

Durham County

March 15 Primary Irregularities

Timeline

- Durham BOE canvassed March 15 Primary on Tuesday, March 22, 2016.
- Durham BOE notifies SBE on Friday, April 8, 2016 of serious concerns related to provisional ballots.
- SBE initiates canvass reconciliation and investigation Friday, April 8, 2016.

Two Pronged Process

Canvass

- Identify any irregularities
- Ensure accuracy of all results
- If irregularities identified, determine if contest outcomes are affected

Investigation

- Determine if any actions violated statutory regulations

Canvass Overview

BALLOT CATEGORIES

Absentee (mail & early voting)	Election Day	Provisional
<p>Ballots are marked with a unique number linked to the voter</p> <p>Tabulation permitted at various times by resolution (GS 163-234)</p>	<p>Ballots are not marked to identify a ballot with a voter</p> <p>Tabulated on Election Day <u>in the precinct</u> (GS 163-182.2)</p>	<p>Ballots are marked to indicate provisional status (GS 163-166.11A), but not linked to particular voter (GS 163-165(6))</p> <p>Ballot placed into an envelope displaying the voters' information and provisional voting application</p> <p>Tabulated at a meeting prior to county canvass after county board votes on the eligibility of the ballots.</p>

Alleged Irregularities: Provisional Canvass

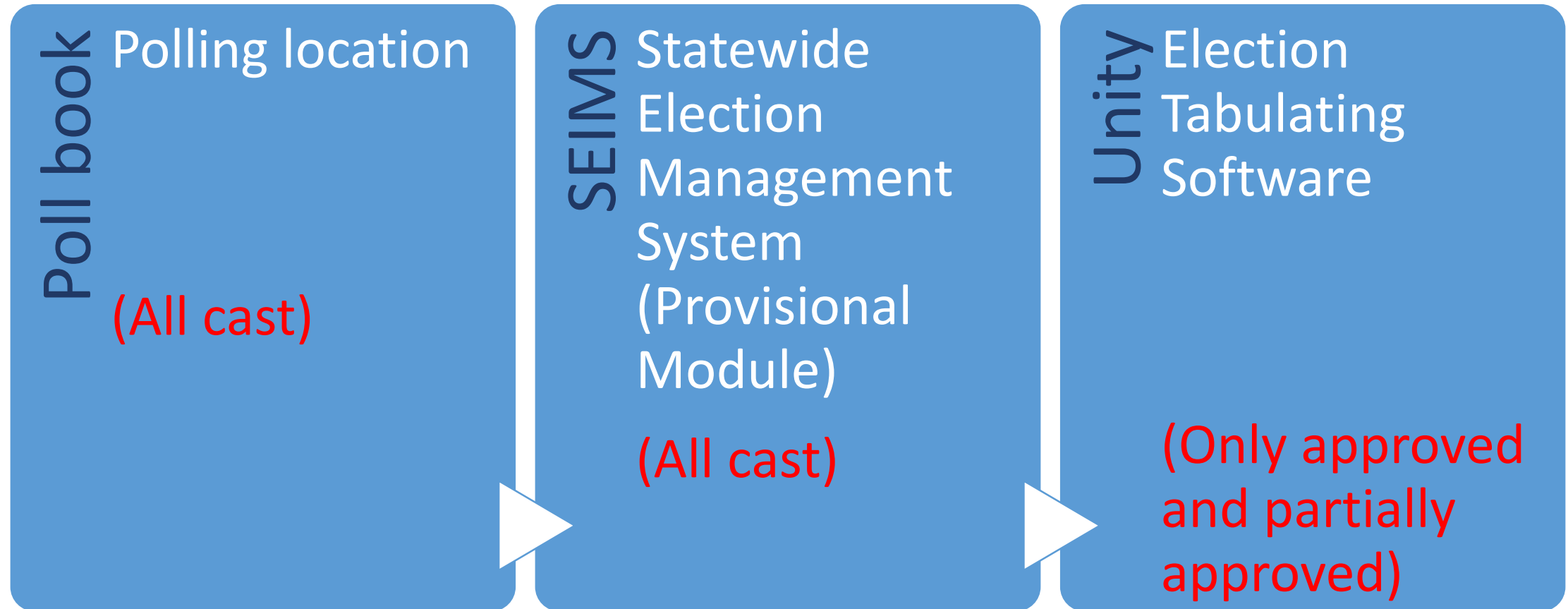
PROCESS

Staff research

County Board decision

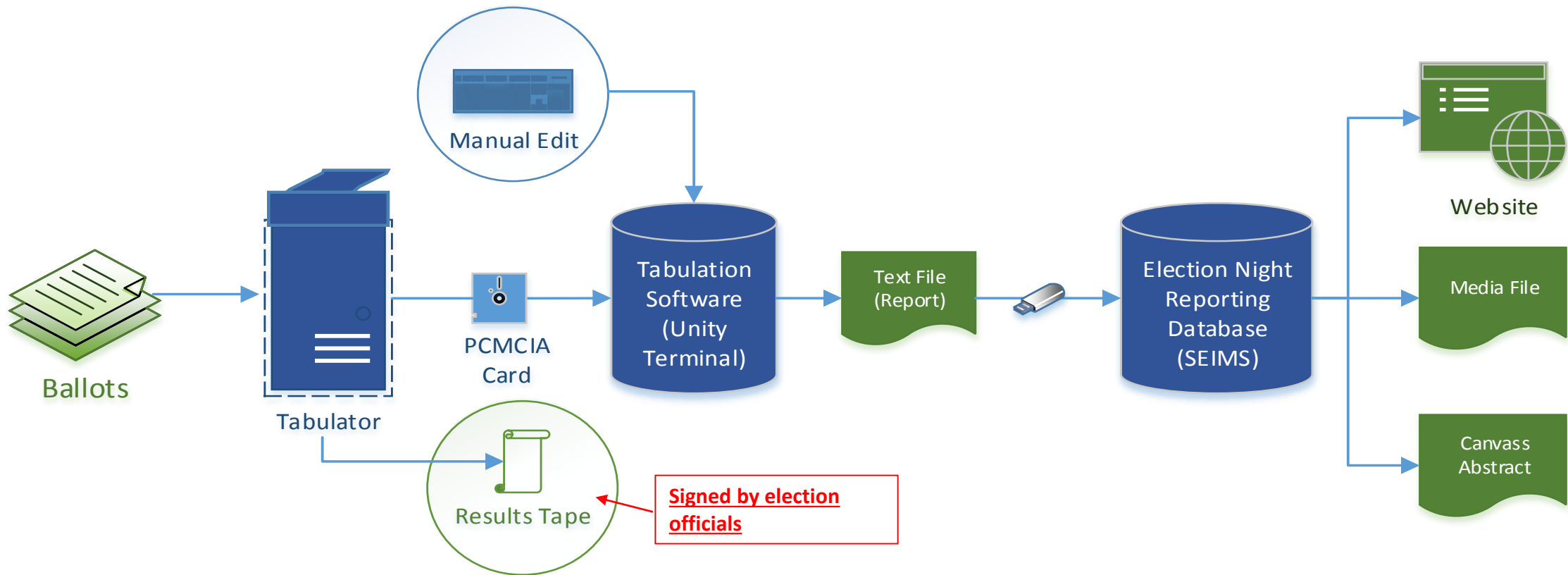
Tabulation of
approved and partially
approved ballots

How provisional ballots are tracked



Provisional Reconciliation must be conducted throughout the process.

Tabulation Process



What went wrong?

1.

Total number of provisional ballots received by Durham BOE did not reconcile with the total number of provisional ballots in the provisional module

All Provisional Ballots		
Provisional Module	Ballot Control Forms	<i>These numbers should match.</i>
1918	1841	

What went wrong?

2.

Durham BOE did not tabulate all approved/partially approved provisional ballots

Approved/partially approved ballots	
Provisional Module	Number of physical ballots counted
1039	980

What went wrong?

