

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Maryland Election Integrity LLC  
116 Defense Highway,  
Annapolis, MD 21401

*Plaintiff*

United Sovereign Americans, Inc.  
167 Lamp and Lantern Village Suite 194  
Chesterfield, MO 63017

*Plaintiff*

v.

Maryland State Board of Elections  
151 West Street #200  
Annapolis, MD 21401

SERVE ON: Michael G. Summers,  
In his representative capacity as the Chairman  
of the Maryland State Board of Elections  
151 West Street #200  
Annapolis, MD 21401

*Defendant*

Case No.: \*\*\*\*\*

\*\*\*\*\*

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Maryland Election Integrity LLC, a Maryland limited liability company, and United Sovereign Americans, Inc., a Missouri nonprofit corporation, Plaintiffs, by Hartman, Attorneys at Law, and C. Edward Hartman, III, hereby bring this Complaint for Declaratory and Injunctive Relief, and plead as follows:

**PARTIES**

1. Maryland Election Integrity LLC is a Maryland limited liability company. Its principal office is located in Maryland.

2. United Sovereign Americans, Inc. is a nonprofit corporation incorporated in the state of Missouri.
3. Maryland State Board of Elections (hereinafter referred to as “MDSBE”) is a government agency that administers elections in Maryland.

#### **JURISDICTION AND VENUE**

4. This action seeks declaratory and injunctive relief from deficient voter registration rolls leading to violations of Federal and state laws, the certification of results from a provably flawed, inaccurate, and obscure process outside the view of impartial witnesses or the public, including the use of voting systems in Maryland that are believed to have void EAC certifications in violation of federal law, and the refusal of the Maryland State Board of Elections to comply with Public Information Act (PIA) requests and Federally required transparency. This Court has subject matter jurisdiction over this complaint because the case presents substantial questions of federal law, and the state claims are so related to the federal claims that they form part of the same case or controversy. 28 U.S.C. §§ 1331 and 1337.
5. This court has authority to issue a declaratory judgment and to order injunctive and other relief that is necessary and proper pursuant to 28 U.S.C. §§2201 and 2202 as there exists a case of actual controversy.
6. This court has personal jurisdiction as the Defendant is a Maryland Agency.
7. Venue is proper in this district under 28 U.S.C. § 1391(e)(1).

#### **STANDING**

8. Maryland Election Integrity LLC is an organization comprised of members who are registered voters in the state of Maryland.

9. The members have been and are currently harmed by the MDSBE and the ES&S voting systems currently and formerly in use in Maryland elections. The violations of Maryland election laws, the US Constitution, and Federal civil rights laws pertaining to voter registration rolls, transparency, compliance, and certification of the voting systems, and the serious issues hereinafter discussed with the overall voting systems exemplify their injury. The lack of transparency by MDSBE with respect to the voting systems and the reports generated by them has resulted in Plaintiffs being denied lawful Public Information Act (PIA) requests and the Federally mandated preservation of auditable items.
10. If the Court grants Plaintiffs' requested relief, the injury to the Plaintiffs' members would cease to exist.
11. The Supreme Court has indicated that if one party to a lawsuit has standing, other entities can join as parties without having to satisfy independently the demands of Article III, provided those parties do not seek a distinct form of relief from the party with standing. E.g., *Horne v. Flores*, 557 U.S. 433, 446 (2009).
12. United Sovereign Americans is not seeking a distinct form of relief and, therefore, has standing.

### **BACKGROUND**

13. Article 1 Section 2 of the US Constitution grants the right to choose representatives to the people of the several states, according to the voting eligibility requirements of the state.
14. The Fourteenth Amendment Section 1 defines a citizen as all people born or naturalized in the United States, and subject to the jurisdiction thereof.
15. The Fourteenth Amendment Section 2 protects the eligible citizen voters of a state against both denial, or abridgment in any way, of their vote.

16. The National Voter Registration Act (NVRA) was passed for the purpose of ensuring accurate, current voter registration rolls. Congress' power to pass NVRA comes from Article 1, Section 8, Clause 18 of the US Constitution, the Necessary and Proper Clause, making accurate voter rolls a requirement to uphold the right of the people to choose their representatives.
17. Of the three components of an election, voters, votes, and counts, in that order, each relies on the accuracy of the preceding component(s) in order to be trustworthy. Without all being intact, the system will not meet the requirements for certifying the vote, plainly needing the ability to prove both accuracy and compliance.
18. It is a settled legal principle that dilution of a qualified voter's vote is a form of disenfranchisement, *Ex parte Siebold*, 100 U. S. 371 (1879), *United States v. Saylor*, 322 U. S. 385 (1944), *Reynolds v. Sims*, 377 U.S. 533 (1964).
19. The Help America Vote Act requires that voter roll databases contain only the registrations of qualified citizen voters residing in that state. *52 USC § 21083(a)*. Each qualified voter is granted a unique statewide identifier in the database, averting the risk of double-voting, or extra ballots being cast in the name of a particular voter. Further, the constitutional mandate is that the election system must only count eligible voters. Maryland cannot demonstrate that there is effective control of eligibility in Federal or State dimensions of those requirements and has implemented a system that does not guarantee accuracy or compliance with only allowing eligible voters to register and vote.
20. The Help America Vote Act requires that federal elections adhere to an accuracy standard, "...set at a sufficiently stringent level such that the likelihood of voting system errors affecting the outcome of an election is exceptionally remote even in the closest of

elections.” United States. (2002) *U.S. Federal Election Commission FEC*. United States. [Web Archive] Retrieved from the Election Assistance Commission, [https://www.eac.gov/sites/default/files/eac\\_assets/1/28/Voting\\_System\\_Standards\\_Volume\\_I.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/28/Voting_System_Standards_Volume_I.pdf).

