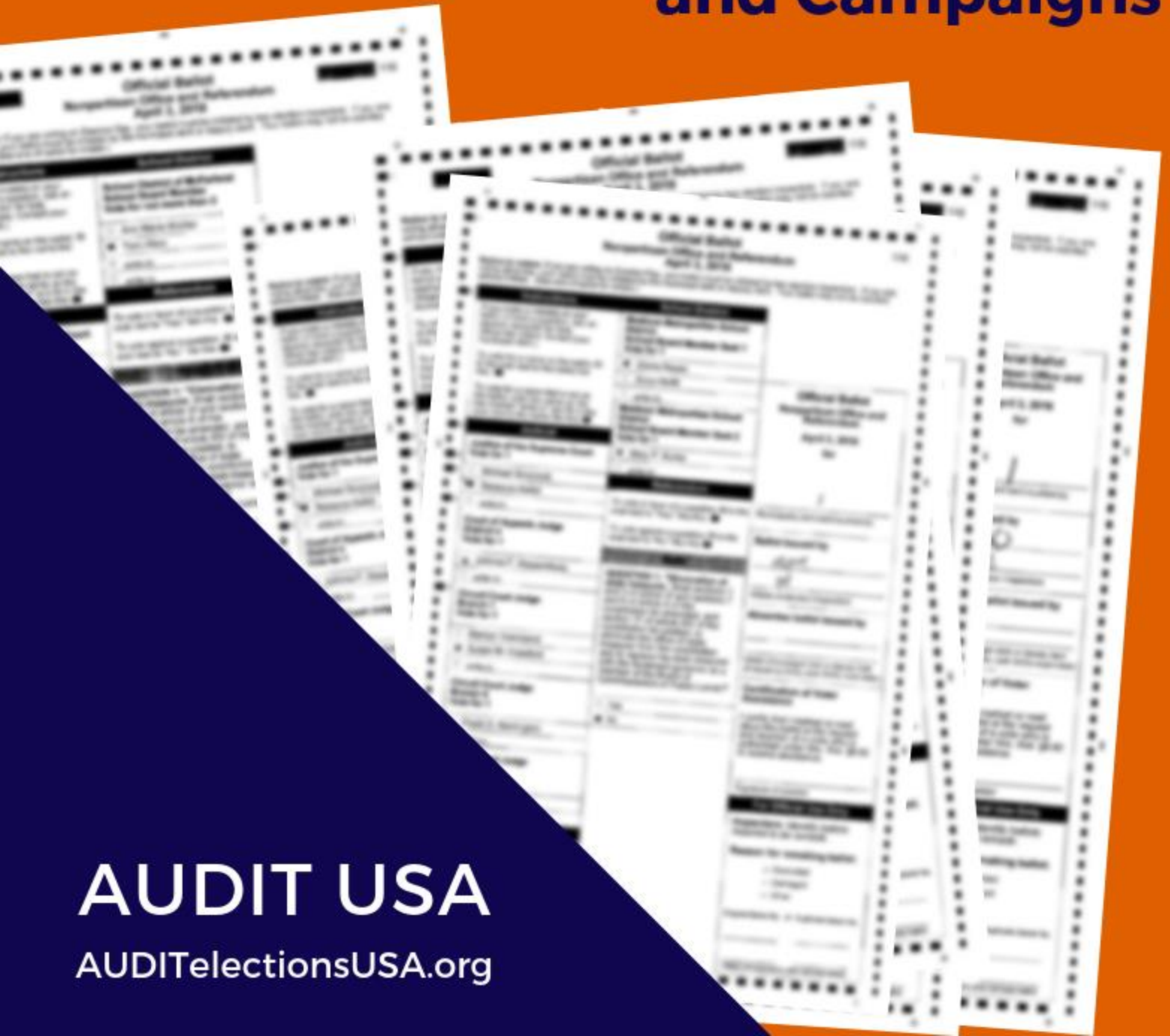


2018 Edition

Ballot Image Audit

**Guide for Candidates
and Campaigns**



AUDIT USA

AUDITelectionsUSA.org

Ballot Image Audit Guide for Candidates and Campaigns

This document contains **PART ONE** of the Guide. You will receive an email from team@AUDITelectionsUSA.org when **PART TWO** is ready for download. We'll also email you when significant updates are made to this guide.