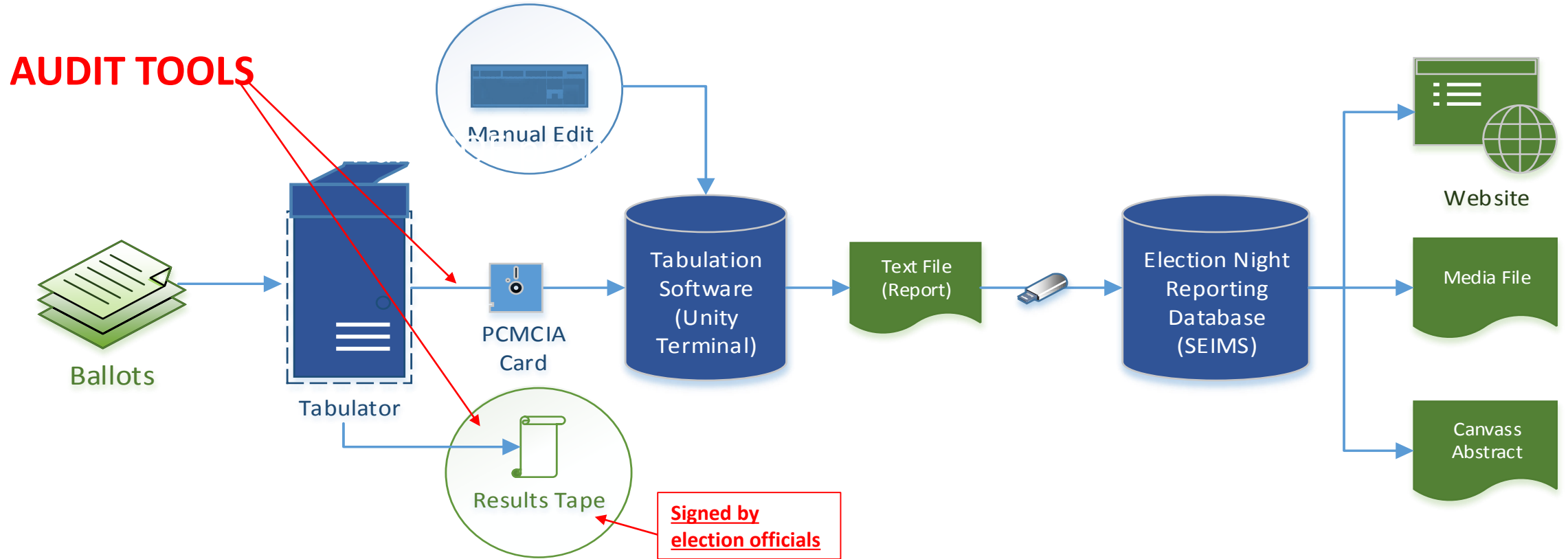
3.

Durham BOE provisional canvassed results are inaccurate

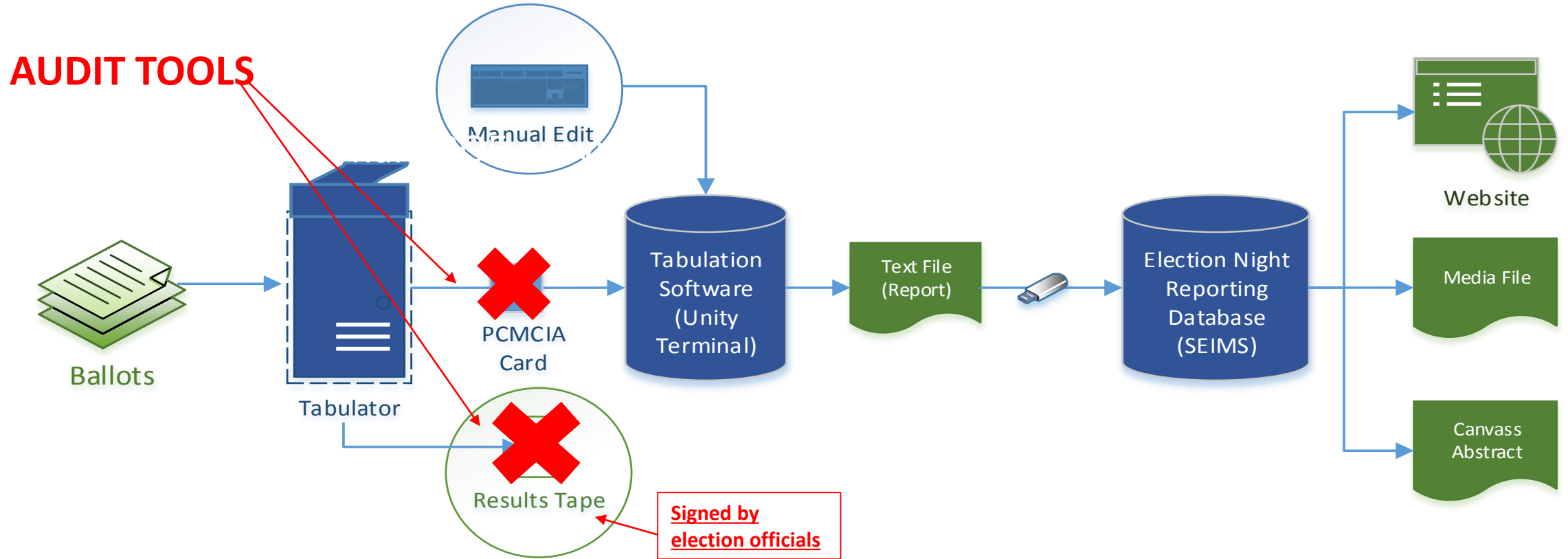
Canvassed Provisional Results	
Provisional Module	Unity (Tabulation Software)
1039	1039

There were only 980 ballots to tabulate.