21. For a voting system, accuracy is defined as the ability of the system to capture the intent of the voters without error. United States. (2002) *U.S. Federal Election Commission FEC*. United States. [Web Archive] Retrieved from the Election Assistance Commission, [https://www.eac.gov/sites/default/files/eac\\_assets/1/28/Voting\\_System\\_Standards\\_Volume\\_I.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/28/Voting_System_Standards_Volume_I.pdf).

## **FACTS**

### **Voter Rolls**

22. The National Voter Registration Act of 1993 (NVRA) states that “[t]he purposes of this act are to ensure that accurate and current voter registration rolls are maintained.” 52 USC § 20501(b)(4).

23. Meticulous analysis of the official Maryland State Voter Registration Database reveals a minimum of 79,392 current apparent registration violations (Voter Registration Database snapshots were purchased 8/2021, 12/2021, 7/2022, 8/2022, 12/2022, 1/2023, 2/2023, 3/2023, 4/2023, 5/2023, 6/2023, and 7/2023).

24. The analysis revealed 1,699 instances of duplicate registrations, 25,084 instances of registrants with questionable inactive status, 3,366 instances of active registrations without a certified US Post Office mailing address, 5,680 instances of active registrants who moved at least 4 years ago, 605 instances of registrations with no residential address, 296 instances of active registrants with a nonstandard address, 1,218 instances of active registrants who

are deceased, 883 instances of age discrepant registration (younger than 18 or older than 115), and 40,518 instances of questionable registration date. A spreadsheet with the apparent registration violations is attached as **Exhibit A**.

25. **Exhibit A** shows the registration type, the number of apparent violations, and the Maryland election law/rule in violation.
26. The apparent violations are pursuant to Md. Election Law Code Ann. §§ 3-101, 102, 502, 503 & 504.
27. These numbers clearly show the voter rolls in Maryland are not accurate and current as required by the NVRA: *52 USC § 20501(b)(4)* and violate specific Maryland laws pertaining to voter registration, i.e. §§ 3-101, 102, 502, 503 & 504.
28. Inaccurate voter rolls have significant downstream consequences in elections.
29. The purpose of a voting system is to accurately record, store, consolidate and report the specific selections, and absence of selections, made by the voter as well as to accurately measure the intent of the total body of eligible voters that voted.
30. The definition of a voting system is found in HAVA Section 301. *52 USC § 21081*.
31. Under HAVA, a voting system is defined as “the total combination of mechanical, electromechanical, or electronic equipment (including software, firmware, and documentation required to program, control, and support the equipment) that is used to define ballots; to cast and count votes; to report or display election results; and to maintain and produce any audit trail information.” *52 USC § 21081(b)(1)(A)-(D)*.
32. The ability to “cast and count votes” begins with establishing eligibility, including citizenship, and registering only qualified citizens into voter registration databases, thus

assuring that all ballots granted, and thereby all votes cast and counted, are lawfully cast and counted according to the US Constitution.

33. Voter registrations are used to create pollbooks, which can either be networked or non-networked. “Networked pollbooks are electronic pollbooks with a connection to an external database, and may include a direct connection to the voter registration database or a separate server.” Cybersecurity and Infrastructure Security Agency, *Critical Infrastructure Security and Resilience Note*, Jul. 28, 2020, at 2-3, [https://www.cisa.gov/sites/default/files/publications/cisa-election-infrastructure-cyber-risk-assessment\\_508.pdf](https://www.cisa.gov/sites/default/files/publications/cisa-election-infrastructure-cyber-risk-assessment_508.pdf).
34. Maryland is a state in which all local jurisdictions use E-Poll books, meaning the pollbooks have a direct connection to the voter registration database.
35. Following pollbook preparation is ballot preparation. Ballot preparation “generates the data necessary for tabulating votes within a voting machine, and aggregating tabulated votes within a jurisdiction or state.” Cybersecurity and Infrastructure Security Agency, *Critical Infrastructure Security and Resilience Note*, Jul. 28, 2020, at 3, [https://www.cisa.gov/sites/default/files/publications/cisa-election-infrastructure-cyber-risk-assessment\\_508.pdf](https://www.cisa.gov/sites/default/files/publications/cisa-election-infrastructure-cyber-risk-assessment_508.pdf).
36. Voting machines are used following ballot preparation. “Voting machines encompass both technology and processes used by election officials to prepare voting machines for ballot tabulation, and in some cases presentation. Specifically, this includes loading the ballot files created during ballot preparation onto voting machines.” Cybersecurity and Infrastructure Security Agency, *Critical Infrastructure Security and Resilience Note*, Jul.

