



**Written Testimony
Regarding the March 1, 2022 Harris County Primary Election**

Harris County is the third largest county in the country and has historically had the longest ballot in the country for any given primary or general election. However, the size of the county and the length of the ballot were not the deciding factors in why the March 1st Primary Election was an unmitigated fiasco on so many levels. Upon review, it is impossible to identify anything that worked well this election cycle, other than the commitment of voters to vote under onerous circumstances. **The issues are so serious with this primary, that it brings into question how future elections will be conducted in Harris County and potentially destroys the trust of the Harris County voter (as well as candidates).**

Today people like to throw around buzzwords like “election integrity” and “voter suppression.” True voter suppression is when a voter goes to a polling location and it has not opened because the equipment wasn’t delivered or the equipment was missing parts needed to set up properly or the election judges lacked the training to setup the poll. True voter suppression is when a voter is given the wrong ballot and is unable to vote for the candidates that they support. True voter suppression is when a voter is given the wrong size paper ballot and it doesn’t record how they voted in 18-20 races. True voter suppression is when a voter is coded by the Election Administrator’s office as residing in the wrong precinct and the voter is then given the wrong ballot. **That is true voter suppression and that is what occurred on March 1st.**

Ultimately, the responsibility for how poorly the 2022 Republican and Democrat primaries were run resides with the Harris County Election Administrator, who was contracted by both political parties to conduct the primary election on their behalf.

In late 2020, The Harris County leadership decided to create an Election Administrator (“EA”) position and pull the responsibility of voter registration and the election administration from the elected County Tax Assessor-Collector and the elected County Clerk. The least experienced nominee was promoted by the County Judge and ultimately selected against the recommendation of the Tax Assessor-Collector and the Harris County Republican Party (“HCRP”) Chair. The current EA is not elected, but appointed, and had no experience in elections administration before taking over the elections for the second largest election entity in the nation.

The current EA quickly dismantled and disrupted efficient, experience-tested, and well-trained elections operations in Harris County. It is clear the EA’s lack of understanding of the election process, intent and necessity has led to serious complications and the suppression of voters’ ability to vote. While she continues to blame the parties and Senate Bill 1 (“SB 1”), it obvious that the problem starts at the top of the Harris County Election Division with the EA’s poor management, lack of experience and an arrogant indifference to those who provide knowledge, experience, and skills.

The problems this primary were widespread, including but not limited to selection of polling locations; delivery of equipment; equipment failure; failure to provide adequate technical support for equipment failure; untrained personnel assigning judges to polls incorrectly; poor training of judges, phone center, technicians, etc.; ignoring requests for more ballots; wrong supplies; not enough supplies; not working with the parties to solve problems for their own election; not addressing the non-scanning ballot issue sooner with a solution and/or more personnel; extending counting beyond the 24-hour time limit; forgetting to include 10,000 mail-in ballots on Election Night; not being prepared for the weekend Supply Handout; not collecting all of the ballots correctly on Election Night; and finding 375 Election Day ballots at the last minute before canvass.

These blunders impacted the ability for voters to arrive at a poll and be able to vote the ballot that they were supposed to vote within a reasonable time and to be certain that their ballot was actually counted.

Summary of the more egregious problems:

1. Early Voting Ballots –

During early voting, HCRP was notified by our Early Voting Ballot Board members that there were over 1,000 ballots where the second page of the ballot was compromised either with smudged results, crinkled paper, etc. These ballots could not be scanned into the Scan machine by the voter and had to be put into the emergency pouch. The 1,000+ ballots had to be addressed independently in order that these ballots could be correctly counted. (Please note that there were some other counties in Texas that had a two-page ballot and did not have this issue.)

2. Incorrect Ballot Style Issued –

There have been several reports of the wrong ballot style issued to a voter across the county. Several voters reported that when they voted at a certain polling place on Election Day, the Texas Congressional District 38 and the Texas House District 133 races were not on their ballots. When complaints were filed with the EA, they were deflected as voter error and she suggested that voters had selected the Democratic Party by accident or they did not know their correct Congressional District or House District or the judge incorrectly manually overrode the system – giving them an incorrect ballot. However, these voters are adamant that they are registered correctly in Congressional District 38 and Texas House District 133 (and supported by their voter registration card) and that the judge did not manually override their ballot style.

Additionally, there have been other reports of voters who were given the wrong ballot style around the county at different polling locations even though the correct precinct number reported on the voter registration card they received in the mail is correct. One voter reported receiving a ballot

that had two Texas House District candidates on the same ballot, although each of these candidates were unopposed in the primary.