Important: If you received this document in some way other than from filling out a request form on our website, we strongly recommend you **complete the form now** so you'll be included in emails announcing updates to this guide. Go to AUDITelectionsUSA.org/candidates

Version 1.1

Published November 26, 2018

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INTRODUCTION

AUDIT USA (Americans United for Democracy, Integrity, and Transparency in Elections) is working to make elections transparent, trackable, and publicly verified. We've created this guide to help you verify or challenge the official election results in your race.

Our approach is centered around a security feature present in several of the most commonly used electronic voting systems in the nation. These systems are known as "digital scan election systems," and they're used to count votes on paper ballots.

Digital scan systems are an update to the old technology known as "optical scan," although many people confuse the two. Digital scan systems are in use in at least one location in nearly every state, and are used statewide in several states. If they're used in the state where your campaign or issue was on the ballot, you may be able to conduct your own "Ballot Image Audit" to check whether the machine generated vote totals are accurate.

If the computers used to count our votes were secure and completely trustworthy, there would be no need for this system of checking the vote counts. But the computers are far, far from secure or trustworthy. They nearly all run on proprietary software that even election officials are not permitted to examine. They have repeatedly proven to be vulnerable to hacking and rigging. And they've been shown to be designed to conduct "weighted" elections, where some votes are counted as greater than one and others as less than one whole vote¹.

Election officials and others may tell you that they know their machines are counting properly because "logic and accuracy" testing has been performed prior to the elections. But logic and accuracy testing has a fatal flaw: computers can be programmed to perform one way during the test, and a totally different way in a real election. The Volkswagen emissions scandal provides a real-world parallel: over half a million diesel-powered cars had defeat devices installed that caused the emissions controls to turn on when the cars were being tested, and turn off when the vehicles were on the road.

Tragically, we cannot trust the official vote tabulation systems in use across the country to count our votes accurately. That's why AUDIT USA and others² have developed methods and tools to use to check official vote counts.

¹ See <https://youtu.be/C3BKz02t2wA> and <http://blackboxvoting.org/fraction-magic-1/>

² See Appendix 4, "Resources"

Digital Scan Election Systems: A Brief Overview

Digital scan election systems, as mentioned above, are used to count paper ballots. They can be used for ballots voted at the precinct, at early voting centers, or by mail. Some election jurisdictions use the same system for all three of these types of voting, while others have multiple systems in use.

Unlike the older optical scan systems which count the votes marked on the paper ballots, digital scanners take a digital image of each ballot and *count the votes on the image, not on the paper ballot*. Some of these systems have a built-in ink jet feature that stamps an identifying number onto the ballot and a number onto the image, so the images can later be paired with the corresponding ballots to verify authenticity. Neither these numbers nor the images themselves identify the voter, so this system does not compromise the right to a secret ballot.

Why Digital Ballot Images Are Important

In recent history, candidates and voting rights advocates have often sought access to paper ballots in order to perform hand counts to verify the official computer-generated totals. These requests are routinely denied by most election officials, who generally cite concerns about the paper ballots being tampered with if they are handled by candidates or other members of the public. In some cases, the people requesting the records have been told that they can't see the paper ballots unless they (the requester) can prove fraud. But that's a Catch-22 situation, since the proof of fraud is in the paper ballots!

The existence of digital ballot images addresses concerns about possible damage to paper ballots if they're handled by the public. Multiple copies of the digital ballot files can be made and distributed to candidates, voting rights advocates, and the media without any possibility that granting this access to public records will result in damage to the paper ballots. Creating these copies is quite inexpensive.

How Digital Ballot Images Can Be Used in Post-Election Audits

The Ballot Image Audit (BIA) is a new method of public verification of elections that has been made possible by the advent of digital scan election systems. This protocol is currently in beta stage, as it has not yet been used to verify or dispute official election results. Small pilot projects and research projects have been undertaken to develop the BIA process.

A ballot image audit is a comparison of vote totals arrived at by actually counting the votes on the digital ballot images with a) official vote totals and b) at least a statistically significant number of the paper ballots. This means it performs the crucial task of checking whether or not the computers are counting votes properly.