28, 2020, at 3, [https://www.cisa.gov/sites/default/files/publications/cisa-election-infrastructure-cyber-risk-assessment\\_508.pdf](https://www.cisa.gov/sites/default/files/publications/cisa-election-infrastructure-cyber-risk-assessment_508.pdf).

37. The U.S. election process seen above shows the link between voter registration and the ballot files being loaded onto voting machines.

38. It also shows voter registration is encompassed in the definition of a voting system as defined in *52 USC § 21081(b)* because a voting system consists of documentation required to program the voting machines.

39. As voter registration is part of the voting system, it is subject to the allowable error rates of voting systems as set forth in *52 USC § 21081(a)(5)*.

### **Error Rates**

40. Section 301 of HAVA regarding “Voting System Standards,” states that the “error rate of [a] voting system in counting ballots...shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission[.]” *52 USC § 21081(a)(5)*

41. The accuracy requirements set under the Federal Election Commission (FEC) voting systems standards section 3.2.1 establish that “the system shall achieve a target error rate of no more than one in 10,000,000 ballot positions, with a maximum acceptable error rate in the test process of one in 500,000 ballot positions.” United States. (2002) *U.S. Federal Election Commission FEC*. United States. [Web Archive] Retrieved from the Election Assistance Commission,

[https://www.eac.gov/sites/default/files/eac\\_assets/1/28/Voting\\_System\\_Standards\\_Volume\\_I.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/28/Voting_System_Standards_Volume_I.pdf).

42. The Voluntary Voting System Guidelines, Version 1.1, Section **4.1.1 – Accuracy Requirements** states in part, “[a]ll systems shall achieve a report total error rate of no more than one in 125,000.” United States. (2015) *U.S. Election Assistance Commission*. United States. [Web Archive] Retrieved from the Election Assistance Commission, [https://www.eac.gov/sites/default/files/eac\\_assets/1/28/VVSG.1.1.VOL.1.FINAL1.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.1.VOL.1.FINAL1.pdf).

43. The Voluntary Voting System Guidelines, Version 1.1, Section **4.1.1 – Accuracy Requirements** then states, “[t]he benchmark of one in 125,000 is derived from the “maximum acceptable error rate” used as the lower test benchmark in the 2005 Voluntary

Voting System Guidelines Version 1.0. That benchmark was defined as a ballot position error rate of one in 500,000. The benchmark of one in 125,000 is expressed in terms of votes, however, it is consistent with the previous benchmark that the estimated ratio of votes to ballot positions is  $\frac{1}{4}$ .” United States. (2015) *U.S. Election Assistance Commission*. United States. [Web Archive] Retrieved from the Election Assistance Commission, [https://www.eac.gov/sites/default/files/eac\\_assets/1/28/VVSG.1.1.VOL.1.FINAL1.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.1.VOL.1.FINAL1.pdf).

44. Maryland voting systems are subject to the error rates defined in the FEC Voting System Standards 3.2.1 and explained in the Voluntary Voting System Guidelines (VVSG).

45. The number of apparent voting system errors in counting votes in the 2020 General Election, according to MDSBE raw data, was 62,075. A spreadsheet is attached showing the apparent voting violations in the 2020 and 2022 General Election as **Exhibit B**.

46. The number of apparent voting system errors in counting votes in the 2022 General Election, according to MDSBE raw data, was 27,623. This can also be seen in **Exhibit B**.

47. The allowable number of voting system errors in counting votes to comply with HAVA is calculated by dividing the total number of Maryland voters who voted in a given election by 125,000.

48. For the 2020 General Election this is  $\sim 3,000,000 \text{ votes}/125,000 = 24$ . For the 2022 General election this is  $\sim 2,000,000 \text{ votes}/125,000 = 16$ .

49. The number of voting system errors in counting votes for the 2020 General election (62,075) greatly exceeded the maximum allowable error rate (24).

50. The number of voting system errors in counting votes for the 2022 General election (27,623) greatly exceeded the maximum allowable error rate (16).

51. In sum, the voting system error rates are exponentially above the maximum allowable error rates. Inaccuracy and the specter of fraud have irretrievably damaged the reliability and credibility of results.

52. The Members of Plaintiff exhausted every administrative remedy known to them in advance of the 2022 general election, to have these issues repaired. Plaintiffs continued in 2023 to seek redress and repair for these egregious violations through democratic means.

53. The Maryland State Board of Elections dismissed these concerns without any meaningful review or response and intends to administer and certify Maryland's 2024 general election under the same inaccurate conditions.

### **Requirements for Certifying Voting Systems**

54. The requirement for certifying voting systems is set forth in Section 231 of the Help America Vote Act ("HAVA"). *52 USC § 20971*.

