



DALLAS COUNTY ELECTIONS DEPARTMENT

Dear Ms. Johnson,

I am writing in response to the formal written Dispute Notice received from the City of Dallas (Dallas) on March 31, 2022, contesting the charges imposed by the Dallas County Election Department (DCED) for conducting the May 1, 2021 Joint Election.

Since receiving the Dispute Notice, DCED has cooperated with the City of Dallas Auditors Office in their financial audit of that election. Following the completion of the audit, we received a request from your office seeking a waiver of the remaining balance of \$178,300.07 owed for DCED's services for conducting the June 5, 2021 Joint Runoff Election.

In your dispute, the City of Dallas claims that DCED's performance during the 2021 General/Runoff elections was unsatisfactory. These claims appear to be based upon anecdotal evidence from the media and from some off-the-cuff comments made by me during a virtual appearance at a Dallas City Council meeting on May 12, 2021.

While it is true that some errors were made by DCED on Election Day during the aforementioned election, I would like to clarify that these errors occurred due to the utilization of long-existing Election Day Help Desk processes and procedures. I also want to emphasize that our current DCED staff has since reviewed and revised these processes and procedures. Moreover, it is important to note that several of the claims made by Dallas are attributed to errors made by the presiding judge at the vote center.

Under the provisions of the Texas Election Code, presiding election judges are selected and appointed by entities other than DCED, and pursuant to Election Code 32.071, "the Presiding Judge is in charge of and responsible for the management and conduct of the election at the vote center." Therefore, DCED does not accept responsibility for presiding judges or other individuals beyond our control who:

- Fail to arrive in a timely manner
- Fail to adhere to DCED procedures
- Fail to promptly report any issues to DCED

That being said, DCED recognizes the need for improvement and has taken measures to prevent such issues from recurring. Since the 2001 election, we have revised our vote center procedures, mandated the use of judge checklists, and developed a more comprehensive judge training program. As a result of these initiatives, Election Day issues have significantly decreased.

Regarding issues within DCED's control, our policy is to initially attempt to troubleshoot any Election Day problems over the phone. If the issue cannot be resolved remotely, DCED reserves the right to a reasonable amount of time to rectify the problem in person. For the purposes of this response to the City of Dallas, we consider a reasonable amount of time to be 30 minutes

In light of your claims, DCED has conducted a thorough investigation and analysis of the May 1, 2021 Joint Election. Based on our findings, we have reached the following conclusions:

1. Ronald E. McNair Elementary School (V3063)

- Claim – Voting was not available from 7:00 am to 9:15 am
- Analysis

- At 5:53 am, DCED received a call from the judge who reported that the CradlePoint wireless router would not turn on (Ticket # 93441)
- At 6:07 am, an Election Hardware Technician attempted to walk the judge through troubleshooting, but the judge did not answer the phone
- At 6:15 am, an Election Hardware Technician was dispatched to the location to assist with troubleshooting
- At 7:19 am, DCED again received a call from the judge who reported that the CradlePoint was still not working (Ticket #93617)
- The first ballot was issued at 9:25:33 am
- At 9:28 am, the Hardware Manager “resolved” Ticket #93617 with the note: “Juana De La Cruz [an Election Hardware Technician] states that the Judge had the equipment setup wrong. Site is good to go.”
- 134 ballots were issued at this site on May 1, 2021
- Conclusion – A CradlePoint connection is not needed for voters to check in, be issued a ballot, or cast a vote. All judges are taught this procedure during their training, but the judge failed to follow the procedure. DCED does not accept responsibility for a judge who fails to follow procedure. **DCED therefore rejects your claim.**