Lastly, since Election Day, we have been notified of four precincts where the precinct maps are coded incorrectly. This has led to a potentially significant number of voters in these precincts being given the incorrect ballot style as reported by several voters.

3. **Incorrect Size Ballot Paper** –

Due to the length of the Republican Primary ballot, this primary ballot had to be printed on two pages of legal-sized paper to properly record a voter's vote. HCRP was notified by some presiding judges that they had received letter-size ballots instead. At this time, it is estimated that 3-4 polls received the incorrect size paper for the ballots. In reviewing a sample ballot, HCRP estimates that potentially 15-20 races were "left off" the paper ballots printed due to the incorrect size of ballot paper. Therefore, certain voter's ballots did not count the votes they cast in approximately 15-20 races.

It is hard to ascertain exactly how many ballots were printed on the wrong size ballot, but one judge has stated he had at least 70 ballots cast before he determined it was the incorrect size paper.

4. **Count of the Ballots not Completed Timely** –

The ballots are required to be counted within 24 hours of the polls closing on Election Day under state law. Harris County did not complete the Republican count until March 3rd (Thursday morning at 2 am). Even though the EA claimed that she could finish on time and going to the court was not necessary, HCRP had to file a petition Wednesday late afternoon asking for a judge to extend the deadline to allow the vote to continue to be legally counted beyond the 24-hour deadline and to protect both parties' Central Count judges from civil and criminal penalties. This was done pursuant to the direction given to the EA and both parties by the Texas Secretary of State Elections Division.

Both parties were told on a conference call on Monday that the EA did not believe that she could conclude the ballot count within the 24-hour requirement and would need 500 manhours to complete the count. (The EA later denied to the press that she told both parties that she could not complete the count in time.)

Although HCRP did offer to assist with the count, using the Republican Early Vote Ballot Board members, in order to finish the count on time, the EA declined the assistance. **As a result, Harris County was the last county in Texas to complete its count 31 hours after the polls closed on Election Day.** (Historically, in comparison Harris County completed the primary vote count in 2020 in 13.5 hours and in 2018 in 9.5 hours.)

5. Missing Mail-in Ballots –

Under the new requirements set out in Texas Senate Bill 1 – a reconciliation report is required to be completed at the end of the ballot count and then again after the provisional ballots are addressed and the last mail-in ballots are received and counted. This report records the total number of voters and ballots less pending and rejected ballots to reconcile the number of voters and ballots in the election.

At 2 am on March 3rd, the PJs from both HCRP and HCDP, after being awake for 42 hours, were given the reconciliation report. This report did not separate the Republican vote from the Democrat vote. It did show a 10,000+ vote discrepancy between the number of voters and actual votes counted. When asked if there was any documentation to explain this discrepancy, both parties' PJs were told to sign it and given the explanation that it would have to be investigated later.

On the afternoon of March 4th, the Texas Secretary of State Elections Division asked the EA and the two parties' chairmen about this discrepancy. The EA told the Texas Secretary of State Elections Division and the party chairs later that day that it was a result of approximately 6,000 Democrat mail-in ballots not being included in the rejected and pending votes. This still left a discrepancy of over 4,000 votes.

Subsequently late Saturday evening, without reporting to the party chairs, the EA reported to the press that there were over 10,000 mail-in ballots (Republican and Democrat) that had not included in the initial vote count.

It is questionable whether these 10,000 mail-in ballots would have been “discovered” and included in the final count without the reconciliation report required by Texas Senate Bill 1 highlighting this difference in the count. It should be noted that the final reconciliation report recorded a difference of just 794 in the final canvassed votes for the Republican primary as compared to the initial reconciliation report. This number is expected to change slightly once all the voting history has been completed.

As a CPA, this demonstrates to me that the reconciliation report required by SB 1 is critical to ensure the accuracy of the preliminary and the final vote count in an election.

6. Mail-In Ballots –

Historically, Republicans in Harris County would rather vote in person rather than submit a mail-in ballot. Many Republicans (including seniors) take pride in casting their vote in person at the poll. Initially, HCRP did receive some calls regarding completing the new mail-in ballot application, but the vast number of calls regarding the mail-in ballots in January and February were from Republicans 65 and older asking how they could request their mail-in ballot.

However, HCRP did receive several calls from voters who timely filed a mail-in ballot application, who did not receive their mail-in ballot at all or did not receive their ballot in time. Additionally, HCRP received complaints from voters of instances where mail-in ballots were received, who never requested a mail-in ballot or completed a mail-in ballot application.

7. Assignment of Election Judges –

Shared primaries rather than joint primaries have traditionally been held in Harris County. HCRP contracted again to hold a shared primary in 2022 (meaning the polling location would be shared, but each party would have its separate programmed equipment).

