

AUDIT USA

Americans United for Democracy, Integrity and Transparency in Elections

How ballot images are saved on the Election Systems & Software (ES&S) high-speed Digital Scanner DS850

The ES&S DS850 high-speed digital scanner tabulates vote counts using the scanned images made from the paper ballots. These images are crucial, legally protected election records that must be retained.

The DS850's instructional guide offers the operator options for saving the ballot images:

- *None
- *All Processed Images**
- *Processed Write-In Images Only

The default setting for ES&S machines is to **save all processed images**, as shown in ES&S's own illustration (#3 & 4) below. In other words, the ballot images will be saved to the Election Management System (EMS) unless an election official or another party intentionally selects another option.

An operator who selects "None" willfully chooses not to transfer the ballot images into the Election Management System "EMS," ultimately condemning the ballot images to be destroyed when overwritten by the setup of the next election. See

ES&S DS instructional guide offers the operator three options, as illustrated below. Please note that the recommended setting in the pictures below is "*All Processed Images."

In ES&S's own words:

Excerpt, page 86 & 87 of manual, Operators Guide for EVS5200_DOC_SOP_DS850:
<https://drive.google.com/open?id=0B2TKmkSNAkCfY1oxdUJ1UFBMVzg>

Ballot Images

1. Select **Ballot Images** on the Configuration screen to access the Ballot Images settings screen.



AUDIT USA

Americans United for Democracy, Integrity and Transparency in Elections

2. Press **Edit** to update the selections.

3. You will be able to select from one of the following options:

- None
- All Processed Images
- Processed Write-In Images Only



4. After you make your selection, press **Save** to save your selection, or press **Cancel** to exit.



Excerpt below, “DS850 System Operations Procedures” Manual see Page 2:

<https://drive.google.com/open?id=0B2TKmkSNAkCfY1oxdUJ1UFBMVzg>

Chapter 1: DS850 Overview

The ES&S DS850 is a high-speed, computerized, digital image-based scanner and tabulator with ballot sorting capabilities. The ES&S DS850 is designed to process all of the ballot types supported by the ES&S election management system, including folded (absentee) ballots.



The DS850 accurately records all votes as marked by the voter and is capable of meeting or exceeding the 1.5 million mark test as stated in Volume 1, Section 2.1.1 of the 2005 VVSG. Voter accumulation records are saved on the machine's hard drive and can be transferred from the hard drive to a USB flash drive.

Excerpt from the DS850 picture caption above: *"Voter accumulation records are saved on the machine's hard drive and can be transferred from the hard-drive to a USB thumb drive."*

The manual linked above also states that ballot images can be archived and do not have to be deleted. It further says that the DS850 adheres to the "Voluntary Voting System Guidelines ("VVSG")" promulgated by the U.S. Election Assistance Commission.

System Functionality Description

Another ES&S document called “**System Functionality Description**” on data retention (see page 54, “2.1.10 Data Retention”) is posted on the Colorado Secretary of State website:
<https://www.sos.state.co.us/pubs/elections/VotingSystems/systemsDocumentation/ESS/EVS5203-C-D-0200-SFD.pdf>

Excerpt: *“Because the purpose of this law is to assist the federal government in discharging its law enforcement responsibilities in connection with civil rights and elections crimes, its scope must be interpreted in keeping with that objective. The appropriate state or local authority must preserve all records that may be relevant to the detection and prosecution of federal civil rights or election crimes for the 22-month federal retention period, **if the records were generated in connection with an election that was held in whole or in part to select federal candidates. It is important to note that Section 1974 does not require that election officials generate any specific type or classification of election record. However, if a record is generated, Section 1974 comes into force and the appropriate authority must retain the records for 22 months.**”*

ES&S Brochure. “... retains individual digital ballot images for auditing and adjudication:
https://www.clayelections.com/portals/clay/documents/PDF/qs_ds200_fl_v3.pdf

Excerpt:

- ✓ **2005 VVSG Compliant**
With important usability, accessibility, and security enhancements, the DS200 is designed to be fully compliant with the more rigorous 2005 Voluntary Voting System Guidelines.
- ✓ **Auditable Paper Trail**
The DS200 retains your ballot in a secure, locked container for verification in the event of a recount.
- ✓ **Patented Digital Image Technology**
Patented image technology provides exceptional mark-recognition capability and retains individual digital ballot images for auditing and adjudication.