55. Under HAVA there is a requirement for providing “for the testing, certification, decertification, and recertification of voting systems hardware and software by accredited laboratories.” 52 USC § 20971(a)(1)
56. While HAVA does allow for the “optional use by states,” Maryland has adopted the certification requirements: “The State Board may not certify a voting system unless the State Board determines that...the voting system is (i) examined by an independent testing laboratory that is approved by the U.S. Election Assistance Commission; and (ii) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission or the U.S. Election Assistance Commission[.]” *Md. Code Ann., Elec. Law* § 9-102
57. *Md. Code Ann., Elec. Law* § 9-102 requires voting systems to conform with standards set by the Federal Election Commission and the U.S. Election Assistance Commission. Maryland also has received HAVA grants; therefore, the State is subject to the requirements set forth by HAVA.
58. Under HAVA, states that receive payments for improving the administration of elections must use the funds “in a manner consistent with each of the laws described in section 21145...and the proposed uses are not inconsistent with the requirements of title III.” 52 USC § 20901(c).
59. HAVA also sets forth the requirements for accrediting testing labs that perform certification tests on voting systems.
60. HAVA states that the requirements to be met by testing labs to become accredited are found in the Voluntary Voting Systems Guidelines (“VVSG”).

61. Maryland has also adopted guidelines for certification, which are governed by the Code of Maryland Regulations (COMAR), Title 33, and the Election Law of the Annotated Code of Maryland.
62. COMAR 33.09.03.04 requires that applicants submit a Technical Data Package, a Business Information Package, anti-bribery and anti-debarment affidavits, as well as voting equipment.
63. COMAR 33.09.03.05 details the requirements for the Technical Data Package.
64. Under COMAR 33.09.03.05(A) Required Information “[t]he technical data package shall contain all documentation previously submitted for the qualification testing of the system, including each of the following... (5) Software Source Code (both in the form of a listing and in a machine-readable form on media acceptable to the evaluation agent)[.]”
65. Election Systems & Software (ES&S) is the manufacturer of the voting systems currently in use in Maryland.
66. Page 4 of the ES&S EVS 5.2.0.0 Maryland State Board of Elections (MDSBE) certification report (the “Report”), dated December 4, 2014, states that the Technical Data Package was submitted.
67. Page 20 of the Report says that all listed requirements were provided **except** the Software Source Code. An excerpt of this report is attached as **Exhibit C**.
68. Under COMAR 33.09.03.05 requirements, Maryland was required to review the source code of the voting systems.
69. Maryland did not review the source code for ES&S EVS 5.2.0.0 as they were required to under Maryland Law and evidenced by the Report.

**Modem Use**

70. In January 2020, the EAC received complaints about ES&S marketing to their customers that the use of a modem on the voting system is optional. The correspondence between the EAC and ES&S is attached as **Exhibit D**.

71. The EAC determined that ES&S violated Sections 5.14 and 5.15.1 of the EAC Testing and Certification Program Manual Version 2.0 by representing or implying that the DS200 with modem configuration is EAC certified when in fact attachment of a modem is disqualifying.

72. The EAC also determined that ES&S violated Section 5.16 by failing to warn purchasers that adding a modem to the DS200 would void the EAC certification of the voting system in its entirety.

73. This violation led to a number of states using modems on the ES&S voting systems.

74. Eleven of these states acknowledged using ES&S voting systems with attached modems while others have not admitted to using modems.

75. The voting systems with modems attached were likely used for years with void EAC certification.

76. ES&S created a proposal that was used for the purpose of persuading Colorado to use its voting system on December 4, 2013 (the “Colorado Proposal”) the relevant portions of which are attached as **Exhibit E**.

77. In the Colorado Proposal, ES&S sets forth questions and answers.

78. One such question, on page 13 of Section 9.0 - General Questions, asks “[i]s there any remote communication technology associated with your proposed solution?”

79. In response to the question, they state in part “[t]he DS200 Tabulators use wireless modems to connect to the SFTP Server via the Internet.”

80. ES&S unequivocally admits that the voting systems use modems.
81. Contained in the ES&S EVS 5.2.0.0 certification report issued by the EAC, dated July 2, 2014, is a table titled “2005 VVSG Supported Functionality Declaration.” The table states that modems are not a supported functionality of the voting machine. The relevant table from the certification report is attached as **Exhibit F**.
82. Page 10 of the Report for Maryland certification (December 2014) states that “[r]esults can be transferred by **modem** to the EMS server.” The relevant portions of which are attached as **Exhibit G**.
83. Results in fact are not permitted to be transferred by modem as the EAC has never certified a voting system with a modem; further, simply attaching a modem will void the EAC certification.
84. Any voting system with an attached modem has a void EAC certification and is not allowed to be used according to the EAC.
85. The meeting minutes of the MDSBE meeting on July 16, 2015 show that in prior elections, three local boards – Baltimore, Montgomery, and Prince George’s Counties – transmitted unofficial election results from either a polling place or a regional transmission center. The relevant portion of the meeting minutes is attached as **Exhibit H**.
86. Transmitting unofficial election results is typically accomplished by the use of a modem or email.
87. The only way to determine whether Maryland used modems to accomplish the transmission of the unofficial election results in this situation is to examine the various DS200 audit logs and configuration reports the machines generate. The logs and reports were requested from MDSBE and the Local Boards of Election, in at least 22 out of the 23 counties in Maryland,

through PIA requests but not produced. The PIA requests and/or responses are attached as