Interested parties can obtain digital ballot images and essential related records from local election offices through public records requests or through the discovery process if a court action has been filed. Note that while we believe at the time of publication of this Guide that the law clearly supports treating ballot images as public records, we do know of situations where election officials have declined to make these records available³.

The ballot images can be displayed one at a time on a computer or projected onto a screen or wall so a small team of people can count the votes on the images quickly. AUDIT USA has tools available to make this process efficient. One small team can count approximately 1500 votes per hour. Multiple teams can be used if needed. Depending on the specifics of your situation, you may choose to count:

- a) All of the votes cast in your race and one or more other races across all precincts
- b) All of the votes cast in randomly selected precincts
- c) A percentage of randomly selected ballots from across all precincts, increasing the percentage if needed to refine the audit.

Your choice from among these options should be made thoughtfully based on factors including the number of votes cast, the anomalies you're researching, and the resources (primarily time and number of people) available to you.

If the difference between the official vote count and the findings of the initial BIA is significant, election officials or the courts should then grant access to the paper ballots for comparison. **This comparison with the original paper ballots is essential to confirm that the ballot images provided by the county are the exact images created from the paper ballots. If the secure chain of custody has been maintained, a discrepancy in vote totals would be evidence that neither set of data (paper ballots or ballot images) has been subjected to tampering.**

The Ballot Image Audit is a new tool in the election security toolbox, one that we believe has the potential to increase the public's ability to provide oversight of our elections. But even a BIA doesn't solve all the problems with our election systems. Before you embark on the process of conducting a BIA, we encourage you to understand what's involved, what a BIA does and doesn't do, and whether your particular election lends itself to examination through the BIA process. This guide is designed to help you understand and evaluate the BIA option as it applies to the election you're examining.

It's crucial that you perform your BIA in a professional manner, carefully documenting precisely what you're doing, so that you can make a strong case for its findings to be considered as valid by courts, election departments, or other administrative bodies.

³ See <https://law.justia.com/cases/new-york/appellate-division-third.../2018/524876.html>

Limitations of the Ballot Image Audit

Election systems and procedures have other vulnerabilities that a BIA cannot address. For example, if the chain of custody of election materials including ballots and voting system memory cards is not secure, you could be given a set of digital ballot images that have been manipulated, or even a fake set of ballot images.

Similarly, a BIA cannot detect manipulation of election results via absentee ballot envelope signature matching or other methods of disqualifying certain ballots from the count.

It's important to understand the role of a BIA as one only tool –albeit an important one– in the election security toolbox.

To reiterate, what you can check by conducting a BIA is *whether the machine generated vote count of the digital ballot images you have been given is correct.*

Beyond the Vote Count: Additional Reasons for Conducting a Ballot Image Audit

Whether you're a candidate, the leader of a campaign, or a voter, you're reading this because you care about fair elections. The BIA protocol is one of the best tools we have to protect elections in the foreseeable future. Findings from BIAs could result in strengthening election laws and procedures, catching and prosecuting election criminals, and even deterring election manipulation. By participating in the beta stage of development of the BIA protocol, you're at the cutting edge of election protection. AUDIT USA looks forward to supporting you in standing up for the rights of voters and candidates to have elections that are deserving of the nation's trust.

DOES YOUR RACE MEET THE SUGGESTED CRITERIA FOR CONDUCTING A BIA?

Not every election is a 'candidate' for a Ballot Image Audit. The first step for you is to assess whether a BIA can and should be performed on the election in question. This section will walk you through that evaluation.

Criterion #1: A digital ballot scan election system was in use.

As explained above, digital ballot images are produced in certain voting systems that count paper ballots. If your race was conducted entirely on the old optical scan systems or DRE machines (also called 'touchscreen' voting systems), or a combination of the two, a BIA will not be possible for you.

ACTION STEP: Check which election systems were used for your race.

You may be able to find out what voting system(s) are used from the election department website(s) in the jurisdiction where you or your issue were on the ballot. Additionally, election security non-profit VerifiedVoting.org has an excellent tool called The Verifier that you can use to identify the voting system or systems used in your election.

