

MINUTES

DUE TO EMERGENCY CONDITIONS, THIS MEETING WAS CONDUCTED BY TELEPHONE AND/OR VIDEO CONFERENCE

BE IT REMEMBERED, That on this 18TH DAY of DECEMBER, 2020, Elections Commission of Fort Bend County, Texas met with the following present:

COUNTY JUDGE KP GEORGE	CHAIR
COUNTY CLERK LAURA RICHARD	VICE CHAIR
COUNTY TAX ASSESSOR/COLLECTOR CARRIE SURRATT	SECRETARY
LINDA HOWELL REPUBLICAN PARTY CHAIR	
CYNTHIA GINYARD DEMOCRATIC PARTY CHAIR	

A roll call of the Elections Commission Board was called by Laura Richard, County Clerk with all present.

In addition, the County Clerk confirmed other ancillary attendees were present.

John Oldham, Elections Administrator

Roy Cordes, County Attorney

Office of County Attorney Representative Justin Pfeiffer, Civil Attorney, Litigation,
Office of County Attorney Representative Marcus Spencer, First Assistant County Attorney

Brian Middleton, District Attorney,

Office of District Attorney Representative Terese Buess, Chief Prosecutor

Robyn Doughtie, Information Technology Director

1. Call to Order.

Call to Order by Judge KP George at 1:01 p.m.

2. Review and analyze the Fort Bend County 2020 Election Cycle and Administration and take all appropriate action.

Judge KP George indicated this is an informational item, there is no motion needed.

Mr. John Oldham, Elections Administrator provided a brief overview of 2020 Fort Bend County Election Cycle. Mr. Oldham stated there were six elections conducted in 2020, with a Special Election in January, a couple of small jurisdictions in May, a primary runoff in July, the general election in November and a runoff election in December. The new voting equipment was used in July for the first time. A new poll book was implemented in November, which was largely designed to minimize conversation between poll workers and voters. The voters could make choices and provide information on a touch screen in order to minimize physical contact between ink pens and paper, etc. The runoff in August had the biggest turnout of any County in the state; not just percentage; but total number of voters. In November, the County had the 3rd largest percentage turnout of any County.

Judge KP George reviewed what was learned during this past election cycle, what improvements need to be made moving forward and how Fort Bend County can implement an elections system that is up to the full faith of the County's citizens.

Robyn Doughtie, Information Technology Director, provided an overview of IT's involvement and issues with the 2020 Election. On October 13, IT became involved with providing election support and had 28 individuals from her department update some of the files on the election's computers. On October 16 through the end of early voting and on Election Day, IT provided support for the Election.

Mr. Brian Middleton, District Attorney, spoke on the issues, experience and solutions his office encountered with the election. Nationally, the DA's office was engaged out of concerns and reports of potential interference with the election. A joint task force was formed with the DA and County Attorney's office. The task force also included Elections, the Information Technology Department and the County Judge's Office.

Ms. Terese Buess, Chief of Public Integrity Division spoke regarding the involvement of the bipartisan Fort Bend County Voter Protection Task Force. This group anticipated issues and dealt with them on the front end rather than after they occurred.

There were discussions about the involvement of the Task Force, equipment failures and the new voting machines.

Judge George stated there were 359,881 who voted compared to the past election which had 257,000 who voted. The last election was unprecedented and had 73.6% participation. The Elections Department and everyone who participated did an amazing job. Judge George asked Mr. Oldham if there was anything the County could have done differently to conduct the Election more smoothly.

Mr. Oldham, Elections Administrator explained on the first day there were issues.

- The poll books had incorrect dates.
- There was cross-pollination of kiosks.
- Testing the system with all running at the same time.
- The unprecedented number of ballots by mail caused Elections to be behind.
- The system had to be retested which took a week due to many minor political subdivisions on the ballot.
- There was a delay of two more days due to the suit involving the straight party.
- The size of the ballot had to have a small but readable font and the ballots could not be run through a folding machine. There were 39,000 ballots that had to be folded by hand.
- Many temps were hired.
- Around 600 poll workers had to be trained which was a challenge, with four hours of equipment training and the protocol training on COVID.

Mr. Oldham stated the Elections Department did the steps needed; however this was a new system and the training will be done differently going forward.

Judge KP George indicated there are a few examples in which he calls lack of planning or not having a backup plan.

- Communicating with the Elections office and not getting a timely response.
- There was no plan on how to deal with ongoing check-in machine issues.
- On Election Day, at one or two locations, the polls could not open on time because the Election Judge did not test run the machines the day before Election Day.

Judge felt there was lack of coordination and planning.

Mr. Oldham, Elections Administrator stated he appreciates all that IT did for the Election. In the past, he never had to coordinate with IT other than a phone line. Normally, the poll books are not opened unless the bipartisan representation is in place. Legally, it cannot be turned on until Election Day. The poll books were tested in the Test Mode. Had they been tested differently, the date issue would have been caught. The training started immediately after Labor Day and ran over 60 classes for workers at a minimum of 4 hours each. Mr. Oldham had to deal with some poll workers getting sick as well as deal with the pandemic, which was a huge distraction. By and large the workers did a good job.

