

### **EXECUTIVE SUMMARY**

During the recount of the State Senate District 29 race in Lee County, several issues were found.

First, 360 test ballots were mistakenly included in the original Early Voting Group results because a "Zero Report" wasn't run before election night tabulation. These test ballots were not included in the recount, causing lower totals for early voting in the recount.

Second, 288 early voting ballots were scanned twice during the recount—once into the Election Day Group totals and again into the Early Voting Group totals. Of the 288 ballots, 276 included votes in Senate District 29; 12 showed no vote (undervoted) in the District 29 contest, and one ballot was unaccounted for. When these 288 duplicate ballots were identified and removed from the Election Day Group recount tally, the recount total is equivalent to the original election night tabulation for the Election Day Group (notwithstanding the one unaccounted for ballot).

Total results for the entire contest are as follows: Mr. Chaplin received 24,783 votes and Mr. Malloy received 24,529 votes.

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The following is a summary of the evaluation of the mandatory recount conducted by the Lee County Board of Voter Registration and Elections (Lee BVRE) for the 2024 General Election results in the contest for South Carolina State Senate District 29.

At the conclusion of the recount there was an overall difference of 70 fewer overall votes for Malloy and Chaplin than were tabulated on Election Night. However further review showed that the differences between the original and recount results were not limited to the District 29 contest. The vote totals in the Early Voting Reporting Group in the recount were significantly lower than the in the original tabulation, while the vote totals in the Election Day Reporting Group in the recount were significantly higher than the original tabulation (Report Page-1). There were two distinct problems that caused the differences between the Election Night and Recount tabulations.

#### Test Ballot Issue.

After in-depth review and communications with the Director of the Lee BVRE (Lee Director), it was discovered that 360 test ballots were scanned into the Early Voting Reporting Group in the original tabulation on election night. The Lee Director informed the State Election Commission they had used two scanners during testing, but it appeared only one of those scanners' test results were cleared from the database before voting started on election day. This left one scanners' test results in the database. These results would have been detected if the Lee BVRE had created an election "Zero Report" before the start of election night tabulation. This report was apparently not created so the test results were not discovered and cleared from the database before tabulation began on election night.

These test ballots were NOT scanned during the recount. This led to the vote totals for the Early Voting Reporting Group in the recount to be lower than the tabulation conducted on Election Night. Using ballot images and Cast Vote Records (CVR) from the original tabulation we were able to isolate the test ballots included with the election night tabulation and tally the votes contained on the test ballots (Report Page-2). Once the test ballot vote totals were subtracted from the original tabulation, the Early Voting Reporting Group exactly matched the recount tally for early voting.

#### **Double-Counted Ballot Issue.**

The second issue was that there were a significantly higher number of votes in the Election Day Reporting Group in the recount tabulation. The Lee Director informed the State Election Commission that there was a possibility that a batch of early voting ballots were scanned in twice during the recount, once into the Election Day Reporting Group, and then again into the Early Voting Reporting Group. When the county had almost finalized the recount tabulation, the Lee Director noticed the Early Voting Reporting Group was missing a significant number of votes. That evening the Lee Director found an envelope that contained a batch of early voting ballots. This envelope included early vote ballot cast in the District 29 contest. The envelope of ballots was found in a ballot box containing ballots cast on election day. The Lee Director then proceeded to scan the ballots found in this envelope into the Early Voting Reporting Group. SEC staff examined the ballot images and Cast Vote Records (CVR) from the recount to determine that the batch of early voting ballots were indeed scanned twice during the recount.

