issues related to ballot paper. Harris County should have adjusted the election day ballot paper allocations based on the high volume of spoiled ballots that resulted from paper jams during early voting, but documentation from Harris County does not show that this was taken into consideration. In fact, paperwork provided by Harris County indicated 12,833 spoiled ballots for the November 8, 2022 General Election.

Documentation from Harris County also confirmed that there were numerous calls related to power and connectivity issues. In categorizing the reported issues between actual machine malfunctions and issues that resulted from improper set-up of the equipment prior to opening the polling locations, the audit team discovered that 67% of the issues were diagnosed as equipment malfunctions, and 20% of the tickets were resolved when a technician addressed improper cabling connections or set-up

---

***Ballot paper distributions were not adjusted despite known issues experienced during early voting.***

---

and inadequate training on equipment set-up led to widespread equipment failures. This indicates a strong need for additional training on the equipment and how to properly establish connections when setting up the equipment prior to the commencement of voting.

---

***38 polling locations experienced a gap of voter check-ins of an hour or more.***

---

Between the ballot paper distribution issues and the equipment difficulties, the audit team identified 38 locations, as mapped below, that experienced a gap or cessation of voter check-ins of one hour or more. In addition to these 38 polling locations, there may have been more locations where voting was impacted for shorter periods of time, but further data analysis would be needed to definitively establish this finding.

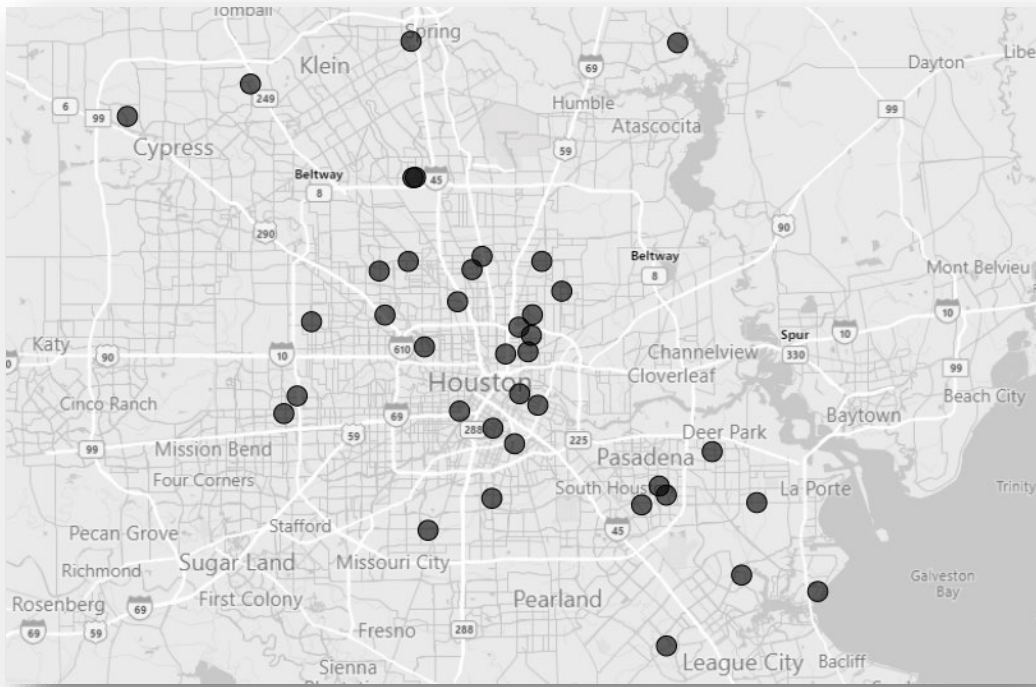


Figure B: Locations Identified with a Gap in Voter Check-Ins

### Missing or Incomplete Paperwork was Common on Election Day

Missing or incomplete paperwork from election day polling places made it difficult to validate polling place activities and confirm the scope of various election day problems. In reviewing paperwork related to supply distribution, the audit team experienced difficulties determining the scope of the problem because numerous locations did not properly fill out their required polling place paperwork. Additionally, the audit team’s review of chain of custody documentation from a sampling of polling locations revealed numerous instances of paperwork and reports that were incomplete, unsigned or not generated. Polling place reconciliation paperwork could not be used to validate the preliminary reconciliation report because multiple locations either did not complete the form or were missing critical data points.

Specifically, in an attempt to review the reconciliation documentation provided by Harris County, the audit team discovered that 67 of 782 (9%) polling locations did not return the reconciliation form. Additionally, excluding the missing 67 locations, the audit team identified the following issues with the forms returned:

---

***27% of polling locations failed to return or properly complete necessary paperwork.***

---

- 119 (15%) locations did not include the number of voters who cast a ballot;
- 148 (19%) locations did not include the number of provisional votes cast;
- 79 (10%) locations did not include information for the start of day counts for the individual pieces of equipment; and
- 99 (13%) locations did not include information for the end of day counts for the individual pieces of equipment.

Considering 67 polling locations did not return reconciliation documentation and 148 locations did not include the number of provisional votes cast, at least 215 of 782 (27%) polling locations either did not return the form or had incomplete paperwork.

In stark contrast to election day documentation, early voting polling place paperwork was largely complete and well-executed. Typically, early voting workers are more experienced and receive more training as they work more closely with the county election officer. The differences between election day and early voting paperwork are reflective of this discrepancy in training and experience.

