Good afternoon,

I last spoke to you on December 5th about the Logic & Accuracy test of our Election Machines.

During that meeting, Commissioner Fletcher asked Mr. Bilyeu if he could find out more about the issue and report back.

I received an answer through Commissioner Fletcher with the Elections Dept response on December 12th.

I sent a rebuttal to their answer to all of you and the Election office on December 15th and have yet to receive an answer, but it was the holidays, so I hope to hear something back soon.

Here are some snippets from that rebuttal:

The Elections office admits that there was testing happening in the back warehouse during the L&A test, but they state that they were testing the hardware. Here is my response.

a. I personally witnessed what I believe to be LNA testing after the public portion. I was scheduled for Ballot Board on Oct 10th and when I walked through the warehouse, I saw multiple machines (pretty much the entire warehouse) with the words "Logic and Accuracy" on the screens. Why would they have that screen up if they had finished the LNA on Friday the 7th while the public was there?

b. I have a sworn affidavit under penalty of perjury from a citizen who asked and was told that the procedure in "both rooms were the same."

c. I also have testimony from an election judge that questioned the tech assigned to her location The tech told her that they performed the LNA testing over the weekend following the Public LNA testing.

The code says that THE Logic & Accuracy Test MUST be public.

2. There are numerous actions that must be included in the L&A test according to TEC 129.023 that were either not done, or not done in a public way. And I listed them in my email.

3. The second part of my speech was about the Demonstration of the Hash. Both the Law AND SOS Advisory state that the Hash Validation is part of TEC 129.023. The title of that section of the law is PUBLIC TEST OF LOGIC AND ACCURACY. It says in this section that the General Custodian must "demonstrate using a representative sample that the source code has not been altered." I believe this means that they are to demonstrate to whoever is in attendance during the PUBLIC L&A. This particular test was done four days before the L&A, and those in attendance were not allowed to see a demonstration.

The L&A test that was performed in October was not acceptable. And the citizens of Collin deserve better. If Collin is the “model of how to run elections” according to the SOS, then we should follow the TEC so that the public is confident in our elections.

One last note, I noticed while reading the SOS Audit report that Collin County did not have an LNA notice for the 2020 General Election. So I looked at all of the public notices back to 2018 and only found one notice for last Oct. Has Collin been doing the L&A testing on its machines or was the last election the first time they followed the law?