**Exhibit I.**

88. Transmitting unofficial election results from a polling place leaves the system vulnerable to cyber-attacks.

89. In an MDSBE meeting dated July 27, 2017, they stated “approximately 1,400 of the DS200 scanners have non-functioning modems installed that have not been used since delivery. ES&S has started removing these modems, which they wish to put back into their own inventory. Once each modem is removed, acceptance testing will be performed on the unit under SBE and local board supervision prior to returning to service.” The relevant portion of the meeting minutes is attached as **Exhibit J.**

90. A voting system with a modem installed on it has a void EAC certification.

91. Approximately 1,400 voting systems being used in Maryland prior to 2017 had void EAC certifications.

92. Maryland. Code, Elec. Law § 9-103 states MDSBE (“(2) shall decertify a previously certified voting system if the voting system no longer meets one or more of the standards in § 9 102(d)(1)(i) through (iii) of this subtitle.”) (emphasis added)

93. Md. Code, Elec. Law § 9-102 says (“(d) The State Board may not certify a voting system unless the State Board determines that: (1) the voting system will: (i) protect the secrecy of the ballot; (ii) protect the security of the voting process; (iii) count and record all votes accurately;”)

94. The voting machines did not comply with Md. Code, Elec. Law § 9-102(d)(1)(i) and (ii) considering the transmission of the unofficial results is susceptible to cyber risks.

95. In 2017 machines in Maryland had modems attached which were to be removed prior to “returning to service.” This creates the presumption that the modems on the machines were in use, despite MDSBE claiming the modems were non-functioning and had not been used since delivery. This shows the machines were used in elections with attached modems. Whether the modems were functioning is irrelevant as attachment of a modem voids the EAC certification.

96. Once again, numerous PIA requests were made for the DS200 audit logs and configuration reports which would tend to show the modems were functioning or non-functioning, but not produced.

97. According to ES&S the configuration reports are automatically printed upon login to the machines; therefore, the PIA requests for these documents should have been fulfilled with responsive documents.

98. The systems were being used in elections with void EAC certifications.

### **Maryland Public Information Act**

99. Maryland’s Public Information Act (“PIA”) gives the public the right to access government records without unnecessary cost and delay.

100. GP § 4-103(a) provides that “[a]ll persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.”

101. In response to numerous PIA requests in most Maryland counties, MDSBE and the local Boards of Elections stated that they do not have any responsive documents.

102. The information being requested, audit logs, system logs, error logs, configuration reports, etc. of voting systems, is information that should be available because of the audit requirements set under HAVA and COMAR.

103. ES&S also represents that these reports and logs are either automatically generated by the machines or easily accessed in their Colorado Proposal.

104. In Section 12.0 – UVS System Requirement of The Colorado Proposal ES&S goes into great detail about the audit logs the machines generate. The relevant portions of the Proposal are attached as **Exhibit K**.

105. Req. ID H-1 requires the systems to “Store sufficient data in an unalterable system audit log file to allow the auditing of all operations related to election setup, ballot creation, ballot tabulation, results consolidation and report generation.”

106. ES&S’s response states “[e]ach application has its own audit log to allow the auditing of all operations relating to the election setup, ballot creation, ballot tabulation, results consolidation and report generation. The ES&S proposed voting system audit log provides sufficient information to allow the auditing of all operations related to ballot tabulation, results consolidation, and report generation.”

107. The rest of the response from ES&S goes through the system audit capabilities of all the components of the voting system.

108. ES&S responded to an inquiry for their audit trail techniques and reports in the Colorado Proposal. “Please explain what audit trail techniques and audit reports are incorporated in your proposed system.”

109. For the DS200 Tabulator ES&S stated “[i] n addition to the audit log described previously that records all use operation and substantial application operations or errors, the DS200 has various configuration reports, ballot accounting reports, and results reports, all of which can be used forensically for auditing.”

110. These reports are created by the voting machines and were requested through PIA requests but not produced.

111. ES&S responded to an inquiry into their audit logs files, location, and access to them. “Please provide a list of all audit log files, the file location within the voting system, and the procedures to navigate to and retrieve them from the voting system.”

112. For the DS200 Tabulator ES&S states “[t] he signed audit logs are written to the log directory on the removable media. The audit log events can be accessed on the DS200 onscreen or through a printed report. When the media is read back into the EMS the audit logs are also retrievable from the EMS through a machine audit log report or exported in a comma separated format.”

113. These audit logs are created and were requested through PIA requests but not produced.

114. Next, ES&S addresses Req. ID H-15 in the Colorado Proposal which requires the systems to “[c]reate audit records prior to the initiation of ballot counting to verify hardware and software status. These particular audit records shall include the identification of the software release, the identification of the election to be processed and the results of hardware and software diagnostic tests.”