Here's how to use it:

- Go to <http://verifiedvoting.org/verifier/>
- Select your state from the map or the dropdown list.
- Select your county/parish from the map or the dropdown list.
- If necessary, select your county division (town, district, etc.)
- Below the map, you'll see a list of the election systems used in this jurisdiction. There may be one for polling place voting, one for early voting, and one for absentee/vote-by-mail voting. Log these on the Voting System Log in the appendix of this Guide.
- Look up each of the systems on your log sheet in the digital scan voting systems chart below. Note on your log which of the systems used is digital.
- If your race spans more than one county, repeat the steps above as necessary to identify all voting systems used.

Digital scan voting systems currently in use in the U.S.	
Vendor*	Model
Dominion Voting Systems	ImageCast Precinct
Election Systems & Software	DS200
Hart InterCivic	Ballot Now
Hart InterCivic	eScan
Hart InterCivic	Verity Scan
ClearBallot	ClearVote
Dominion Voting Systems	ImageCast Central
Election Systems & Software	DS450
Election Systems & Software	DS850
Hart Intercivic	Verity Central
*Nearly all of these vendors also have models that are <i>not</i> digital scan and don't produce ballot images.	

If ALL of the votes were counted using one of the digital scan systems listed above, your race has passed this hurdle.

If NONE of the votes were counted using a digital scan system, you cannot do a ballot image audit, because there are no ballot images to audit. Options for examining the results of elections conducted using other types of voting systems are beyond the scope of this guide.

If some of the votes were counted using digital scan systems and some were counted using other systems, you have a decision to make. While an audit in these circumstances might be able to demonstrate that the system is not counting votes accurately, it will not be able to determine the actual outcome of the race, since you will only be able to audit some of the votes. It's up to you whether this makes sense in your particular situation.

Criterion #2: Announced results of the election were close OR strong evidence indicates reported vote totals are not accurate

While it's technically possible for an election to be manipulated in a way that would produce results with a margin of victory of over 5%, we do not recommend you conduct a ballot image audit when the spread is greater than 5%.

An exception to this general rule would be cases where blatant evidence contradicts the announced vote totals, such as multiple poll tapes with totals that do not match the

official vote totals, or a history of vote manipulation in your voting jurisdiction. See the list of red flags below.

Criterion #3: Red flags raise questions about the official vote count

It is the position of AUDIT USA that all elections should be transparent, trackable, and publicly verified. Until that becomes achievable across the board, we recommend that efforts to verify elections be focused on the races where red flags (warning signs) are present.

Red flags are indications that there *may* be a problem with the election. Sometimes, the same observed factor or pattern has more than one possible explanation. Undervotes provide an excellent example of this. An “undervote” is when there is no vote counted on one particular ballot in a particular race. A high number of undervotes in a race could result from any of a number of conditions, including:

- a) low interest in the race or low popularity of all candidates
- b) poor ballot design (intentional or unintentional), such as the infamous “butterfly ballot” in Florida in 2000⁴
- c) electronic election system calibration issues (intentional or unintentional)
- d) falsified reporting.

We recommend that you think of the red flags listed below as indications that an election needs to be examined further, rather than as proof of fraud.

Red Flags

All of the red flags on this list have been observed in one or more U.S. elections in recent years. While this is not an exhaustive list, it will give you a good sense of what to look for. Only the red flags that could impact vote counts can be examined using a BIA. We’ve included other types of red flags here because they may be an indication that a particular race or jurisdiction has been targeted for “dirty tricks,” and may lead you to want to do a BIA even if no other red flags are apparent.

A page is provided at the back of this guide for you to list the red flags noted in your election.