Both parties negotiated the locations for 90 early voting and 375 Election Day polls. These agreed upon polls were entered into a shared “Airtable” that both the EA and two parties were to use for staffing purposes. Each party was to recruit and nominate presiding and alternate judges (PJs and AJs) for the 90 early voting and 375 Election Day polling locations. The names of these judges were to be entered into the Airtable. The EA was to then send a confirmation email with the assigned polling location to each judge.

HCRP from the beginning of the year made entries into the Airtable that later were mysteriously deleted or changed. This included agreed upon polling locations and the assignment of PJs and AJs. In February HCRP started receiving complaints from its election judges that they were being sent confirmation emails for the wrong assigned polling location. In the middle of February, HCRP received numerous complaints from judges that HCRP had nominated, who still had not received their confirmation emails. HCRP filed complaints with the EA about PJs and AJs being reassigned or deleted without HCRP’s knowledge or approval. The EA continued to deny that they had made any changes of judge assignments on the Airtable. (Subsequently, the EA’s denial was proved false.)

The EA notified both parties three weeks before Election Day that she had just hired inexperienced recruiters to help recruit judges for both parties. Using inexperienced and untrained recruiters created confusion with people being called multiple times by both the EA and HCRP.

Finally, during a conference call Friday, February 25th, the EA admitted that their recruiters had **not** been using the Airtable for the three weeks preceding the election (again without notifying HCRP). Upon my request, the EA provided the spreadsheet with the election judges they had assigned by polling location.

Upon analysis it was determined that there were many duplicate bookings between who the EA had assigned and who HCRP had assigned. I notified the EA on Saturday morning that they were to contact the judges that they had double-booked and reassign them to a vacant poll. **HCRP assigned judges were not to be reassigned.** This was not done. There were actually occurrences of both set of judges showing up at the same poll or the HCRP judges being called by the EA and told they were not needed.

The reconciliation of the EA and HCRP judge assignments indicated that there were 19 polling locations without a PJ as of Friday evening. On Saturday, February 26th, HCRP recruited 12 new judges to fill vacant polls. If the EA had reassigned the judges they had double-booked, as I directed, there would have been few, if any vacancies.

Both the HCRP and the Harris County Democratic Party (HCDP) were notified late Monday night of vacant Republican and Democrat polls still remaining. **Several Republican and Democrat PJs stepped up in a bipartisan effort to help the other party out where their polling location did not have a PJ from the other party.** Unfortunately, the list of vacant polls provided by the EA was not complete and there were still polls that did not have judges on Election Day that HCRP had not been notified about nor were the polls listed on any shared documents.

It is understandable that some judges from both parties quit the weekend prior to the election due to the confusion with assignments and poor or no training. (Both parties had been notified approximately two weeks prior to the election, that the EA's Director of Training had been fired.)

Many of these personnel issues could have been corrected, if the EA's office used the shared Airtable as agreed to by the EA and both parties, and if they had coordinated their recruitment effort with the HCRP primary office.

8. **Equipment and Supplies Issues** –

The responsibility for delivering voting equipment and supplies (including judge documentation and ballot paper) lies with the EA per the contract that each party signed. All Election Day PJs pick up their supplies, some polling equipment, ballot paper and judge packets with required forms at the Supply Handout weekend before Election Day. The EA is responsible for preparing certain equipment, ballot paper and documentation for 750 judges (i.e., by polling location and by party).

I was informed Saturday morning by the EA that nothing had been assembled by the County for the equipment and supply pickup as of the preceding night (Friday, February 25th) at 9 pm. As a result, the EA staff had to work all night to prepare the supplies and equipment (scanners, controllers, etc.) for the weekend pickup. Therefore, supply pickup was late with most judges having to wait 1 – 2 hours to receive their supplies and equipment on Saturday morning.

It is no surprise that as a result, several judges did not receive all of their equipment and did not receive the correct number of ballots. In some cases, the judge was able to go back to Supply Handout and retrieve the necessary items or in other cases, they had to wait at the poll for the correct items to be delivered by EA staff on Monday or early Tuesday.

Additionally, HCRP received multiple reports of poll equipment that was delivered late or was missing parts needed to complete the poll setup Tuesday morning. For example, the EA did not locate the missing equipment for a poll in Katy until late Monday night around 10 pm. This meant that the poll could not be set up until the Election Day morning. Another poll in Kingwood was told that the equipment had been delivered to the polling location at the school and was put in Room 309. Eventually the EA found out that the equipment had been delivered to another area

school that was **not** even a polling location. The equipment was finally delivered to the correct poll by noon on Election Day.