115. ES&S’s response states in part “[o]n power up, a configuration report is automatically printed to create a hard copy record of the relevant configuration and settings of the particular DS200.”

116. The fact that the configuration reports are automatically printed is confirmed by the Dorchester County Board of Elections Chief Judges’ Manual. The relevant portion of the manual is attached as **Exhibit L**.

117. The configuration reports are **automatically printed** and were requested through PIA requests but not produced. To state there are no responsive documents to this request is clearly false as the voting machines automatically print them.

118. The Election Law of the Annotated Code of Maryland § 9-102(d) says that the “State Board may not certify a voting system unless the State Board determines that: (1) the voting system will... (vi) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, including a manual recount[.]”

119. Pages 15 and 16 of the Report for Maryland certification (December 2014) analyze the voting system with respect to COMAR 33.09.02.07.

120. COMAR 33.09.02.07 explains the audit trail requirement stating that: “[t]he voting system shall be capable of providing an audit trail of all ballots cast so that, in a recount, the election can be reconstructed, starting with the individual votes of all eligible voters.”

121. The Board of Elections states in the Report that ES&S EVS 5.2.0.0 satisfied the audit requirements: “[a]ll tabulators and the EMS system maintain an audit log for each election.”

122. The information Plaintiffs requested through the PIA requests is not new information that must be created. There are responsive documents to the requests, as opposed to Defendant’s contentions.

123. The information is already available on the voting systems and ES&S details how to print the reports in Chapter 20 of their Electionware Volume V: Results User’s Guide. The relevant portions of the guide are attached as **Exhibit M**.

124. The information is stored in the course of an election on the voting systems and, if not, the systems do not conform to the representations made about their capabilities to create audit logs.

125. The PIA requests have been denied, notwithstanding the laws that were clearly drafted to allow for public review.

### **Blank Ballots, Undervotes, and Overvotes**

126. HAVA Section 301 requires voting systems to “provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error.)” 52 USC §21081(a)(1)(A)(ii).

127. Maryland creates a Cast Vote Records report for each county in Maryland for each election, which contains the total number of registered voters, the total number of ballots cast, and the results in that county.

128. The Cast Vote Records EL45a report shows the total number of blank ballots cast in each county in the state of Maryland for each election.

129. Upon calculation, the total number of blank ballots cast in the 2022 General Election in Maryland was 82,356.

130. Some counties had much higher percentages of blank ballot than others. Possible reasons for this can be explained below.

131. It is believed that many people did not intend to cast blank ballots in the 2022 General Election, and the settings of the machines were the reason for the ballots being cast blank.

132. Upon further inquiry, it has been discovered that the ES&S DS200 tabulator can be configured to accept blank ballots, undervotes, and overvotes instead of rejecting them and notifying the voter to cure the mistake.

133. According to a DS200 Operators Guide dated July 18, 2019, an admin can establish the ballot handling options. The relevant portions of the guide are attached as **Exhibit N**.

134. Section 7.4.1 – **Establishing Ballot Handling Options** Page 108 of the DS200 Operators Guide states, “[w]hen you create your election definition, your Electionware settings determine for each ballot style how the DS200 handles specific types of ballot conditions. For each of these ballot condition, you can set the DS200 to always accept or always reject ballots with a specified conditions. For some of those conditions, you can instead have the DS200 query the voter to ascertain a voter’s intent. You can set the DS200 to always accept, always reject, or query the voter for the following ballot conditions: Undervoted ballot; Blank Ballot; Overvoted Ballot; and Unreadable Marks on Ballot.”

135. The DS200 operator’s guide then goes to state, “Selecting **Always Accept** for any of these conditions causes the DS200 to skip the voter query function for that condition. The DS200 will not display the query screen for those conditions.”

136. The DS200 operator’s guide then goes through each of the conditions (blank ballots, overvoted ballots, undervoted ballots) to show what the query looks like on the machine if the settings allow for a query.

137. If **Always Accept** is selected on voting machines, voters are not provided the opportunity to change the ballot or correct the error before the ballot is cast and counted. This violates *52 USC §21081(a)(1)(A)(ii)* because voters are not notified of their deficient ballot and given a chance to cure the error before the machine accepts it.

138. Section 7.11.3 – **Report Options** Page 124 of the DS200 Operators Guide details the reports and audit logs the machine generates.
139. It states that the Configuration Report, Event Log Report and Summary Event Log, and System Log can be generated.
140. Section 9.1 – **Reports Overview** Page 150 of the DS200 Operators Guide states “the DS200 can automatically print the Configuration, Zero Totals, and Ballot Status Accounting reports as part of the poll opening process.”
141. At the bottom of this section Page 151 of the guide states, “[y]ou can also manually request additional copies of any reports that are generated automatically.”
142. Section 9.6 – **Configuration Report** on Pages 158-160 of the DS200 Operators Guide contains a sample Configuration Report. The sample configuration report is attached as **Exhibit O**.
143. The configuration report shows if there is a modem attached on the DS200, whether the Event log will be printed on poll close, as well as the settings for accepting blank ballots, overvotes, and undervotes.
144. As stated previously, and emphasized by this section’s findings, the configuration reports that the machines automatically print will confirm whether modems were in use and if the blank ballots were the product of machine settings.
145. COMAR 33.10.01.03(B) Auditability. “The tabulators shall provide a vote cast record of all ballots cast and audit log of alerts provided to voters and tabulator events and errors.”
146. COMAR 33.10.01.03(B) proves the machine generates audit logs that would show alerts to voters. These alerts would show up for voters if they cast a blank ballot,

undervoted, or overvoted. If there are no alerts for these conditions in the audit logs, the machines were set to automatically accept these deficient ballots.