How did this happen?



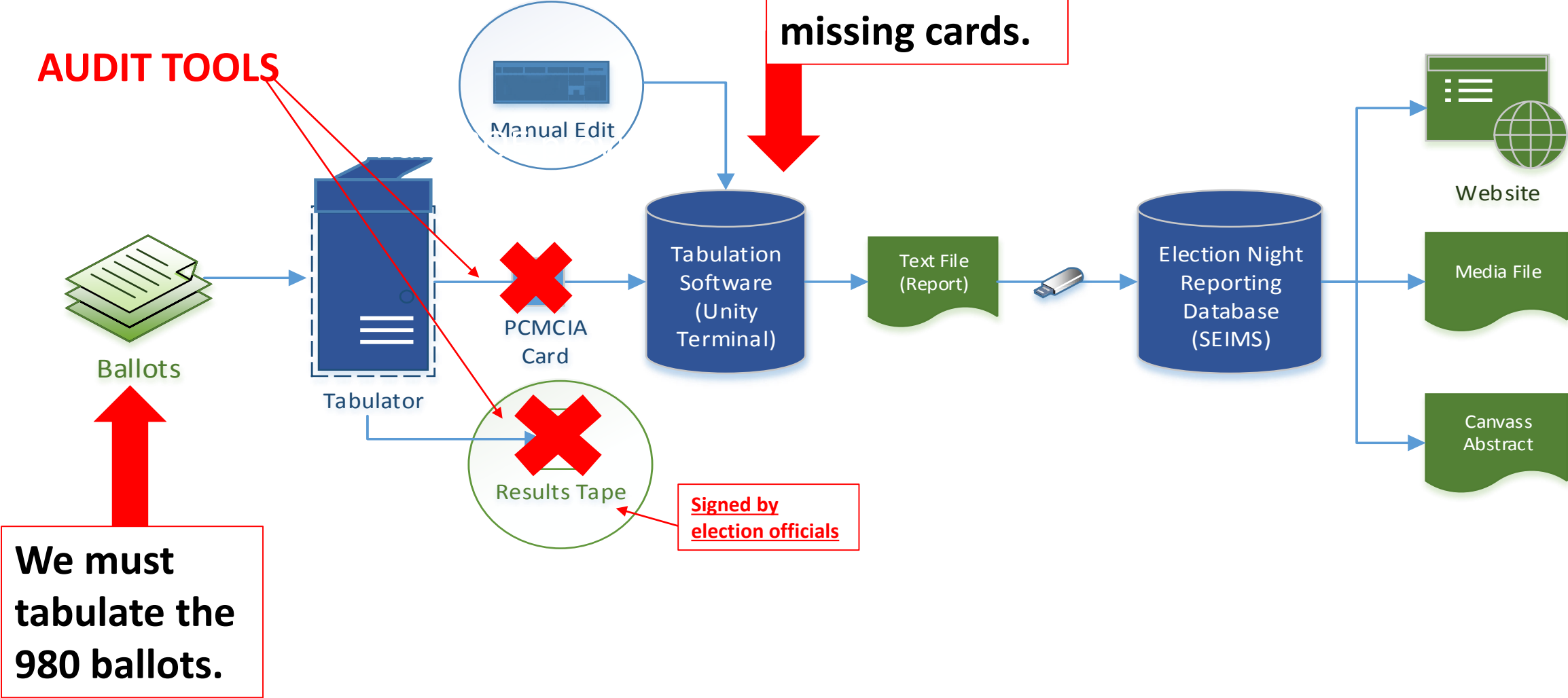
How did this happen?



How did this happen?

We must recreate the missing cards.

AUDIT TOOLS



We must tabulate the 980 ballots.

Signed by election officials

The Recreated Missing Cards

Input Method	Cards						SUM
Ballots Cast	110	98	194	124	286	227	1039

Were ballots run through a tabulator multiple times?

