AUDIT USA

Americans United for Democracy, Integrity and Transparency in Elections

Exhibit #27. AUDIT USA White Paper

Ballot Images are automatically generated (captured, created) by digital ballot scanners…and therefore must be persevered.
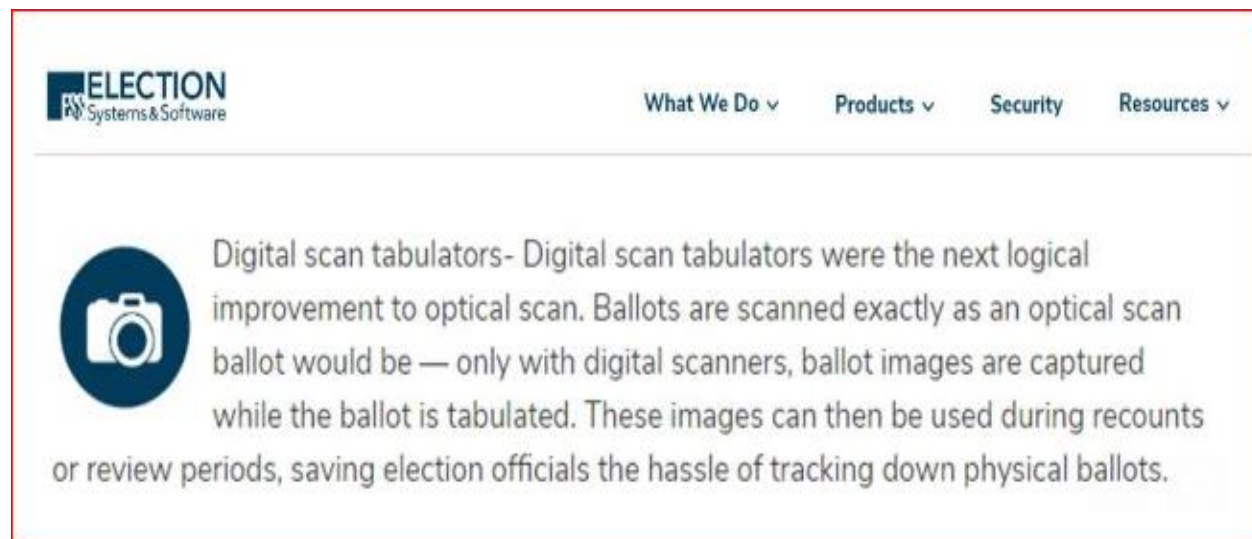
1. **See Exhibit 7,** Affidavit of Susan Pynchon

> On November 12, 2018, Plaintiff Susan Pynchon spoke by telephone to Mr. Ken Carbullido, former Director of Development at Election Systems & Software (ES&S). Mr. Carbullido told Ms. Pynchon that he was "part of a team" that developed the ES&S digital scan voting system. Ms. Pynchon asked Mr. Carbullido if the voting system automatically creates ballot images and he responded, "Yes, of course it does. That's how the system works."

2. *"Ballots are scanned exactly as an optical scan ballot would be — only with digital scanners, ballot images are captured while the ballot is tabulated."*

The above sentence is an excerpt from the ES&S Website, half way down the page: Link: https://www.essvote.com/blog/our-technology/election-systems-and-equipment-101/, taken from the following paragraph, or

Exhibit #28 Website ES&S, Election Systems and Equipment 101 - Images are automatically generated:

ELECTION Systems&Software — What We Do · Products · Security · Resources

Digital scan tabulators- Digital scan tabulators were the next logical improvement to optical scan. Ballots are scanned exactly as an optical scan ballot would be — only with digital scanners, ballot images are captured while the ballot is tabulated. These images can then be used during recounts or review periods, saving election officials the hassle of tracking down physical ballots.

3. *"The DS200…captures the voter's selections and digitally images the ballot."*

The above sentence is an excerpt of **Exhibit 29, "**Florida Qualification Test Report" of the ES&S digital voting system, January 2018: https://dos.myflorida.com/media/698873/ess_evs45301v1_test-report_01182018_4publication.pdf, **Page 5:**

> The DS200 is a voter interface device used to scan paper ballots. It is a precinct tabulator that can also be used for tabulating vote-by-mail ballots (formerly known as absentee ballots). This tabulator captures the voter's selections and digitally images the ballot. The DS200 uses a universal serial bus (USB) drive for downloading the election definition, provides an option to capture cast ballot images on the USB, and provides the election results on the USB. The results data can be directly uploaded into ERM or the DS200 can transmit results via secure wireless or analog network telecommunications into ERM.

4. *"The DS850 uses digital cameras to image paper ballots, capture voter selections on the image, and evaluate results."*

The above sentence is an excerpt from **Exhibit #29**, "Florida Qualification Test Report" of the ES&S digital voting system, January 2018, or https://dos.myflorida.com/media/698873/ess_evs45301v1_test-report_01182018_4publication.pdf, from the following paragraph found on **Page 6**:

> The DS850 optical tabulator is a high-speed scanner for use with vote-by-mail ballot tabulation or contest/race recounts. The DS850 uses digital cameras to image paper ballots, capture voter selections on the image, and evaluate the results. It uses a USB drive for downloading the election definition, captures the cast ballot images on the USB, and provides the results on the USB. The results data are uploaded into ERM. The DS850 also uses two commercial off-the-shelf (COTS) printers, one for printing reports and the other for recording and printing an audit log.