147. The audit logs were, again, requested through PIA requests, which were not fulfilled despite statutory language stating the machines generate them.

148. COMAR 33.10.01.03(g) – **Actions Taken to Change Conditions** is relevant to the blank ballot and PIA issues.

149. COMAR 33.10.01.03(g)(1)(a),(b) states, “The system shall be capable of printing from its audit trail: actions taken by operators to change conditions; and the time of the occurrence.”

150. COMAR 33.10.01.03(g)(2) then states, “System operators shall record in a logbook all actions to change conditions that cannot be printed from the audit trail. That logbook, as well as all reports produced by the printer, shall be retained by the local board.”

151. This unequivocally shows that the reports and logbook must be retained by the local board under Maryland law.

152. These reports were requested from the Local Boards of Elections, they responded stating they had no responsive records.

153. Stating they have no responsive records for reports they are required to retain goes to show they either violated Maryland law and Federal law by failing to retain those records, or they are unlawfully denying PIA requests for the reports.

### Count I

#### **Declaratory Judgment - 28 U.S.C. § 2201**

154. Plaintiffs incorporates by reference and realleges the averments of paragraphs 1 through 153.

155. 28 U.S.C. § 2201 requires a case of actual controversy.
156. There exists an actual controversy of a justiciable issue between the Maryland State Board of Elections (MDSBE) and Maryland Election Integrity, LLC within the jurisdiction of this Court concerning the interpretation of The National Voter Registration Act of 1993: *52 USC §20501(b)(4)*, Maryland. Code, Elec. Law §§ 3-101, 102, 502, 503 & 504, HAVA: *52 USC §21081*, COMAR 33.09.03.05, Maryland. Code, Elec. Law § 9-103, Md. Code, Gen. Provisions § 4-103, The Election Law of the Annotated Code of Maryland § 9-102(d), COMAR 33.09.02.07, and COMAR 33.10.01.03.
157. Despite mandatory statutory language requiring current and accurate voter rolls, which shall include only the names and registration information of eligible citizen voters, and Maryland law specifying processes to do so, Maryland has failed to keep voter rolls accurate.
158. Despite mandatory statutory language stating the maximum allowable error rate of voting systems, the voting systems in Maryland are still in use in violation of the statutory scheme.
159. Despite mandatory statutory language stating the technical data package shall/must contain all documentation previously submitted, including the software source code, the Board of Elections did not receive and analyze the source code in violation of the statutory scheme.
160. Despite mandatory statutory language stating the MDSBE shall decertify machines that do not protect the secrecy of the ballot and protect the security of the voting process, the Board of Elections did not decertify the machines in violation of the statutory scheme.

161. Despite mandatory statutory language stating all persons are entitled to have access to information about the affairs of government, and in particular, access to an audit trail from elections, the MDSBE is denying PIA requests for this information in violation of the statutory scheme.

162. Despite mandatory statutory language stating voters shall have the opportunity to change their ballot or correct any error before the ballot is cast, Maryland voters have been denied this in violation of the statutory scheme.

163. In accordance with 28 U.S.C. § 2201 claims are present between the parties involved which indicate imminent and inevitable litigation.

WHEREFORE, Plaintiffs respectfully requests that this Honorable Court:

- A. Determine and adjudicate the rights and liabilities of the parties with respect to Maryland laws and Federal laws in the context of voting systems and public access to voting system logs.
- B. Enter a declaratory judgment order against Defendant declaring it did not properly comply with The National Voter Registration Act of 1993: 52 USC § 20501(b)(4) and Md. Election Law Code Ann. §§ 3-101, 102, 502, 503 and 504 in maintaining accurate voter rolls.
- C. Enter a declaratory judgment order against Defendant declaring the voting machines and the voting system being used in Maryland Elections exceed the maximum allowable error rate as set forth in HAVA: 52 USC § 21081.
- D. Enter a declaratory judgment order against Defendant declaring the certification of the ES&S EVS 5.2.0.0 voting system violates COMAR 33.09.03.05.