1. If Durham BOE was short roughly 60 ballots on the morning of canvass, some ballots must have been run through the tabulator more than once in order to reach 1,039.
2. If Durham BOE had all 1,039 ballots at the time of tabulation and subsequently lost/misplaced those ballots, it would be impossible for the count of any particular ballot style currently in our possession to be greater than what was tabulated on Canvass Day unless ballots were tabulated more than once.

Ballot Styles	Tabulated on Canvass Day	Ballots in Possession	Difference
Style R01	56	64	8
Style R02	0	0	0
Style R03	12	9	-3
Style R04	0	0	0
Style R05	72	67	-5
Style R06	60	53	-7
Style R07	60	49	-11
Style R08	0	0	0
Style D09	412	425	13
Style D10	6	5	-1
Style D11	266	233	-33
Style D12	81	65	-16
Style D13	3	2	-1
Style D14	4	3	-1
Style D15	0	0	0
Style L16	2	1	-1
Style L17	0	0	0
Style L18	3	3	0
Style N19	1	1	0
Style N20	1	0	-1
Total	1039	980	-59

What was Tabulated

Input Method	Cards						SUM
Ballots Cast	110	98	194	124	286	227	1039

Party

Rep	11	13	119	23	50	44	260
Dem	99	84	75	100	233	181	772
Lib	0	1	0	1	3	0	5
Non	0	0	0	0	0	2	2

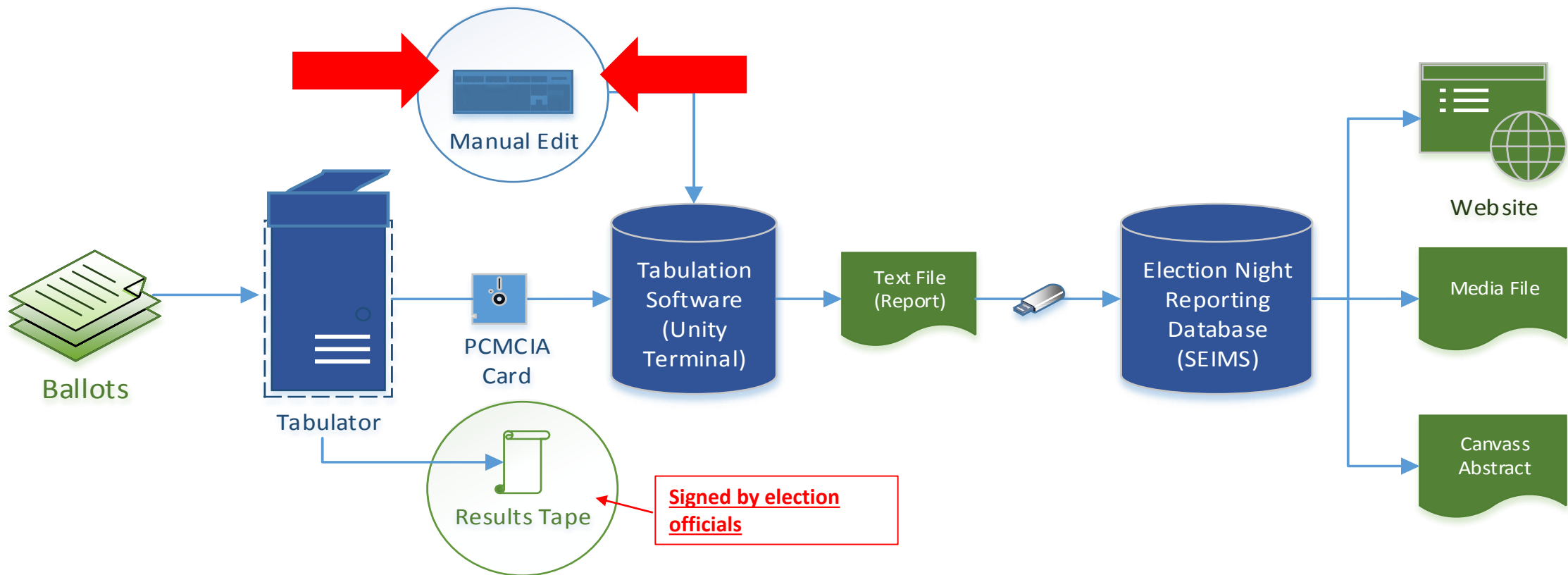
What was Canvassed

Input Method	Cards			Manual Edits					SUM
Time	11:05 AM	11:06 AM	11:07 AM	11:12 AM	11:23 AM	11:28 AM	11:29 AM	11:31 AM	
Ballots Cast	98	110	227	194	227	194	-11	0	1039

Party

Rep	13	11	44	119	44	119	-5	0	345
Dem	84	99	181	75	181	75	-6	0	689
Lib	1	0	0	0	0	0	0	0	1
Non	0	0	2	0	2	0	0	0	4

What is the explanation for the cards not being the final results in the tabulation software that were certified by the Durham BOE?