Judge George stated there were a few troubled locations, Bowie Middle School and Hightower High School, which lacked coordination.

Mr. Oldham, Elections Administrator explained the situation at the two locations. On that Friday Mr. Oldham found out that Hightower High School wanted to move the polling to another location. The equipment had been moved to a different location which had a few steps. The polling was also moved at Bowie without Mr. Oldham's knowledge and there were social distancing issues. Mr. Oldham stated Elections is a guest at these schools and the amount of space given is beyond his control. Mr. Oldham also explained the delay in the mailing ballots, which was due to being incorrectly stuffed. He also explained the reason why some Missouri City voters did not receive their mail in ballots. And also, Mr. Oldham explained there were four voters on Monday morning that were turned away in Stafford and the poll workers did not report this to the Elections staff.

Linda Howell, Republican Party Chair explained that the Elections Administrator's office was inundated by meetings, attacks and questions continually. Ms. Howell stated there were problems; but there are going to be problems. If Fort Bend County had the highest voter participation in Texas, there was not voter suppression.

Judge George stated the Elections Committee will continue to have meetings to have a better election and a better plan moving forward.

Cynthia Ginyard, Democratic Party Chair explained that the County has reached a point where the County cannot operate as in the past. Changes have to be made, be more encompassing and mesh with the IT Department. Ms. Ginyard stated the County has grown in the learning process from this past election. Elections had new machines for the July runoff and COVID-19 and the election went great. The election in November did not go so well. The machines were not set which created other problems. Ms. Ginyard stated there were enough poll workers and machines, but feels there were not enough intake pads.

There were discussions on the lack of kiosk, connections and problems during this past election cycle. There should be accountability, have solutions and provide a smooth election cycle for the citizens of Fort Bend County.

Cynthia Ginyard, Democratic Party Chair stated there are issues all the time with the Elections process. This is not a perfect process. There is one precinct in Missouri City and one precinct in Harris County that votes in the Missouri City election. Precinct 5 or 6 – Harris County, City of Missouri City did not receive their ballot by mail. There were 387 who did not get their ballots. Ballots by mail went out prior to Early Voting and these voters had 5 days to get their ballots by mail in. Ms. Ginyard stated whether this was intentional, accidental or overlooked, it is all voter suppression.

John Oldham, Elections Administrator addressed the issue of the mail in ballots that were not sent. Harris County had a list of 440 voters where Missouri City had to download the applications for the Elections Department. The law says it's Harris County's responsibility to send the apps to Missouri City and it's Missouri City's responsibility to send the apps to Fort Bend County's Elections Department. The responsibility was on Missouri City to get those apps to the Elections Department.

Justin Pfeiffer, Office of County Attorney, Civil Attorney, Litigation pointed out as a County, Fort Bend County was among with Harris County and Travis County in the forefront of trying to expand vote by mail as much as possible. The County was involved in several of the legal issues and was one of the most active Counties.

Linda Howell, Republican Party Chair stated moving forward she recommends the Commission meet monthly or every couple of months in order to solve these problems before we get to another election and would like to make sure the Elections Office has adequate funding they need to perform their job.

Judge George asked John Oldham, Elections Administrator to provide a full report of the 2020 General Election issues experienced and also the detail listing of steps, including scheduled audits of the system to ensure similar errors do not happen. It is requested to be submitted to the Elections Commission within 30 days, January 18, 2021. (What happened in the past, what was learned, what issues were experienced and what steps are to be taken to address these issues.)

Robyn Doughtie, IT Director offered recommendations.

- IT has a project management office whose sole responsibility is for managing projects. Ms. Doughtie recommends the IT PMO team be involved from intake to go live. In go live, people can make sure it is set up and ready to go, it is tested and prep work is done.
- Utilize the vendor to do testing. Their responsibility should be to go through and test the equipment, stress test it to make sure that thousands of users can go through that system without any issues.
- The Election Technical support should be provided by IT, who has experience. IT has about 59 people with their sole focus being technology.

Brian Middleton, District Attorney added that very little has been said about the vendor and the product the County purchased. The County spent a lot of money on this equipment and software and there are questions regarding this equipment. Any review should include the assessment of the suitability of what was purchased. Mr. Middleton indicated there should be an assessment of the number of people working for the Elections Administration. He believes from this conversation it can be concurred they are severely understaffed. Moving forward, we should have those independent audits to address those issues.

Linda Howell thanked the Commission and stated this was productive.

3. Adjournment.

The Elections Commission meeting adjourned at 2:40 p.m. on Friday, December 18, 2020.

Moved to adjourn by Linda Howell and Cynthia Ginyard.

I attest to the accuracy of the foregoing minutes.



Laura Richard, County Clerk, Fort Bend County, Texas