

AUDIT USA

Americans United for Democracy, Integrity and Transparency in Elections

October 26, 2018

Secretary of State Alex Padilla
1500 11th Street
Sacramento, CA 95814

Dear Secretary Padilla:

I'm writing to you on behalf of AUDIT USA, a national group of election security advocates concerned about the state of our elections systems.

We're pleased that state-of-the-art digital scan voting systems are in use in California.

Alarming, however, our multi-state field research has revealed that many local election officials are unaware of how to utilize one of the security features designed into these paper ballot tabulation systems. Not only does this mean that the systems may not be employing all of their built-in protections, but also that **election officials may actually be inadvertently breaking federal and state election laws.**

We're asking you to direct local election officials in California jurisdictions using digital scan voting systems to ensure that their systems are set to preserve all ballot images in the November 6 election and future elections. Other Secretaries of State have already sent such communications to local election officials in their states.

Setting a voting system to preserve all digital ballot images should take the official or her/his designee only a few moments, and therefore it is completely achievable even this close to an election.

As you are likely aware, digital scan election systems don't count the votes on the paper ballots. Instead, these systems create digital images of the ballots and count the votes on those images. This means that the **digital images are part of the chain of custody of election materials that must be preserved for 22 months under 52 U.S.C. §20701, and in some cases longer per state law.**

The digital image feature exists for the purpose of auditing and adjudication of elections.

Most if not all makes and models of digital scan voting systems have options for how these digital images are handled. For example, the DS200 and DS850, made by ES&S, offer the operator three options for image preservation: none, all processed images, and processed write-in images only.

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While the setting recommended both by the manufacturers and by AUDIT USA is “all processed images” or equivalent, our research has found that some voting system operators have chosen to preserve images with write-in votes only or no images at all. This means most or all of the ballot images will not be exported to the election management system and will be **automatically deleted** when the system is set up for the next election, even if before the required 22 months have elapsed.

We’re writing to ask you to take two actions:

1) Immediately issue a directive or similar official communication to all local election officials in California jurisdictions using digital imaging voting systems, instructing them to select the option to preserve all ballot images in the November 6 election and future elections.

2) Reply to this email with a copy of your directive. Receiving this information from you will prevent us from repeatedly contacting your office during this busy pre-election period.

Especially in these times when cybersecurity concerns are great, it is essential that all available means to protect our elections from attack are employed. Ballot images provide a key protection for our election and must be preserved.

Thank you for your important work.

Sincerely,

Emily Levy
Director of Communications
AUDIT USA