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Argyle ballots broken down

Irregularities revealed in combined election

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By Peggy Heinkel-Wolfe Staff Writer

ARGYLE - Poll workers in Argyle's 2008 combined town and school election made scores of errors, including giving different ballots to people in the same household, a Denton Record-Chronicle analysis has found. An analysis of the voting roster - the log signed by each voter as they checked into the polls - together with county records found dozens of irregularities in Argyle's May 10 combined election.

Some residents, including several candidates, were concerned that a combined school and town election in Argyle invited not only confusion, but also abuse - a concern voiced long before a Bartonville couple allegedly cast their illegal ballots in the election.

Voter identification problems have become a statewide issue.

Last week, the Texas Senate passed SB362, a bill requiring photo identification for voters. Whether it will pass in the Texas House of Representatives remains unclear.

Combination complexities

Stretching east through Bartonville, south into Flower Mound and north into Denton, the Argyle Independent School District covers a much wider area than the Argyle town limits.

According to the roster each voter signed as they arrived at the polling places, 1,364 people showed up to cast ballots in the combined election.

Town Secretary Codi Delcambre said that the election brought more provisional voters than ever before. Officials had problems verifying people who said they'd registered to vote on the last day or wanted to change their address on the spot.

"Even when we called on Saturday to verify, they weren't in the system," Delcambre said.

If an election worker suspects a person isn't eligible to vote, they aren't supposed to challenge them directly. Instead, they mark the ballot as provisional and determine eligibility later, Delcambre said.

Of the 31 ballots officials marked as provisional, Denton County Elections Administrator Don Alexander rejected 23. Alexander determined that the remaining eight could be counted only in the school election.

The school district's canvass - its official results voted on by the school board - counted 1,340 ballots, 24 less than the total number of people who showed up to vote. But the town's subset - 858 ballots - appears to have included provisional ballots, the analysis found.

Provisional math

The town's original canvass - the official results adopted by the Town Council - listed 818 ballots, which Delcambre said later was a typographical error. Final results from Denton County Elections Administration computer records showed 858 ballots were counted to produce the final tallies in three hotly contested council races.

According to the voter rolls, a maximum of 859 people were eligible to cast ballots in the town's election, including 12 of the 31 provisional ballots.

In addition to problems with the provisional ballots, records also show that poll workers evaluated another 32 voters' identifications and marked the rolls as such, without also making the votes provisional. Some of those voters were on the rolls, though election workers apparently couldn't find them.

But it is unclear why other voters, such as Jennifer Danette Seay, who was last registered to vote in Dallas in 2004, were not provided a provisional ballot. Elections administration records show that Seay's registration was suspended in December 2005 when her voter registration card was returned undeliverable. Her voter registration has since been canceled, Alexander said.

Seay could not be reached for comment.

In processing the original voter registrations, elections administrators had already determined which Argyle voters were eligible for only the school ballot, but the roster showed that poll workers also gave at least 11 of them a town ballot.

At least 17 other voters didn't get a town ballot, even though elections administration records showed they were eligible for both ballots.

Furthermore, the elections administration erred in determining the residency for at least 11 additional voters, although Argyle election workers provided the correct ballots to five of them, the analysis found. Jackie Thomas, who has served as election judge for several Argyle elections, said the voter rolls are better than they were a few years ago, when residency for voters on Hunter Hill Road came into question.

Fewer than 100 votes separated winners from losers in two of the three Town Council races on May 10. In the school district's at-large race, incumbent Randy McKellar lost his seat by 29 votes.

Second-chance ballot

Argyle resident Reg Read was one of the 17 voters eligible to vote in both elections who was, at first, provided only a school ballot. He questioned the voter identification process, which appeared to him to be relying on unofficial maps.

He went to Town Hall on the last day of early voting and presented his driver's license to vote. After making his choices for the school board, the electronic voting machine signaled the end of his ballot with a waving flag. He complained to a staff member that he was locked out before being offered the town ballot. He said he was surprised when the employee pulled out a commercial map and told him that since he lived on Frenchtown Road, he wasn't eligible to vote in the town election.

