

# AUDIT USA

Americans United for Democracy, Integrity and Transparency in Elections

October 7, 2018

Timothy J. Hallett  
Associate General Counsel  
Election Systems & Software, LLC  
11208 John Galt Boulevard  
Omaha, Nebraska 68137

Dear Mr. Hallett:

I am in receipt of your letter dated September 27, 2018, requesting that "AUDIT USA immediately cease and desist unauthorized use of ES&S' Copyrighted Materials in any media or form, including posting on your website."

We appreciate your interest in AUDIT USA's activities in serving the public interest and contributing to the public's right to know how our elections are conducted and verified. As you must know by reading the website, AUDIT USA is dedicated to bringing transparency and public oversight to U.S. elections in order to ensure that election results are accurate and to enhance the public's trust in election outcomes. In these times of documented election interference, such transparency and public oversight are especially critical to the success of our democracy.

Therefore, we must respectfully decline your request to "cease and desist." As an attorney engaged in copyright law, you undoubtedly are familiar with the "fair use" doctrine which protects the activities objected to so long as they are performed in the public interest. Clearly, the activities you object to are covered by the fair use doctrine. In fact, other manufacturers of voting equipment have in the past unsuccessfully attempted to prevent individuals and non-profit entities, like AUDIT USA, from similarly acting in the public interest by publicly providing copyrighted information related to the public's right to know. As a company engaged in what is essentially a public activity, i.e., voting, you surely must recognize that the public has a right to know how election results are produced and that they be publicly verified.

I would add parenthetically that AUDIT USA has been very complementary in describing the transparency potential of the digital voting equipment manufactured by your company. We intend to continue to praise equipment that provides methods for elections to be transparent, track-able, and publicly verified.

Thanks again for your interest in AUDIT USA.

Sincerely,

Chris Sautter  
Attorney at Law.  
sauttercom@aol.com  
<http://www.american.edu/spa/faculty/sautter.cfm>