There were also multiple reports from PJs around the county of missing parts and equipment (controllers, scanners and duos) that did not work. **This is especially troubling given that this equipment is less than two years old.** As a result, some voters stood in line for 1.5 to 4 hours to vote on Election Day.

A number of judges from Early Voting and Election Day reported that the ballots would smear and/or jam in the Scan machine. Consequently, the ballots did not scan and had to be placed in the emergency pouch, where they had to be duplicated and scanned by Central Count before the ballots could be counted.

9. Lack of Chain of Custody –

It is critical in the election process that there is a chain of custody documenting every step of the election process while ensuring that the equipment and ballots are constantly under the proper authority's control.

Most concerning were the reports of equipment and supplies being checked out during the Supply Handout the preceding weekend without documenting a chain of custody. Additionally, there was no chain of custody documentation noted at drop-off on election night.

We have received reports of the scheduled drop-off locations being closed and judges having to “call around” to find where they could deliver their ballots and equipment late Tuesday evening and in one case early Wednesday morning. Even more concerning is the report of one judge who could not drop off his equipment and ballots, which he ended up leaving in his car overnight. It was reported late Wednesday that they had located him and a Harris County Constable was going to pick up the judge's equipment and ballots.

The above are just a few of the more serious problems with how this election was run by the EA. There were also issues with the assignment of polling locations and HCRP being told that a historic polling location was unavailable only to find out the EA never contacted the location owner. Additionally, the HarrisVotes.com website crashed on Election Day morning, so voters were unable to “lookup” their polling location.

The reality is that problems occurred from day one starting with the Logic & Accuracy (L & A) test where the EA did not have enough ink to print the test ballots and reports. The L & A test is where a mock election is prepared and every precinct ballot coding is tested. This test should have been concluded within 3 days, but was not completed until 10 days later.

In conclusion, the examples cited above are just a few of the massive number of calls and emails that HCRP has received since March 1st regarding problems with how this election was managed. **Every reported problem relates to the mismanagement of the election process, including poorly trained personnel and election workers, no clearly defined tasks and associated timelines and an overall lack of controls and oversight by the EA.**

Harris County has three more elections that will be conducted county-wide this year. There is a May 7th election for local city and school board races and proposed Texas Constitutional Amendments. The next election is the Primary Runoff on May 24th. These elections will be followed by the November General Election.

Under normal circumstances, HCRP would not suggest a change in the people managing the election process approximately 60 days before the next election on May 7th. **However, HCRP believes that the issues with how this election was managed are so serious that Isabel Longoria and her upper-level management team should be replaced immediately with experienced and trained personnel who have run large elections in the United States. Alternatively, the responsibility for the election process could be returned to elected officials, who have the experience and will have to face the voters, if they fail in this task.**

Additionally, further remedial and oversight steps should also be put into place through the remainder of 2022 to ensure that elections are run efficiently, correctly, and legally in Harris County and help restore the confidence of the voter and election workers.

HCRP filed a breach of contract lawsuit on March 7th and is requesting state oversight, independent from the EA or Harris County. We are requesting independent oversight under the supervision of the state court system. The purpose is to rebuild the local election infrastructure that has been eliminated by the EA since October 2020 including putting in place controls and restoring checks and balances to ensure that future elections will be managed correctly and according to the law.

Harris County Judge Lina Hidalgo took the responsibility for the elections away from duly elected officeholders, promising Harris County voters that elections would be more “efficient” under Election Administrator Isabel Longoria (someone with no prior election administration experience or credentials in running elections). **This did not happen with this primary election.**

Voters had to stand in long lines due to malfunctioning equipment, voters received the wrong ballot, voters were not able to have all pages of their ballot counted, voters were not able to go to polls that were listed as open due to lack of equipment or lack of functioning equipment or lack of the EA working with the parties to provide a judge. **The 2022 Harris County Primary Election will go down as the worst run election in Texas history!**

Harris County needs to take responsibility for the failures and responsibility to put in place experienced, skillful, knowledgeable non-partisan leadership. The whole process needs independent oversight to ensure that Harris County is taking the appropriate steps to re-assemble what has been disassembled and re-establish election administration best practices.

The voters of Harris County deserve better! Voters, regardless of their party affiliation, should be able to go to a polling place where the equipment actually works and the poll opens on time. They should be confident that they will receive the correct ballot style on the right size paper and that their vote will be correctly scanned and recorded. The volunteers, who give up their personal time to be an

election judge, should know they will receive the proper training and have technical people on call to assist them with any problems. Lastly, every voter should trust that once their vote is cast; it will be timely and accurately counted.

Only then will the voters trust be restored that the Harris County election process is being managed effectively and properly.

Respectfully submitted on March 17, 2022-

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Chairman

Harris County Republican Party