Results: Ballot Tabulation and Manual Edits

Ballot Tabulation

- 260 Republican Ballots
- 772 Democrat Ballots
- 5 Libertarian Ballots
- 2 Non-Partisan Ballots

Manual Edits

- 345 Republican Ballots +85
- 689 Democrat Ballots -83
- 1 Libertarian Ballots -4
- 4 Non-Partisan Ballots +2

Party	Provisional Module	Tabulated on Canvas Day	Input into Tabulation Software
Rep	260	260	345
Dem	759	772	689
Lib	7	5	1
Non	13	2	4
Total	1039	1039	1039

Ballot Styles	Provisional Module	Tabulated on Canvas Day	
Style R01	73	56	Manual edits render determination of ballot styles impossible
Style R02	0	0	
Style R03	11	12	
Style R04	0	0	
Style R05	68	72	
Style R06	50	60	
Style R07	57	60	
Style R08	1	0	
Style D09	442	412	
Style D10	3	6	
Style D11	226	266	
Style D12	85	81	
Style D13	1	3	
Style D14	2	4	
Style D15	0	0	
Style L16	4	2	
Style L17	0	0	
Style L18	3	3	
Style N19	12	1	
Style N20	1	1	
Total	1039	1039	

Conclusion:

Not all of the 1,039 provisional ballots that were noted in the provisional module as being approved or partially approved were counted on canvass day.

- Only 980 physical provisional ballots were identified as approved/partially approved and eligible for tabulating.

The certified canvassed provisional results that reflected the results of 1,039 provisional ballots were inaccurate.

- Durham BOE had data for tabulator tapes that totaled 1,039 ballots and separate manual edits that totaled 1,039 ballots. Neither of these two separate results are an accurate reflection of the ballots that should have been tabulated.

Can we now appropriately count the 1,039 provisional ballots that were approved or partially approved?

Missing Ballots

NO (59 ballots)

- We are missing 59 ballots based on the provisional module.

Provisional Ballots not retrievable

NO (833 ballots)

- Provisional ballots do not have a voter identifier on the actual ballot.
- After Board approval, provisional ballots are removed from their envelope and are no longer able to be associated with a voter.
- Not all provisional ballots were fully counted. Partially counted provisional ballots have been commingled with fully counted ballots and there is no way to reconcile. Included in the partially counted provisionals were 17 year olds that would not be eligible to vote for the statewide bond referendum or any contests that were not primaries.

Provisional Ballots with voter identifier

YES (147 ballots)

- NC law provides that a ballot that is cast provisionally should not include a voter identifier but a “P” should be written on the ballot in the event the voter is able to put the ballot in the tabulator. If this occurs, the ballot can be identified and retrieved from the tabulator and not counted.
- Many provisional ballots cast during one-stop early voting included the absentee voter identifier and are able to be associated with an eligible voter.

Other Audits Conducted:

Mail Absentee

- Tapes not signed.
- Ballots were re-tabulated and compared to canvassed results.
- Irregularity identified: Manually inputted an incorrect ballots cast number. Did not alter any contest results.

One-Stop Early Voting

- Tapes signed by election officials.
- Tapes compared to results in tabulation software.
- Results reconciled.

Election Day

- Tapes signed by election officials.
- Tapes compared to results in tabulation software.
- Results reconciled.

Contest Outcomes

Place	Candidate	Votes	Margin of Victory
1	Wendy Jacobs	33090	8804
2	Ellen Reckhow	32776	8490
3	Heidi Carter	29537	5251
4	Brenda Howerton	26787	2501
5	James Hill	25447	1161
6	Michael D. Page	24286	N/A
7	Elaine C. Hyman	23585	N/A
8	Fred Foster, Jr.	20918	N/A
9	Glyndola Massenburg-Beasley	19547	N/A
10	Tara L. Fikes	14955	N/A