2. Park South YMCA (V3018)

- Claim – Voting was not available from 7:00 am to 10:45 am
- Analysis
 - At 6:57 am, DCED received a call from the judge who reported that three of their voting machines were giving the message “poll not found”, but the DCED Help Desk operator “escalated” the ticket to the wrong response team; therefore, no action was taken
 - The first ballot was issued at 7:11 am, but the voter was unable to vote the ballot due to the non-functioning voting machines. The voter was redirected to a nearby vote center.
 - At 10:32 am, the ticket was reassigned to the correct response team
 - At 10:37 am, the Hardware Manager attempted to call the judge “multiple times but no response” and then dispatched an Election Hardware Technician to the site
 - At 10:51 am, three hours and 54 minutes after initial notification, the Hardware Manager resolved the ticket with the note “Alex [an Election Hardware Technician] has completed the job”
 - At 10:55 am, the first ballot was successfully cast, and the site continued to process voters with no other reported issues for the remainder of the day
 - 75 ballots were issued at this site on May 1, 2021
- Conclusion – The judge is required to be on site by 6:00 am and, by 6:15 am, is expected to report any critical issues that would cause a delay in opening. However, the issue was not reported until 6:57 am, causing a delay of 42 minutes in DCED's ability to respond. Nonetheless, a DCED Technician should have resolved the issue by 7:27 am, but instead resolved it at 10:51 – a delay of three hours and 24 minutes. As a result, **DCED will credit your account in the amount of \$962.20.** This amount has been calculated based on the three hours and 24 minutes of delayed response by DCED, minus the 42 minutes of delayed notification by the judge. Consequently, a credit of 2 hours and 42 minutes will be applied to account for the lost operation time.

3. Owenwood Farm & Neighborhood Space (V1081)

- Claim – Voting was not available from 7:00 am to 8:15 am
- Analysis

- At 7:22 am, DCED received a call from the judge who reported that they could not get into the ESC, a secure mobile storage unit that holds voting machines and other election-related materials
- An Election Hardware Technician was dispatched to the site promptly
- At 8:35 am, one hour and 13 minutes after receiving initial notification, the site issued their first ballot
- The site continued to process voters with no other reported issues for the remainder of the day
- 191 ballots were issued at this site on May 1, 2021
- Conclusion – The judge is required to be on site by 6:00 am. In this case, the judge reported a critical issue that prevented the site from opening after they were supposed to be operational. Had the judge reported the issue timely, the site would not have opened late. DCED reacted promptly and will not be held responsible for the late opening. **DCED therefore rejects your claim.**

4. Booker T. Washington High School (V3081)

- Claim – Voting was not available from 7:00 am to 9:30 am
- Analysis
 - At 8:43 am, an aide from Commissioner Price’s office called DCED to report that this site was “still locked” and workers were unable to get inside
 - Note: This site is on the campus of a public DISD school and requires a school employee to unlock the facility
 - Note: DCED has no record of the judge contacting the Help Desk at any point on May 1, 2021
 - At 9:46 am, one hour and three minutes after the initial notification, the site issued their first ballot
 - At 2:05 pm, a note was added to the ticket created at 8:43 am saying “To clarify: The equipment was there, and they got in the building. The principal didn't realize today was election day. They thought it was on Tuesday!”
 - Once unlocked, the site processed voters with no other reported issues for the remainder of the day
 - 79 ballots were issued at this site on May 1, 2021
- Conclusion – The root cause of the late opening was the failure of DISD staff to fulfill their obligation of unlocking the facility and was compounded by the election officer failing to notify DCED. **DCED therefore rejects your claim.**

5. E. B. Comstock Middle School (V1100)

- Claim – Voting was not available from 7:00 am to 10:30 am
- Analysis
 - At 9:28 am, DCED received a call from the judge who reported that they were “unable to plug anything in, only 1 plug in gym”
 - At 10:11 am, the Hardware Manager verified that Election Hardware Technicians were on-site
 - At 10:45 am, one hour and 17 minutes after the initial notification, the site issued their first ballot
 - 73 ballots were issued at this site on May 1, 2021
- Conclusion – The judge is required to be on site by 6:00 am. In this case, the judge should have identified and reported this critical issue by 6:15 am. Their failure to report the issue in a timely

fashion prevented the site from opening on time. DCED is not responsible for a judge failing to arrive on time and failing to notify DCED of critical issues. **DCED therefore rejects your claim.**

6. Skyline High School (V1087)

- Claim – The vote center did not open at 7:00 am
- Analysis
 - At 6:21 am, DCED received a call from the judge who reported that one voting machine was “not displaying the correct screen” and mentioned that “another is missing a leg”
 - At 6:42 am, an Election Hardware Technician “resolved” the “not displaying the correct screen” issue, stating, “the judge needed to put [the voting machine] on voting mode”
 - The first ballot was issued at 7:39am, so the vote center was open at or near opening time
 - Note: This site was a low-turnout location, averaging only 4.25 voters per hour
 - 51 ballots were issued at this site on May 1, 2021
- Conclusion – DCED has no record of this site experiencing an issue that would have delayed their ability to open by 7:00 am. As mentioned, this site averaged only 4.25 voters per hour and, according to their check-in report, they successfully processed three voters between 7:00 am – 8:00 am. It stands to reason that the first ballot issued at 7:39 am was not an indication of the vote center opening late, but rather the typical experience of a historically low-to-average turnout site during a Saturday election. **DCED therefore rejects your claim.**