Voting Machine Problems as Red Flags

- Voting machine malfunctions at the precinct or county elections office
- Failure of a memory card or USB stick on which votes are stored

⁴ <https://www.propublica.org/article/disenfranchised-by-bad-design>

- Electronic pollbook malfunctions that make it impossible to know how many votes should have been cast
- Vendors or others accessing machines during the election
- “Zero tapes” that are missing or show that votes were already on the machine before the election began

Human Behavior as Red Flags

- The destruction or withholding of ballots or other public records
- Charging exorbitant fees for public records
- Public and/or media locked out of somewhere where there should be access
- Absurd explanations by election officials to explain "glitches"
- Ripping the "zero tape" off in the morning instead of keeping it attached to the results tape
- Precincts selected for audit too early, leaving opportunity to manipulate evidence
- Precincts selected for audit by non-random means
- Leaving voting machines or ballots in unsecured locations

Anomalies in Data as Red Flags

- Unusually high number of overvotes or undervotes
- Unusually high number of blank ballots
- Unusually high number of provisional ballots or unequal percentages of provisional ballots across the election jurisdiction
- Highly unlikely results based on local knowledge of voting patterns
- More votes than voters
- Voter turnout rate impossibly high (sometimes over 100%)
- Poll tapes that do not match reported precinct totals
- Unexplained abrupt changes in pre-election polling in month leading to election (this can be a set-up to make manipulated results believable)
- Same proportion of votes to same candidate(s) in previous elections
- Mismatch of number of signatures in pollbook and number of votes at precinct (slight mismatch might be OK if number of votes is lower, as occasionally a voter checks in and leaves without casting a ballot)
- History of vote manipulation in the jurisdiction in question
- Event Logs or Audit Logs with incomplete entries or with entries where the time or other data is wrong
- Election night posting of vote counts on news or election department websites showing vote totals (not percentages) decreasing

- Significant discrepancies between pre-election polls and official totals
- Discrepancies between exit polls and official totals
- Combination of exit polls that are surprisingly congruent with vote totals and pre-election polls that are all significantly off in the same direction
- Unexplainable discrepancies in voting patterns between different types of voting (such as one candidate leading strongly in early voting but trailing significantly in election day voting, in the absence of a news story or campaign strategy that explains the change)
- Mismatch between vote totals and "total ballots cast" (this is sometimes explained by a 2-page ballot when each page is counted as a ballot cast)

Security Breaches as Red Flags:

- Broken chain of custody of election materials (broken, missing, or mismatched seals, torn ballot bags, reports of ballots found in unexpected locations or transported insecurely, etc.)
- "Security theater" such as label-type seals that can be ripped off and reapplied without any evidence that they had been removed.
- Discovery of duplicate seal numbers (in other words, a jurisdiction has ordered multiple copies of the same sets of seal numbers)
- Suspicious activities witnessed or caught on surveillance video, such as after-hours opening of ballot boxes, ballot counting, etc. without the public present.
- Poll workers not following protocol, such as removing a memory card or USB stick without following proper procedures
- Wireless modems connected to voting systems
- Election databases being stored insecurely online

Red Flags Indicating Possible/Likely Voter Suppression Tactics

The red flags listed below cannot be researched or remedied by checking the vote count.

- Electronic pollbook malfunctions leading to long lines & voters giving up
- Ballot design issues (e.g. "butterfly ballot")
- Large numbers of voters reporting that they did not receive their absentee ballots, sometimes after multiple requests
- Voters being told they are of a different political party from the way they registered
- Large numbers of voters being told they have already voted when they haven't
- Large numbers of voters being told they are in the wrong polling place

- Unexplained power outage at an early voting site that prevents people from voting and doesn't affect any other facility except the polling place.
- Unexplained closing of early voting sites for part of a day, especially in area with a large number of voters of color
- The combination of numerous small precincts into one mega-precinct, done in area of predominately minority voters, creating long lines and insufficient parking
- Real or staged cyberattack on county website after the start of early voting that crashes the electronic poll books
- Candidate or contest omitted from some ballots
- Notifications with incorrect information about polling dates and locations
- Staged police actions, military training exercises, road construction, etc. making accessing polling sites difficult
- Relocation of polling places to hard-to-reach areas
- Mass purges of voters from the voting rolls
- Discriminatory voter ID requirements
- Requirements for identifying information not available to all citizens, such as a residential street address
- Extreme “exact match” ID regulations
- Prejudicial processing of voting materials such as qualifying absentee and provisional ballots
- Voter intimidation at or near polling places, or via media campaigns

Where to find information about the above red flags:

Observations by pollworkers, poll watchers, campaign officials, campaign volunteers, election security and voting rights advocates, and voters. Complaints submitted to hotlines. See resources section for links.