5. *"The DS850 takes a snapshot of each ballot and saves the bitmap on the internal hard drive." [And] "…allows the user to define which ballot images are to be copied to the ES&S Media Device (all ballot images, only those containing write-in votes…or not at all)…"*

The above two sentences are excerpts from **Exhibit 26,** ES&S Voting System Functionality Description, 2015, in the following paragraph on **page 17**:

> The DS850 takes a snapshot of each ballot and saves the bitmap image on the internal hard drive. Each ballot data XML file records the ballot's votes, identifying write-ins (not the actual write-in name image), overvotes undervotes, etc. Once ballots are scanned and saved, the operator can print Results Reports or Export Results to an ES&S Media Device. Either of these options will automatically aggregate the vote data for all the ballot vote image records. Aggregated totals on the ES&S Media Device can then be transferred to a software application for reporting purposes. The user also has the option to transfer the ballot images to an ES&S Media Device for review. Electionware allows the user to define which ballot images are to be copied to the ES&S Media Device (all ballot images, only those containing write-in votes, exception images only, write-in and exception images only or not at all; [not completely implemented in this release]).

6. *"The ES&S DS200…After each successful ballot scan, the software performs a cross-reference check of the counts against the expected ballot."*

The above sentence is an excerpt from **Exhibit #26,** ES&S Voting System Functionality Description, 2015, found in the following paragraph, on **page 16**:

> The ES&S DS200 accumulates votes to an internal running total during the Close Polls routine. This total is stored in both DRAM and the system's Election Media. After each successful ballot scan, the software performs a cross-reference check of the counts against the expected ballot. If no problems are found, the ballot information will be copied to the Election Media and the ballot fed into the ballot box to the appropriate compartment (Write-In or Non-Write-In Sections). However, if the cross-reference check fails, the ballot will be fed back out of the paper transport mechanism, and the system performs the appropriate voting process error handling function.

7. The following two paragraphs are from **Exhibit 30,** Florida Voting System Standards, DSDE-101, authorized by Section 101.015 Florida Statutes, requires all voting system records to be created and "maintained," and requires the preservation of ballot images for 22 months https://dos.myflorida.com/media/693718/dsde101.pdf), **Pages 13 & 19:**

Page 13:

> The voting system shall include the capability to produce records, generated by the system components, or in some cases, by the system operators, from which all operations may be audited. Except for the storage of vote images, which shall be maintained in a random sequence, the records shall be created and maintained in the sequence in which the operations were performed.

Page 19:

> The generation of reports by the system shall be performed in a manner, which does not erase or destroy any ballot image, parameter, tabulation or audit log data. The system shall provide a means for assuring the maintenance of data integrity and security for a period of at least 22 months after closing of the polls.

8. **Exhibit 2,** Ballot Image Files must be preserved for 22 months; Florida Department of State General Records Schedule GS3 for Election Records; 1B-24.003(1)(c), Florida Administrative Code, authorized by Sections 119.021(2)(a), 257.35(7), and 257.36 Florida Statutes; **Page 3, Item #113:**

> **BALLOT IMAGE FILES** Item #113
> This record series contains records of the content of each ballot cast on an electronic voting system. To protect voter privacy, the stored files are randomly sorted so that the ballots cannot be matched to the voting system transaction logs. Electronic media such as memory card chips can be cleared for next election provided ballot image files are printed out and retained in accordance with retention schedule. The retention period is based on Title 42, U.S.C. 1974, Retention and preservation of records and papers by officers of elections.
> **RETENTION:**
> a) Record copy. 22 months after certification of election.
> b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.

9. **Exhibit #2,** Duplicated ballots must be preserved for 22 months; Florida Department of State General Records Schedule GS3 for Election Records; R. 1B-24.003(1)(c), Florida Administrative Code; authorized by Sections 119.021(2)(a), 257.35(7), and 257.36 Florida Statutes, **Page 4, Item #11:**

BALLOTS, OFFICIAL: FEDERAL ELECTIONS   Item #11

This record series consists of voted ballots, including absentee ballots, ballots cast at the polls or at early voting, provisional ballots, and ballots cast at assisted living facilities or nursing homes per Section 101.655, *Florida Statutes*, Supervised voting by absent electors in certain facilities. This series also includes overvoted, undervoted spoiled, duplicated, cancelled, or rejected ballots, and test ballots created pursuant to Section 101.151, *Florida Statutes*, Specifications for ballots. The retention period is pursuant to Title 42, U.S.C. 1974, Retention and preservation of records and papers by officers of elections.

RETENTION:
a) Record copy. 22 months after certification of election.
b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.