7. Richard Lagow Elementary School (V1107)

- Claim – Voting was not available from 7:00 am to 10:06 am
- Analysis
 - At 5:58 am, DCED received a call from the judge who reported that they were missing keys to the vote tabulator, but the ticket was incorrectly “escalated” to the wrong response team; therefore, no action was taken (Ticket #93445)
 - At 6:31 am, the judge again reported missing keys, but the ticket was again “escalated” to the wrong response team; therefore, no action was taken (Ticket #93493)
 - At 9:29 am, the ticket was successfully reassigned to the correct response team
 - At 9:44 am, the Hardware Manager dispatched an Election Hardware Technician to deliver the vote tabulator keys
 - At 9:56 am, the Hardware Manager “resolved” Ticket #93445
 - The site processed voters with no other reported issues for the remainder of the day
 - 12 ballots were issued at this site on May 1, 2021
- Conclusion – DCED struggled to appropriately escalate this location’s issue to the response team that could resolve it. When the message was successfully passed to the correct response team, it was responded to promptly and “resolved” within 27 minutes. However, this resolution came two hours and 56 minutes after the polls should have opened. **DCED will credit your account in the amount of \$947.58 for the two hours and 56 minutes of lost operation time.**

8. Arcadia Park Elementary School (V4065)

- Claim – Voting was not available from 7:00 am to 7:58 am
- Analysis
 - At 6:18 am, DCED received a call from the judge who reported missing voting machine cables, but the Help Desk operator who took the call accidentally “resolved” the ticket instead of “escalating” it to the proper response team; therefore, no action was taken
 - At 7:24 am, the judge again reported missing voting machine cables at which time DCED dispatched an Election Hardware Technician to deliver the missing cables

- Replacement equipment was installed at or before 9:03 am
- The first ballot was issued at 9:03:22 am
- The site continued to process voters with no other reported issues for the remainder of the day
- 28 ballots were issued at this site on May 1, 2021
- Conclusion – **DCED will credit your account in the amount of \$841.51 for the two hours and 3 minutes of lost operation time.**

9. Urban Park Elementary School (V1085)

- Claim – Voting was not available from 7:00 am to 10:07 am
- Analysis
 - At 8:56:55 am, DCED received a call from the judge who “needed instructions to open polls” and requested non-essential supplies
 - The Help Desk operator answered the judge’s questions about opening the polls during the call, but kept the ticket open to allow the appropriate response team to address the judge’s request for non-essential supplies
 - At 10:07 am, a Warehouse worker resolved the ticket with the note “issue cleared”, indicating the non-essential supplies were delivered
 - The first ballot was issued at 11:07 am
 - The site continued to process voters normally for the remainder of the day
 - 20 ballots were issued at this site on May 1, 2021
 - Note: This is a historically low-turnout vote center that received 20 or less votes in the May ’21, Nov ’21, May 7, 2022, May 24, 2022, and May ’23 elections.
- Conclusion – While the judge did call asking for instructions on how to open the polls, the Help Desk operator did not indicate that the vote center had been inoperable prior to the phone call. Based on past experience, we suspect that the judge was asking about how to “open the polls” on their E-Pollbook, a simple task that takes two clicks and can be completed in two seconds. In light of the operator resolving the judge’s questions during the call and there being no mention of the vote center being inoperable, we find no fault on behalf of DCED. **DCED therefore rejects your claim.**

10. Northwood Hills Elementary School (V1032)

- Claim – Voting was not available from 7:00 am to 11:15 am
- Analysis
 - At 7:03 am, DCED received a call from the judge who reported missing keys, but the ticket was “escalated” to the wrong response team; therefore, no action was taken until it was reassigned to the correct response team
 - Replacement keys were delivered on or before 9:19:53 am, two hours and 16 minutes after the initial notification
 - The first ballot was issued at 9:19:53 am
 - The site continued to process voters normally for the remainder of the day with no other reported issues
 - 130 ballots were issued at this site on May 1, 2021
- Conclusion – The judge is required to be on site by 6:00 am and, by 6:15 am, is expected to report any critical issues that would cause a delay in opening. However, the issue was not reported until 7:03 am, causing a delay of approximately 45 minutes in DCED's ability to respond. Nonetheless, a DCED Technician should have resolved the issue by 7:33 am, but instead resolved it by 9:19 – a delay of one hour and 46 minutes. As a result, **DCED will credit**

your account in the amount of \$353.84. This amount has been calculated based on the one hour and 46 minutes of delayed response by DCED, minus the 45 minutes of delayed notification by the judge. Consequently, a credit of one hour and 1 minute will be applied to account for the lost operation time.