Criterion #4: Administrative considerations align to make your findings actionable

Election laws vary greatly by state. These laws will determine what legal remedies are available to you to pursue justice in your election.

We encourage you to educate yourself about the laws, procedures, and practices in your state and county before making your decision about whether to perform a BIA. Resources for finding answers to questions below are listed in the Resources appendix to this guide.

Among the questions you'll need to explore about your state:

- What are the recount laws and timelines? What triggers an automatic recount? Who can request a non-automatic recount, and what are the charges? Are recounts performed by machine or manually?
- What is the timeline for election certification?
- What type of election audit is performed in your state?
- What laws and timelines govern election contests or other available legal challenges? Can challenges made after election certification change official outcomes?
- What are laws and practices surrounding public records requests? For example, how quickly does the law say requesters must receive a response? What does the law say about whether or not paper ballots are considered a public record, and what access the public has to examine them? (In many states, when the public is allowed to view paper ballots, paying election department employees to do the actual handling of ballots is required. This can be quite costly.)
- Have the digital ballot images been saved in your election? What work has already been done to protect ballot images and make them publicly available? (Email team@auditelectionsusa.org with questions about ballot images in your state.)

A page has been provided in the Appendix to this guide for notes about your state's laws, policies, and practices.

NEXT STEPS

You'll need some time to gather the information necessary to make an educated decision about whether or not to perform a BIA. Post-election timelines are quick, so it's important that you get help to gather information as quickly as possible.

If you're seriously considering a BIA, there are two steps we strongly recommend you take right now, even before you make your decision:

Action Step: Photograph poll tapes posted at polling locations.

Poll tapes provide crucial evidence in an election investigation. In most states the public posting of poll tapes at the close of polls is required. The poll tapes may remain visible for a few days or longer after an election.

If it's too late for you to photograph poll tapes, ask in your network whether anyone else has poll tape photos they can share with you. Concerned members of the public increasingly understand the importance of this evidence, and some will collect it in case it is needed.

Action Step: Submit public records request(s) to obtain records for your BIA.

First, check to see if ballot images are posted online on your local or state elections website. (If they are, please let us know at team@AUDITelectionsUSA.org.)

See the Resources appendix to find guidelines for PRRs in your state.

We encourage you to use our template for a public records request, adapting it as needed for your state. [See appendix.]

Costs for the public records you'll be requesting may vary widely, especially because laws regarding requests for digital records are not yet firmly established. Consult your state law for guidance.

Now WHAT?

Once you've made your way through this guide, using the log sheets in the appendix to note how these materials apply to your situation, you may have a clear idea of whether or not to move forward with a BIA. We encourage you to contact us with questions. We can answer some questions by email or phone, and we're also available on a fee-for-service basis to consult with you on your Ballot Image Audit. We're easiest to reach by email: team@AUDITelectionsUSA.org

We know this is a lot to digest, and the aftermath of an election can be a stressful time. We honor you for your commitment to the integrity of elections, and for seriously considering how you can best help assure that the outcome of your election is fair and accurate.

This concludes Part One of the Guide.

In Part Two, we'll provide detailed instructions for conducting a Ballot Image Audit, including how many people you'll need, how much time you'll need, and what equipment and supplies you'll need to gather.

We'll contact you by email when Part Two is available. If you received Part One of this guide in some way other than by downloading it from a link we emailed you, we may not have your email address. Please sign up now to receive the Guide:

<http://AUDITelectionsUSA.org/candidates>

ABOUT AUDIT USA

Americans United for Democracy, Integrity, and Transparency in Elections, better known as AUDIT USA, was established in early 2018 as an expansion of AUDIT AZ, an Arizona-based election integrity and transparency group founded after the 2004 election by John Brakey and Arlene Leaf. Our core team is made up of experienced election security advocates. We use a combination of public education, advocacy, and litigation to advance the cause of election transparency. Learn more at AUDITelectionsUSA.org.