To determine this the SEC had created ballot CVR lists for each precinct involved. We were able to identify the batch of early voting ballots at question because they were the last batch of ballots read into

the Electionware database (Report Page-3). Ballots do not normally have any distinguishing marks to easily distinguish them, however the SEC was able to sort them to identify any write-in ballots that were cast. In the Bishopville No. 1 precinct, a ballot with 3 write-in votes appeared to be repeated in two separate ballot images (Report Page-4 and Page-6). These write-in selections were distinct enough that they were not likely to be incidentally identical write-in votes by different voters. Further, the ballots indicated the same ballot-style number, and contained the same vote selections other than the written-in votes. The CVRs for these write-in ballots were used to verify that, during the recount, one of the ballot images was scanned into the Election Day Reporting Group (Report Page-5) and the other scanned into the Early Voting Reporting Group (Report Page-7). It was then verified that every ballot scanned in the last batch of early voting ballots scanned during the recount had a matching ballot in the Election Day Reporting Group. This information led to the conclusion that the ballots were indeed scanned twice during the recount, once in the Election Day Reporting Group and again in the Early Voting Reporting Group.

A total of 288 early voting ballots containing Senate District 29 were scanned in the final batch of early voting ballots scanned during the recount. This would still leave one ballot and two votes unaccounted for in the Lee County Recount for District 29; in other words, one additional ballot cast in the recount and two additional votes in the recount that cannot be accounted for.

Below are the findings of the evaluation of the recount of Senate District 29 in Lee County.

The two reports directly below display a comparison of recount totals vs original tabulation (election night) totals by precinct reporting groups. The discrepancies between the two are highlighted in yellow under the recount report numbers.

									State Sena	te, District 29	(Vote For 1)						
										Recount	•						
			REP JD Chaplin							DEM Gerald N	1allov						
	Registered										,						
Precinct	Voters	Ballots Cast	Election Day	Farly Voting	Absentee By M	Failsafe	Provisional	Failsafe Provi	Total Votes	Election Day	Early Voting	Absentee By M F	ailsafe	Provisional	Failsafe Provi	Total Votes	Total
BISHOPVILLE 1	597		_				_	0						-			
BISHOPVILLE 2	616			47				0		-							
BISHOPVILLE 3	690					,				-							
BISHOPVILLE 4	898		_					0			-	-					
CYPRESS	501			77		,						-					
ELLIOTT	376					,								`		266	
LYNCHBURG	549			64		,					-				,	323	
MANVILLE	568					`	'	0						`			
MT. CLIO	196					,				-	-						
SOUTH LYNCHBURG	302					,		0			, , , ,			`		146	
ST. CHARLES	790		_	84		,								`			
Failsafe	750					,	'.	0						`			
Provisional	0	-				,			-					`		4	,
Failsafe Provisional		-			0	,										0	•
ransale riovisional Total:	6083	-		679		,	,		1245					`	,	3397	464
iotai.	0083	-73				,	, ,	, ,	-129				-4			597	
		-13	33	-104					-125	223	-103	-1			•	39	-,
									State Sona	te. District 29	(Voto For 1)						
									State Sella	Original	(Vote For I)						
			REP JD Chaplin							DEM Gerald N	tallou						
Precinct	Designation of Ma		Election Day		Alexantes Du M	Entlanfo	Provisional	Failsafe Provi	Total Votes			Absentee By M F	- ileafe	Provisional	Failsafe Provi	Total Votes	Total
BISHOPVILLE 1	597					ralisale (							alisale				
BISHOPVILLE 2	616		_												_		-
				171													
BISHOPVILLE 3	690															341	62
BISHOPVILLE 4	898		43			, (										479	
CYPRESS	501			101 54						117				``			39
ELLIOTT	376		18 17			,					-	-		`			
LYNCHBURG	549			66		`	'						0	`			
MANVILLE	568				-					-	_					285	
MT. CLIO	196		_	37		(						-	0				
SOUTH LYNCHBURG	302		_			(		0					C				_
ST. CHARLES	790			104		(							C	`		443	65
Failsafe	0			0		(							4	``		4	
Provisional	0	-							-				C			-	
	0	0	0	0	0	, (	וֹ (	ס' ס	0	, o	· 0	0	0	oľ (	) o	0	
Failsafe Provisional Total:	6083	4812	468	863	43	(	•	0	1374	1193	2057	84		. (	0	3338	471

The report below displays the exact discrepancies by precinct. Green highlighted areas reference increased numbers of votes than the original tabulation (Election Night), and orange areas reference fewer votes than the original tabulation (Election Night).