11. John S Bradfield Elementary School (V2221)

- Claim – Voting was not available from 7:00 am to 9:33 am
- Analysis
 - The first ballot was issued at 7:03 am and an additional 63 ballots were issued by 9:33 am
 - At 8:27 am, DCED received a call from the judge who reported that their E-Pollbook, a check-in device, was “saying the poll is not open”
 - Note: After signing into the E-Pollbook, the judge is instructed to “open the polls” on the device, per DCED’s Training. Until the judge completes this action, the E-Pollbook will say that the polls are closed.
 - Note: Each vote center is given a minimum of three E-Pollbooks. The fact that this location had issued 32 ballots by 8:27 am indicates that there was at least one E-Pollbook that was properly signed into and “opened”.
 - The first ballot was issued at 7:03 am, indicating that the vote center was clearly open on time
 - The site continued to process voters normally for the remainder of the day with no other reported issues
 - 451 ballots were issued at this site on May 1, 2021
- Conclusion – DCED has no record of this site experiencing an issue that would have delayed their ability to open by 7:00 am. As mentioned, the first ballot was issued at 7:03 am the site continued to issue ballots at regular intervals for the entirety of the day. It stands to reason that this site was fully operational; **DCED therefore rejects your claim.**

Summary

We have calculated the credit being given to the City of Dallas by multiplying the percentage of the 12-hour day the vote center was inoperable due to DCED's late response by the cost of the vote center:

$$\text{Credit Owed} = \frac{(\text{DCED Late Response} - \text{Judge Late Notice})}{12 \text{ hrs}} \times \text{Unit Cost}$$

As an example, here is how the credit owed for V3018 Park South YMCA was calculated:

$$\begin{aligned} \text{Credit Owed} &= \frac{3 \text{ hrs and } 24 \text{ min } (204 \text{ min}) - 42 \text{ min}}{12 \text{ hrs } (720 \text{ min})} \times \$4,276.46 \\ &= 22.5\% \times \$4,276.46 = \$962.20 \end{aligned}$$

Note: "Unit Cost (\$)" includes all rental, custodial, and/or security costs charged by the facility, as well as the cost of the election workers and equipment used.

| VC# | Location Name | Unit Cost (\$) | DCED Late Response (hh:mm) | Judge Late Notice (hh:mm) | Time to Be Credited Back to Dallas (hh:mm) | Credit Owed (\$) |
|----------------------|-------------------------------------|----------------|----------------------------|---------------------------|--|-------------------|
| 1. V3063 | Ronald E. McNair Elementary School | \$4,925.94 | | | | \$0.00 |
| 2. V3018 | Park South YMCA | \$4,276.46 | 03:24 | 00:42 | 02:42 | \$962.20 |
| 3. V1081 | Owenwood Farm & Neighbor Space | \$5,725.94 | | | | \$0.00 |
| 4. V3081 | Booker T. Washington High School | \$4,151.54 | | | | \$0.00 |
| 5. V1100 | E. B. Comstock Middle School | \$4,925.94 | | | | \$0.00 |
| 6. V1087 | Skyline High School | \$4,151.54 | | | | \$0.00 |
| 7. V1107 | Richard Lagow Elementary School | \$3,876.46 | 02:56 | 00:00 | 02:56 | \$947.58 |
| 8. V4065 | Arcadia Park Elementary School | \$4,925.94 | 02:03 | 00:00 | 02:03 | \$841.51 |
| 9. V1085 | Urban Park Elementary School | \$3,876.46 | | | | \$0.00 |
| 10. V1032 | Northwood Hills Elementary School | \$4,176.46 | 01:46 | 00:45 | 01:01 | \$353.84 |
| 11. V2221 | John S. Bradfield Elementary School | \$4,925.94 | | | | \$0.00 |
| Total Credit: | | | | | | \$3,105.13 |

This leaves an outstanding balance due to Dallas County Elections Department in the amount of \$175,194.94. Please remit payment in this amount as soon possible.

Thanks for your patience and cooperation in this matter,

Michael Scarpello
Dallas County Elections Administrator