We're supported by donations and small grants. If you found this guide useful, we encourage you to support our work. <http://AUDITelectionsUSA.org/donate>

APPENDICES

Appendix 1: Voting System Log

Look up the voting system(s) in use in your jurisdiction(s) using The Verifier: <http://verifiedvoting.org/verifier>

The Verifier does not distinguish between optical scan and digital scan voting systems. Please use the chart at right to look up each system in use and note whether or not it is a digital scan system.

Note: If you're running in only one jurisdiction, you'll only need one row of the log below. If you're running in a statewide race, you may need to use multiple sheets.

Digital scan voting systems currently in use in the U.S.	
Vendor*	Model
Dominion Voting Systems	ImageCast Precinct
Election Systems & Software	DS200
Hart InterCivic	Ballot Now
Hart InterCivic	eScan
Hart InterCivic	Verity Scan
ClearBallot	ClearVote
Dominion Voting Systems	ImageCast Central
Election Systems & Software	DS450
Election Systems & Software	DS850
Hart Intercivic	Verity Central
*Nearly all of these vendors also have models that are <i>not</i> digital scan and don't produce ballot images.	

Note the systems in use in your jurisdiction(s) below.

Jurisdiction	Polling Place System	Digital?	Early Voting System	Digital?	Absentee/vote-by-mail System	Digital?

Appendix 2: Red Flags Log

Red flag noted	Notes	Next Step

Appendix 3: Notes on Applicable State Laws and Procedures:

Appendix 4: Resources

Election problem hotlines:

You may want to contact these and ask about election problems reported in your jurisdiction:

1-866-OUR-VOTE

<http://866ourvote.org>

The nation's largest and oldest nonpartisan voter protection coalition, led by the Lawyers' Committee for Civil Rights Under Law.

ProPublica Electionland

<https://www.propublica.org/article/electionland-is-tracking-voting-problems-and-getting-results>

Coalition of newsrooms around the country covering problems preventing eligible voters from casting 2018 election ballots

Screen captures of election night posting of preliminary results:

Watch The Count(ies)

<https://sites.google.com/site/watchthecounties/>

Information about Voting Systems, Election Audits, and More

Verified Voting

<http://verifiedvoting.org/verifier/>

Public Records Law & Guides

Reporters' Committee for Freedom of the Press

<https://www.rcfp.org/open-government-guide>

Ballotpedia

https://ballotpedia.org/State_sunshine_laws

National Freedom of Information Coalition

<https://www.nfoic.org/coalitions/state-foi-resources/state-freedom-of-information-laws>

Freedom of Information Advocates

<http://www.foiadvocates.com/records.html>

Reporters Committee for Freedom of the Press

<https://www.rcfp.org/open-government-guide>

Ballot Image Audits

Video demo of Counting Ballot Images:

Wisconsin Election Integrity

<https://www.youtube.com/watch?v=SUmOrTt2DvQ>

The Open Ballot Initiative White Paper

Citizens' Oversight Projects

http://www.copswiki.org/w/pub/Common/OpenBallotInitiative/OpenBallotInitiativeWhitePaper_withsample.pdf

Appendix 5: Template Public Records Request

Public Records Request All-State Template for Ballot Images & Related Materials 2018 General Election Records, AUDIT USA 11-7-18

Notes from AUDIT USA legal research:

- only **red text** should change with different requests
- include email address as requester's exclusive contact info (no phone number, snail mail address, or URL)
- make separate individual requests for any other records sought

An editable version of the template below can be downloaded at <http://bit.ly/audit-prr1>

Template begins below

Jane Servant
People County Supervisor of Elections
3333 First Avenue
Publica MI 33333

November 7, 2018

Subject: Public Records Request of **11-7-18** for **People Co's Nov 6, 2018 General Election Records & Notice re Ballot Images & Associated Records & Data**

Dear **Jane Servant**,

I am requesting public records pursuant to **Florida Statutes Section 119, et seq.**

All requests herein refer to records related to the **Michigan General Election of November 6, 2018.**

All requests are for electronic copies.