### **Training for Election Judges and Clerks was Insufficient**

As previously mentioned, analysis of the equipment issues experienced in Harris County during the November 8, 2022 indicates a strong need for a more intensive training program for election judges and clerks on equipment set-up and use. Of the 205 troubleshooting tickets provided by Harris County related to equipment malfunctions on election day, 41 of those issues may have been avoided with more in-depth training and timely preparation prior to the election.

---

***Training materials did not prepare election judges with adequate instruction. Harris County failed to adequately train election judges and clerks.***

---

Training materials and polling place manuals did not provide adequate instruction or specificity on completing required and necessary paperwork. In order for Harris County to remedy many of the issues identified in this report, Harris County should consider including in their training materials examples of properly completed documentation, troubleshooting guidance on common equipment issues, and signature requirements which verify the essential two-person verification of chain of custody and reconciliation activities.

Furthermore, it is evident that Harris County did not have consistent procedures for reviewing paperwork completed by election judges. Had they reviewed paperwork when equipment, ballots, and forms were delivered to their central counting station at the end of election day, they would have been able to address inconsistencies in paperwork immediately with their election judges. This would have led to a more complete picture of what transpired at each polling place and would have allowed for a more comprehensive reconciliation of voters and votes cast on election day.

## Notable Changes Following 2020 Audit

---

### ***Secretary of State's 2020 Audit prompted needed changes to Harris County election administration.***

---

The Office of the Secretary of State previously released an audit containing a review of the November 3, 2020 General Election. The audit was released in two phases. The [Phase 1 Progress report](#)<sup>7</sup> included information related to Harris County's Election Security Assessments and the accuracy of their voter registration data. The final [Phase 2 Report](#)<sup>8</sup> addressed specific findings relating to the November 3, 2020 General Election. Since the 2020 reports were issued, Harris County has taken the following steps to address issues identified in the audit.

## List Maintenance Activities

The National Voter Registration Act of 1993 (NVRA) requires states to adopt and implement procedures to verify continuing eligibility of voters in order to maintain accurate and current voter registration lists. Likewise, the Texas Election Code requires counties to continuously update their voter registration lists to ensure that only eligible voters are registered to vote in the county in which they reside. List maintenance activities include examining eligibility status based on residency, citizenship, felon status, mental incapacity, and whether a voter is potentially deceased.

The Secretary of State has been working with all Texas counties to ensure that list maintenance activities are worked in a timely and compliant manner to safeguard the accuracy of the statewide list of official voters. Following the passage of Senate Bill 1113 (87th Leg., Regular Session), the Secretary of State increased the monitoring and oversight activities related to all list maintenance activities on a monthly basis. Harris County has provided confirmation of the receipt of list maintenance notifications from the state system, but the county only provides an updated voter status at the conclusion of some investigations. For counties using a third-party voter registration system, the state has limited insight into county investigations while they are in progress and to any communication or correspondence of the actual investigation.

During 2022, as part of these list maintenance efforts, Harris County cancelled 21,916 voter registrations following a county review of voters who may have been deceased, 778 voter registrations were cancelled due to felony convictions, and 47 voter registrations were cancelled due to non-citizenship. A total of 60,422 voter registrations were cancelled for duplicative registration records or for voters who may have moved to other Texas counties.

---

<sup>7</sup> Phase 1 Progress Report, Texas Secretary of State, (December 2021), <https://www.sos.state.tx.us/elections/forms/phase1-progress-report.pdf>.

<sup>8</sup> Final Phase 2 Report on Full Forensic Audit of 2020 General Election in Texas, Texas Secretary of State, (December 2022), pg. 4, <https://www.sos.state.tx.us/elections/fad/2020-Audit-Full.pdf>.



## Necessary Contingency Plans for Potential Emergency Events

The 2020 audit revealed that Harris County did not have documentation reflecting a continuity of operations plan or emergency management plans. Since 2020, Harris County has made an effort to develop adequate contingency, incident response, and emergency management plans, specifically with regard to elections and voter registration. Additionally, the Harris County elections office has worked with the Harris County Universal Services to ensure that elections operations are included in county planning. For security reasons, the details of such plans are confidential. Though Harris County has made progress in this area, the Secretary of State highly recommends that Harris County implement Vendor Risk Management Policies since the county relies on different vendors to store, maintain, and process election data.

## Changes to Harris County Election Administration

On July 14, 2020, Harris County created the office of the Harris County Elections Administrator and transferred all voter registration duties and election duties to this appointed office, effective November 18, 2020. As a result of [Senate Bill 1750](#) (88th Leg., Regular Session, effective September 1, 2023), the office of the Elections Administrator has been dissolved and voter registration duties have returned to the Tax Assessor-Collector and election duties have returned to the County Clerk.

For the November 8, 2022 General Election, voter registration and election duties were fulfilled by the office of the Harris County Elections Administrator. As a result of the transfer of duties back to the elected officers that traditionally handle elections as a matter of law, the Secretary of State's Office expedited the review of the November 8, 2022 General Election to address outstanding questions related to the distribution of equipment and supplies. The decision to expedite this review was based on the desire to provide to the new election and voter registration officers as much information as possible to address any process and procedure changes that may be necessary prior to the 2024 election cycle.

## Conclusion

This report offers preliminary findings related specifically to the November 8, 2022 General Election. The Secretary of State is working on a comprehensive report of all elections conducted during the 2021-2022 calendar year. While Harris County has made some improvements in their overall county efforts related to list maintenance and security, these preliminary findings show that Harris County needs to address their election-specific policies and procedures.