	LEE COUNTY RECOUNT														
Polling				Chaplin							Malloy				
Location	ED	EV	ABS	FS	PROV	FS PROV	TOTAL	ED	EV	ABS	FS	PROV	FS PROV	TOTAL	COMBINED TOTAL
Bishopville 1	4	-11	0	0	0	0	-7	30	-13	-1	0	0	0	16	9
Bishopville 2	3	-23	0	0	0	0	-20	21	-17	0	0	0	0	4	-16
Bishopville 3	10	-35	0	0	0	0	-25	25	-50	0	0	0	0	-25	-50
Bishopville 4	12	-25	0	0	0	0	-13	52	-28	0	0	0	0	24	11
Cypress	7	-24	0	0	0	0	-17	16	-9	0	0	0	0	7	-10
Elliott	1	-26	0	0	0	0	-25	18	-7	0	0	0	0	11	-14
Lynchburg	0	-2	0	0	0	0	-2	8	-1	0	0	0	0	7	5
Manville	0	-4	0	0	0	0	-4	21	-2	0	0	0	0	19	15
Mt. Clio	8	-7	0	0	0	0	1	4	-6	0	0	0	0	-2	-1
S. Lynchburg	3	-7	0	0	0	0	-4	0	-8	0	0	0	0	-8	-12
St. Charles	7	-20	0	0	0	0	-13	28	-22	0	0	0	0	6	-7
FAILSAFE	0	0	0	0	0	0	0	0	0	0	-4	0	0	-4	-4
PROVISIONAL	0	0	0	0	0	0	0	0	0	0	0	4	0	4	4
TOTALS	55	-184	0	0	0	0	-129	223	-163	-1	-4	4	0	59	-70

### **Test Ballot Issue**

The first issue evaluated was the large number of missing votes in the Early Voting Reporting Group. This is a reporting group designated for votes cast in the Early Voting period of the election. Only votes cast in early voting locations during the early voting period should be loaded to this reporting group.

After some preliminary discussion, Lee County's Director notified SEC that she had noticed test results in her Early Voting Reporting Group ballot images that were tabulated on Election Night (November 5<sup>th</sup>). The test ballots were identified by two identifiers. One identifier was the word "TEST" handwritten on the test ballots. The other identifier was the list of cast vote records (CVR) from the election night tabulation. Using these identifiers, we were able to sort out the test results. Below are the total test results by precinct that should **NOT** have been included in the original tabulation on election night.

TEST RESULTS									
Polling Location	Chaplin	Malloy	Undervote	Overvote	Write-In	Total			
Bishopville 1	11	13	1	0	0	25			
Bishopville 2	23	17	5	0	0	45			
Bishopville 3	35	50	1	0	0	86			
Bishopville 4	25	28	1	0	0	54			
Cypress	24	9	2	0	0	35			
Elliott	26	7	2	0	0	35			
Lynchburg	2	1	0	0	0	3			
Manville	4	2	0	0	0	6			
Mt. Clio	7	6	0	0	0	13			
S. Lynchburg	7	8	0	0	0	15			
St. Charles	20	22	1	0	0	43			
TOTALS	184	163	13	0	0	360			

All the test ballots were all scanned into the Early Voting Reporting Group therefore would only impact that reporting group. These results perfectly match the number of missing votes in the Early Voting Reporting Group for the recount (Report Page-1) and it appears to be why there were fewer early votes tabulated in the recount for District 29 in Lee County.

Relevant ballot reconciliation records on Election Day and for the recount did not account for the difference in early votes tabulated on Election Night and for the Recount. Also, all scanners used during early voting produced a Zero Report indicating no votes were already present on the scanners on the first day of early voting when the scanners were first opened for use. Given the factors noted above and during evaluation of the information available to us, it appears a thumb drive containing the test votes was read into the Electionware Workstation and that these votes were never removed after testing and before tabulation on Election Night, which caused the test ballot results to be included in the original tabulation on election night. This is the problem that would have been remedied by running a "zero report" from the Electionware Workstation before tabulating began on Election Night.

