



October 11, 2024

Dear Mr. Pinney:

We would like to request a conference call on Tuesday morning 10/15/24 at 11 am with you and Senators Bryan Hughes, Bob Hall, and Tan Parker to discuss our concerns about the upcoming election and the items of concern listed below from the SoS and AG visit to the Dallas County Elections Dept on 10/8/24.

To be included on this call are the representatives from the DCRP who were present during the SOS and AG visit on 10/8/24.

Some of our concerns include:

The Logic & Accuracy test that failed on 9/18/24, and the Logic & Accuracy test that failed again on 10/8/24 were never fully explained or documented in accordance with TEC 129.023(e)(1)(b) and (e)(1)(c). We were only told it was a programming error. The lack of explanation and documentation of the remedy are Election Code violations of the foregoing Code sections. As it stands right now, Dallas County does not have a valid, lawfully completed L & A test and certification of the Central Accumulator for the November 2024 election. We received no answer as to who did the programming: ES&S or Dallas County Elections? Who is responsible for the test's failure? After further thought, we have more questions about the answers we were given.

All the DS 200s that were used and looked at had very low protective count (odometer). Most had 14 and all had less than 50. In the past, the protective count number on the DS200s had been in the 1,000s. Were they reset over the summer? What is the reason they all have low numbers? Are they running illegally certified software? We believe that TEC Sections 121.003(7) and TEC Section 122.033(4)) have been violated relative to the low protective count. We are heading into the November election with potentially illegally certified software running on Dallas County's DS200s. This is unacceptable.

The predetermined test ballots that were entered into the ExpressVotes on 10/8/2024 and subsequently cast into DS 200s had errors in the test ballots. The ExpressVotes operated in a faulty manner, as observed by our Party's personnel. This issue was not addressed or resolved on 10/8/2024. The results from the source documents (the ballots), and the errors they generated, on a percentage basis, was very large for such a small sample, but there didn't seem to be much concern about it. The faulty results from the ExpressVote machines were not documented, no fix was observed to be made, and no final certification document was signed by anyone on 10/8/2024. Thus we are heading into the November election with faulty ExpressVotes that may be running illegally certified software. Additionally, no certification document was signed at the end of 10/8/2024, and therefore we, again, have violations of TEC 129.023(e)(1)(b), (e)(1)(c) as it pertains to the ExpressVotes' errors.



You said you would be giving a report about results and findings. When do you expect the report to be available? When will you send it to us? This is a public document and we would like it forwarded to us when complete.

A report to the Secretary of State will not fix the very grave problems of a Central Accumulator that failed the L&A test on 9/18/2024 and 10/8/2024, DS200s with low protective count observed on 10/8/2024 that defies explanation and are likely in violation of TEC Section 121.003(7) and TEC Section 122.033(4), and ExpressVotes that generate ballots that do not reflect the selections of the voter, indicating the machines are likely running uncertified software.

These concerns are extremely serious and we expect immediate action to resolve these issues, including the decertification of Dallas County's voting system equipment pursuant to the Secretary's authority in TEC Section 122.003(a).

Heider Garcia should already have a contingency plan in place for the county in the event of equipment failure pursuant to TEC Section 129.056. We need to review his plan and see what can be done to protect Dallas County voters. Please obtain Dallas County's plan immediately from the Elections Department so that we and the Secretary can review it.

We expect the Secretary to protect Dallas County voters from the likely wrongdoing that has occurred with our voting system equipment and use the remedy that is available to us through the power granted to her in TEC Section 122.003(a).

We will not accept election results from voting system equipment that has known issues, especially if the Secretary does not use her lawful authority to address these before early voting begins.

Next week we will provide you with additional items of concern. If you would like to suggest another time on Tuesday for us to speak, please let us know.

Sincerely,

A handwritten signature in black ink that reads "Allen West".

Lt. Col. Allen West (Ret.)
DCRP Chairman