

# THE COUNTY OF HAYS

Elections/Voter Registration  
712 South Stagecoach Trail, Ste. 1045  
San Marcos, TX 78666-7751



Phone: (512) 393-7310  
Fax: (512) 393-7315  
[www.co.hays.tx.us](http://www.co.hays.tx.us)

**Jennifer Anderson**  
Elections Administrator/Voter Registrar

## **Internal Investigation Report**

Date of Report: February 17, 2017  
Investigator: Jennifer Anderson, Election Administrator  
Date of Incident: November 8, 2016  
Type of Incident: Election Procedures

### **Summary of Incident:**

Reported Concerns in the Outcome of November 8, 2017 election.

### **Chronology of Incident:**

On this date, Jennifer Anderson looked into the incident starting with the equipment box that was assigned to the Hays County Government Center during the Early Voting period of the November 8, 2016 election. During this time she noticed that the Reconciliation Log did not have complete information. Upon opening the envelope she further noticed that the JBC report tape for the October 25, 2016 was not complete, and that there was no receipt for a cancelled booth on that date. Ms. Anderson then asked Tomas Cardoso to assist her with looking at the back-up system (SERVO) to see what was backed up from the E-Slates on that date. At that time, Ms. Anderson and Tomas Cardoso were able to locate the (2) Anthem MUD "FOR" votes that had been missing on the Official Canvass Report. At this time, Ms. Anderson contacted Jeff McGill to provide input as to the varying possibilities of how the votes may be backed-up in SERVO, and not be tallied. The only explanation was that there was a MBB that had not been

identified and tallied on election night. Jeff McGill signed into the Tally System while Tomas Cardoso obtained the total votes on SERVO. We were able to identify that 1,816 votes were the difference between the two systems. And that those votes were cast at the Government Center. We knew this because the back-up information provided insight that the votes were cast at the Government Center on October 24<sup>th</sup> and October 25<sup>th</sup> of 2016. Approximately two hours later, Tomas advised Jennifer Anderson and Jeff McGill that he had located a JBC that had been assigned to the Government Center that had been replaced due to a power failure. He plugged in the JBC, but the equipment would not power up. He then took out the back-up battery and replaced it with a new back-up battery. The JBC powered temporarily, but just long enough to display the number of stored votes. The votes on the machine matched the 1,816 votes. We looked to see if the JBC still had the MBB intact. There was not an MBB in the machine. At that time, we looked to see if we could locate the MBB. Later in the day, we located the MBB in a box on the shelf in the Tally/Equipment Storage Room. The MBB did not contain the numbers from the SERVO download that would have been manually written on it on election night. This MBB had not been tallied on election night and was not secured with the other election materials that were in quarantine. At this time, we concluded the investigation. Jennifer Anderson contacted the Election Commission and the Secretary of State office with her findings.

### **Significance of Policy Lapse:**

My investigation revealed that one MBB was not tallied in the November 8, 2016 election. This particular MBB was overlooked when it was taken offline and replaced at the Hays County Government Center Early Voting site on October 25, 2016. Normally, when a piece of equipment is taken offline in the middle of an election it is logged, quarantined and held for tallying on Election Day. This particular MBB and JBC was not quarantined or processed properly. It was set aside and was never tallied as part of the November 8 election contest.

### **Corrective Actions:**

My office has implemented new policies to address the lapses in protocol that occurred in the November 8, 2016 election. I have put a policy in place to log all MBB's formatted for each election to be placed in my office. In addition, all MBB's that are not placed in active voting equipment will

remain locked in my office. MBB's will not be replaced without being logged out and checked out by the Election Administrator at any time during an election. In addition, my staff has prepared a spreadsheet to complete at the end of Early Voting and Election Day returns that will identify the number of signatures on the Combination Log and the Number of Cancelled booths, for an "At a Glance" representation of voter totals. All replaced equipment will remain secured until after tabulation to ensure that all checks and balances have been satisfied.

**Conclusion:**

This audit had a specific scope from a specific incident. These are the findings of the Hays County Election Administrator. The incident at hand was an error due to a lapse of policy in the chain of custody of replacement equipment. The implementation of the aforementioned policies will ensure that this situation does not occur in future elections.