### **Double-Counted Ballot Issue.**

The other issue with the recount results is the fact that a total of 288 additional votes were recorded in the Election Day Reporting Group. This is a reporting group designated for votes cast on Election Day. Only election day totals should be loaded to this reporting group.

After the recount was completed the Lee County Director was missing a high number of votes in the Early Voting Reporting Group. Some of the discrepancy was due to the test votes not being present in the recount data (which it should not have been). Per the Lee County Director, a batch of Early Voting ballots that were discovered later that day was scanned into the Early Voting Reporting Group. Those

ballots were scanned into the Early Voting Reporting Group and was the last batch of ballots read into Electionware during the recount.

After evaluation of the recount Election Day Reporting Group totals, it was determined a batch of 288 ballots containing 276 votes for Senate District 29, and 12 undervotes were scanned twice during the recount. This was found by comparing the Election Day Reporting Group ballot images in a precinct to the Early Voting Reporting Group ballot images. A specific ballot image (displayed in the following pages) had three original Write-In selections. The selections are original enough to determine the images came from the same ballot but was scanned once in the Election Day Reporting Group then again in the Early Voting Group. All ballots in the last batch of the Early Voting Reporting Group have a "twin" ballot in the Election Day Reporting group.

Below is a cast vote listing for Bishopville No. 1 precinct. This report is filtered to only list ballots with Write-In selections. This report is generated to indicate the sequential order in which the thumb drives from the scanners were read into the Electionware workstation. You will notice the last three entries are from the early voting ballots that the County Director located and scanned at the end of the day.

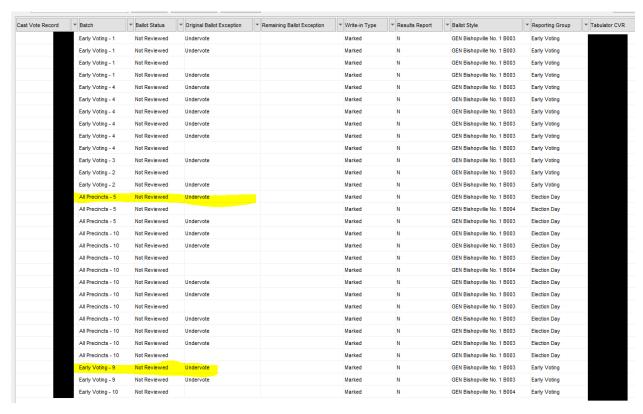
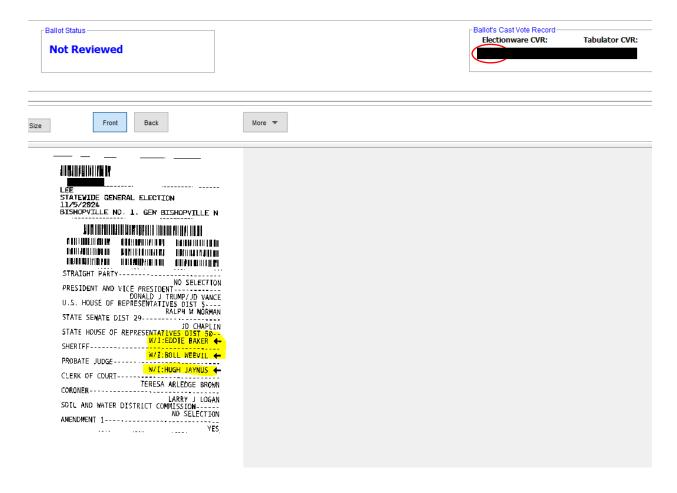


Image of a ballot scanned into the Election Day Reporting Group. You will notice the three distinct Write-In selections.



Cast Vote Record (CVR) from the ballot image on the previous page. This verifies this ballot was indeed cast into the Election Day Reporting Group.