Read, who pays town taxes on his home, waited about 30 minutes for the town secretary to return and set things right.

"She punched a couple of numbers into that machine and got me another ticket to vote in the city election," Read said.

Alexander said that the way the electronic voting machines are set up, there is no way to separate the two ballots. If Read was given another code to vote, he would have had a chance to cast another school ballot, in addition to voting in the town's election.

With that second-chance ballot, Read insisted, he voted only in the town's election and no school ballot ever came up on the screen.

A costly race

The divisive election ended some friendships, said Read, who put signs up for incumbents Mark Bogosian and Jayne Marshall at his home and business.

Local developers John Michaels and Teresa Rather headed up a political action committee to oust Bogosian and Marshall, spending more than \$9 per registered voter to support their slate of candidates: Dona Schroetke, Joey Hasty and incumbent Joe Phelps.

Though they live in Bartonville, Rather and her husband, Ralph, also cast ballots in the Argyle election.

A grand jury indicted each of them on an illegal voting charge, a third-degree felony. Their case continues in Denton's 16th District Court, with a pretrial hearing scheduled for Thursday. Both have filed a brief of residency and a motion to dismiss the indictments.

The Rathers' defense attorney, Rick Hagen, said that residency is a gray area of the law.

"The vagueness of the law is what can make elections so difficult," Hagen said.

Keeping an eye out

Longtime residents Maureen Meyer and Glenice Norton were among those concerned about ballot confusion and possible abuse. They agreed to help when Bogosian and Marshall asked them to be poll watchers. They checked on the election's progress periodically during early voting and took turns monitoring the election on the final day. Both said they were surprised at the amount of casual conversation between election workers and some voters, since they had been told it was not permitted.

During early voting, residents signed the combination roster next to their address, as required by law. But on the day of the election, poll workers entered only voter ID numbers on the roster, allowing voters to sign without attesting to their residency, records show.

At one point, Norton said, she watched an election worker order a town ballot for someone living on David Fort Road, even though the road lies outside town limits. She challenged the decision, she said, and believed that voter was provided only a school ballot.

But neither caught the worker who determined that Daniel Stoddard Onstot should be provided both ballots. He is registered to vote at the same Hickory Hill Road address as his father, Daniel D. Onstot, who voted early and was provided only a school ballot. Denton Central Appraisal District records show the Onstots do not pay municipal taxes on their Hickory Hill home, and elections administration records do not show either man eligible to vote in the town election.

But Daniel Stoddard Onstot said he wasn't surprised he was given a town ballot.

"I went there to vote in the town and the school election," he said. "I didn't ask him [my father] who he voted for."

Similarly, Brian and Gina Kanzaki showed up on different days during early voting. Gina Kanzaki was provided both ballots, even though the couple's home is outside town limits. Brian Kanzaki voted the next day and was provided only a school district ballot. The couple did not return a call for comment.

Both poll watchers were present when the votes were tallied at the end of the day. Norton said she asked to make sure no one else on David Fort Road was given a town ballot.

Meyer said that when it came time to consider the provisional ballots from early voting, she recalled instructions relayed from Alexander, saying that "it was up to us" whether they were counted.

Alexander had determined that eight of the 23 provisional ballots cast during early voting could be accepted for counting. None of the eight additional provisional ballots cast on the day of the election were eligible.

As they were cleaning up, Meyer said, she was surprised to see a printout from the elections administration that had all the voters coded with where they were eligible to vote. It appeared untouched.

"I wondered why they didn't use it," Meyer said.

Subsets

All of Argyle lies in Precinct 414, but the precinct also includes some county properties. The Denton County Elections Administration has subdivided the precinct and coded voters accordingly. Only voters in Precinct 414-02 are eligible to vote in town elections. Voters in precincts 414-01, 414-03, 414-04 and 414-05 are not.

Neither Norton nor Meyer could recall any time during the day when an election worker referred to a voter's residence by their full precinct number, including the subset designation.