Request 1 of 3

All Ballot Images for the **November 6 General Election.**

Inclusions

- each and every electronic or digital Ballot Image file created, held or used by the **County**
- any and all metadata associated with each image
- provided in the format or formats in which they are:
 - a) generated by the voting system
 - b) used by the voting system, and
 - c) exported or exportable from the voting system (e.g., Election Management System), such as the .pbm file format

- Ballot Image files' filenames unchanged from filenames:
 - a) generated by the voting system, and
 - b) linked to their corresponding Cast Vote Records' filenames

Exclusions

This request does not seek to inspect or obtain copies of the paper ballots themselves, or to obtain hard copies of ballot images. It is limited to copies of electronic or digital files.

Likely location

These ballot image files should have been imported into the Election Management System from any and all voting system scanners or imaging components (for example: poll-site based, vote center-based, centrally-based).

People County Elections' digital scanners scan the front and back of each individual paper ballot to create a digital copy. The scanner (or separate voting system component) then captures votes from the scanned copy, NOT the paper ballot. In this scenario, the digital scan is the election material actually counted.

Request 2 of 3

All Cast Vote Records (CVRs) for the **November 6 General Election**.

"Cast Vote Record" carries its common election administration meaning, here designating a digital file containing the information captured off a single voted ballot.

Inclusions

- each and every electronic Cast Vote Record file created, held or used by the **County**
- any and all metadata associated with each Cast Vote Record
- CVR files' filenames unchanged from filenames:
 - a) generated by the voting system, and
 - b) linked to their corresponding Ballot Images' filenames
- provided in the format or formats in which they are:
 - a) maintained by the voting system (e.g., native format), and
 - b) exported or exportable from the voting system (e.g., EMS), such as the .pbm file format

Request 3 of 3

The List of Vote Records (LVR) for the **November 6 General Election**.

- this record or set of records goes by a variety of names, such as Cast Ballot Log or Cast Vote Record(s)
- typically consists of a spreadsheet, with each row displaying contents of one Cast Vote Record
- provided in the format or formats in which it is:
 - a) maintained by the voting system (e.g., native format), and
 - b) exported or exportable from the voting system (e.g., EMS)
- may consist of more than one file

- sample page of the LVR provided as a public record by Hillsborough County FL, obtained from the ES&S DS-850 and DS-200, configured in xlsx format:
http://www.mediafire.com/file/j0fioo493pyogyl/2018_Primary_Cast_Vote_Record_-_1.xlsx/file

In event of denial

If any documents are withheld from production in whole or in part, please provide me an exemption log index of each record or category of records that have been withheld or redacted, the explicit statutory citation exempting the records, and a brief explanation of how the statutory exemption applies to the records.

Notifications

Because **the August 28 Primary and** the November 6 General Election are also federal elections, my records request is also affirmed by federal Freedom of Information Act pursuant to 5 USC §552 *et seq.*

Notice: Pursuant to 52 USC §20701, you are notified that the destruction of digital ballot images is ALSO a violation of federal law:

52 USC 20701 - Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(Pub. L. 86-449, title III, §301, May 6, 1960, 74 Stat. 88

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title52-section20701&num=0&edition=prelim>

Thus, from this Notification, **and the laws of the State of Florida**, you are hereby notified that “ignorance or mistake of fact” is removed as a legal defense, should the digital ballot images (records) be damaged or deleted by you yourself, or by any subordinate.

Method of delivery

It is essential that the method and means of delivery do not insert requester into the records' public authentication chain of custody.

My first choice is for production of all records online by posting on your official website or official publicly accessible portal.

Only if that is not available, my backup choice is by digital media secured against undetectable post-production alteration of the media containing the records (e.g., by hash, by write-once read-only media).

Cost of digital media for records production

I am pleased to compensate the **County** for the cost of digital media onto which to copy said digital ballot images and other records to my possession. According to the U.S. Department of State Freedom of Information Act site at <https://foia.state.gov/Request/Fees.aspx>, the cost to me for such records should not exceed \$25.00. If there are additional costs associated with this records request, please advise and itemize.

Plea for orderly communications by email only

Please use only the email address below for all communications.

Please communicate from a single email address.

Please maintain this subject line intact, in one continuous string to include all correspondence concerning this request.

Thank you for your prompt attention to this request.

Respectfully,

[name of natural person requester]

[requester email address as only contact provided]

CC: AUDIT USA, team@auditelectionsusa.org