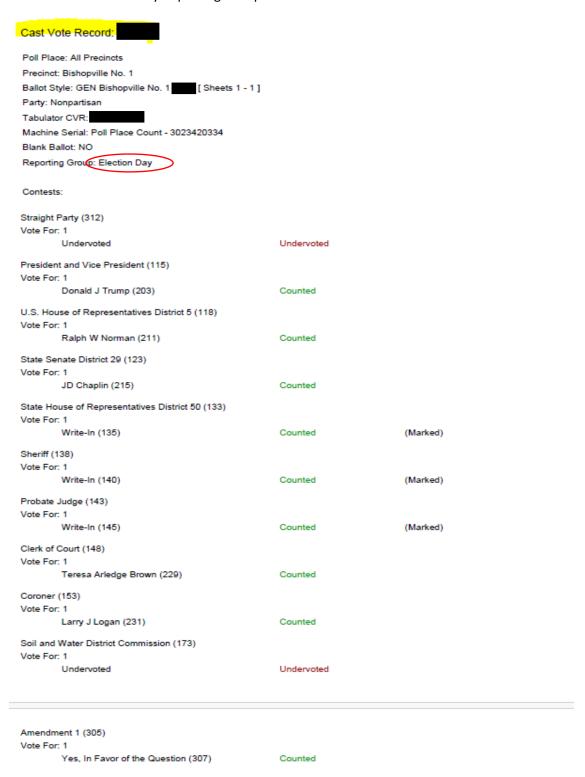


Image from a ballot scanned into the Early Voting Reporting Group. You will notice the three distinct Write-In selections.



Cast Vote Record (CVR) from the ballot image on the previous page. This verifies this ballot was indeed cast into the Early Voting Reporting Group.



Below are the vote totals from the 288 early voting ballots that were determined to be scanned twice during the recount. The totals are almost identical to the excess number of votes in the Election Day Reporting Group for the recount (Displayed on Report Page-1). The only difference being 2 votes in Bishopville 4 precinct (as noted on Report Page-1)

Early Voting Batches 9 and 10							
Polling Location	Chaplin	Malloy	Undervotes	Total			
Bishopville 1	4	30	3	37			
Bishopville 2	3	21	2	26			
Bishopville 3	10	25	0	35			
Bishopville 4	12	50	3	65			
Cypress	7	16	0	23			
Elliott	1	18	0	19			
Lynchburg	0	8	0	8			
Manville	0	21	1	22			
Mt. Clio	8	4	0	12			
S. Lynchburg	3	0	0	3			
St. Charles	7	28	3	38			
TOTAL	55	221	12	288			

The distinct Write-In selections, the totals from last batch of early voting ballots and the fact that ballots scanned into the last batch of early voting had similarities to ballots scanned in the Election Day Reporting Group in each precinct brings us to the conclusion that the last batch of early voting ballots had already been scanned into the Election Day Reporting Group and were scanned again in the Early Voting Reporting Group. Thus, erroneously doubling totals in the recount tally.

Total ballots cast on election night: 4812

Subtract the 360 test ballots cast: <u>-360</u>

4452 ballots cast for original tabulation.

Total ballots cast for the recount: 4739

Subtract the double scanned ballots: <u>-288</u>

4451 ballots cast for recount.

\*Remember that no test ballots were present in the recount data.

### **Final Lee County Recount Tabulations**

	Lee County Recount Tabulation								
	Ballots Cast	Election Day	Early Voting	Absentee by Mail	Failsafe	Provisional	Failsafe Provisional	Total	
Chaplin	4451	468	679	43	0	0	0	1190	
Malloy	4451	1195	1894	82	0	4	0	3175	

<sup>\*</sup> Recount results used for final tabulation. Recount did not account for 1 ballot and 2 votes.

State District 29 Final Tabulation							
Chaplin	24,783						
Malloy	24,529						

<sup>\*</sup>This is the recount number from all counties including our evaluation numbers.