Alexander said he could not remember whether he told Argyle election workers about the subset designations. When his department provides the voting machines, it also provides voter lists showing eligibility and rosters with bar codes that allow elections administration to track back voting records.

"I can't do much if they don't use it," Alexander said.

Thomas said that she'd asked Delcambre about using the bar-coded roster but was told it was unavailable. Instead, they identified voters from their driver's licenses and referred to other printouts when a voter's residency was in question, Thomas said.

Voters living in Dallas, Denton, Flower Mound and outside Argyle town limits on Hickory Hill Road were provided town ballots. One of those voters was a high school student who came with classmates - all voting for the first time as part of their high school government class.

More confusion ahead?

Of last spring's candidates reached by phone, most said they saw voters' confusion, and some questioned whether the election workers identified voters properly.

Denise Sizelove, who lost her bid for the school board, was one of several who expressed concern whether voters could be assured nothing untoward had happened.

"I'd be so disappointed, on a scale this size, if someone felt that was necessary," Sizelove said.

Sen. Jane Nelson, R-Flower Mound, said she supported the voter identification legislation because elections need the same safeguards as banks, airports and movie rental stores.

"This legislation is meant to ensure fair elections and deter the type of voter fraud that is unfortunately occurring in Texas," Nelson said in an e-mail.

More combined ballots are planned this spring, including in Aubrey and Pilot Point. In Argyle, after one candidate withdrew from the only contested race, the town secretary announced that Argyle will cancel its part of a planned combined election.

Alexander said Denton County voter rolls are a lot cleaner than they have been in the past. He has been working with his department's programmers to determine the different permutations needed for the spring ballots.

But there is no way to eliminate the need for a poll worker to evaluate a voter's identification and decide which ballot they get, he said.

"That's up to the election judge," Alexander said. "That's why they've got to get the best people they can in there, making those decisions."

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We built a database of all the information provided on the signed voter rolls, including names, addresses, date of voting and the type of ballot provided (if known).

Before linking the database to the roster of eligible voters in Argyle Precinct 414 (through their unique voter ID numbers), we examined addresses in some known trouble areas and determined that at least three homes on Hickory Hill Road and FM407 had been classified by the Denton County Elections Administration as inside the Argyle town limits when Denton Central Appraisal District records show them as outside.

For the first two days of early voting, we did not know which ballot was provided to the first 152 voters. But beginning April 30, election workers indicated on the signed voter rolls whether voters were given only a school ballot, or both school and town ballots.

Knowing that Denton County Elections Administration assigned subsets in Precinct 414, and that only voters in Precinct 414, Subset 02, were eligible for both ballots, we queried the data for irregularities related to that designation.

The three main questions we asked of the data were:

- Which school-only voters in Precinct 414 were given both ballots?
- Which Precinct 414 voters eligible to vote in both elections were provided only school ballots?
- Which school-only voters from other precincts were given both ballots?
- Peggy Heinkel-Wolfe with Trevor Williams, database design

Here is a look at the statistics from Argyle's town and school board combined election in May.

Number of signatures on the voting roster: 1,364

Number of provisional ballots: 31

Number of provisional ballots the elections administration accepted for counting: 8 (school only)

Number of provisional ballots the elections administration rejected for counting: 23

School ballots counted: 1,340

Town ballots counted: 858

Ballots otherwise qualified - but not marked provisional - by election workers: 32

Out-of-town voters coded in-town by the elections administration: 6

In-town voters coded as out-of-town by elections administration: 5

Out-of-town voters provided a town ballot by election workers: 11

In-town voters not provided a town ballot by election workers: 17

Vote difference between winners and losers in the election:

School board: 29

Town Council Place 1: 95

Town Council Place 3: 86

Town Council Place 5: 210

SOURCES: "Combination Form, Poll List/Signature Roster, (Affadavits)" for early voting and election day, April 28 through May 10, 2008; Official Results Denton County Elections Administration; Official canvasses by the Town of Argyle and Argyle ISD.