- E. Enter a declaratory judgment order against Defendant declaring they failed to decertify a voting system that did not protect the secrecy of the ballot and security of the voting process, thus violating Maryland. Code, Elec. Law § 9-103.
- F. Enter a declaratory judgment order against Defendant declaring it did not properly comply with Md. Code, Gen. Provisions § 4-103, The Election Law of the Annotated Code of Maryland § 9-102(d), COMAR 33.09.02.07, and COMAR 33.10.01.03. in refusing to produce election-related documents requested through PIA requests.
- G. Enter a declaratory judgment order against Defendant declaring the configuration of the voting systems did not comply with *52 USC § 2108I(a)(1)(A)(ii)*.
- H. Grant such other and further relief as the nature of this cause may require.

**COUNT II**

**Injunction**

164. Plaintiffs incorporates by reference and realleges the averments of paragraphs 1 through 163.

165. There is a balancing test that courts typically employ in determining whether to issue an injunction. To seek a permanent injunction, the plaintiff must pass the four-step test: (1) that the plaintiff has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for the injury; (3) that the remedy in equity is warranted upon consideration of the balance of hardships between the plaintiff and defendant; and (4) that the permanent injunction being sought would not hurt public interest. See, e.g., *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 311–313, 102 S.Ct. 1798, 72 L.Ed.2d 91 (1982); *Amoco Production Co. v. Gambell*, 480 U.S. 531, 542, 107 S.Ct. 1396, 94 L.Ed.2d 542 (1987).

166. Plaintiffs, as Maryland voters and interested citizens with standing, have been irreparably injured by the voting systems currently in use in Maryland and the MDSBE. Plaintiffs allege that voter rolls are highly inaccurate, error rates on the voting systems exceed the maximum allowable error rates, voting systems were not certified correctly, machines have been used that have VOID EAC certifications, large numbers of blank ballots were cast, and the MDSBE is unlawfully withholding evidence of such. This has caused abridgement to their right to vote “[a]nd the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise” *Reynolds v. Sims*, (377 U.S. 533). The right to vote is paramount “[e]specially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.” *Reynolds v. Sims*, 377 U.S. 533 (1964). Inaccurate voter registration practices have led to voting system error rates well above the statutory threshold causing dilution of eligible voter’s votes. Use of the ES&S Voting Systems in a noncompliant manner has resulted in dilution of Plaintiff’s votes and has resulted in an impaired election process resulting in concrete harm to Plaintiff’s rights to vote. Denial of Plaintiff’s PIA requests resulted in Plaintiffs not being able to access information in which they are entitled.

167. The remedies available at law are wholly inadequate to compensate Plaintiffs for the injuries to their right to vote in a free and unimpaired manner and their statutory right to access public information.

168. Plaintiffs’ harms are to basic rights and the interests are clear whereas Defendant’s interest in using the ES&S voting system is simply for ease of use, despite the inaccuracies

and deficiencies. Defendants have no interest in failing to keep accurate voter rolls. Defendants' interest in not fulfilling PIA requests is unknown. Any abridgment to the right to vote needs to be meticulously scrutinized and this weighs in favor of Plaintiffs.

169. This injunction is necessary for public interest as it would notify millions of Maryland voters their rights are being abridged, and that they will no longer be, thus restoring trust in the voting process. Also, it would definitively give Marylander's access to certain public information, rather than the illusion of having access.

170. The Defendant failed to follow the statutory scheme requiring them to provide accurate and current voter rolls. The Defendant should be mandated to cure and address any discrepancies in the voter rolls; ensure votes counted are from qualified citizen voters; ensure the number of votes counted is equal to the number of voters who voted; adhere to the accuracy requirements for federal elections; and ensure systems, machines, security measures, procedures, infrastructure, policy, and conduct are compliant with the law regarding certification, testing, operational validation, and operational implementation.

171. The error rates of the voting system in place in the 2020 and 2022 General Election greatly exceeded the maximum acceptable error rate. The Defendant should be mandated to decertify the machines used in the 2020 and 2022 General Election in Maryland and enjoined from using them in subsequent elections.

172. The Defendant failed to follow the statutory scheme put in place by the state of Maryland which details the procedure to be followed in certifying voting systems. The nonadherence to the statutory scheme creates grounds for the decertification of the voting system ES&S EVS 5.2.0.0. Defendant should be mandated to decertify the voting system ES&S EVS 5.2.0.0 and enjoined from using it in subsequent elections.

173. The Defendant failed to follow the statutory scheme requiring them to protect the secrecy and security of an election. The Defendant should be mandated to decertify the voting system ES&S EVS 5.2.0.3 and enjoined from using it in subsequent elections.

174. The Defendant failed to produce requested documents in response to numerous PIA requests. The Defendant should be mandated to produce, including but not limited to, audit logs, system logs, error logs, configuration reports, etc. of voting systems.

175. The Defendant failed to allow voters the opportunity to change their ballot or correct any error before the ballot is cast. The Defendant should be mandated to configure voting machines to notify voters they are casting blank ballots, overvotes, and undervotes instead of automatically accepting them.

176. The Defendant has shown willful and gross negligence in assuring the system of processes, procedures, human conduct and machines are unable to produce reliable, accurate or compliant measurements of voter intent. The Defendant should be mandated to fix the entire voting system to ensure legal compliance and required functionality. Further, the Defendant should implement a system of comprehensive testing, monitoring and auditing by a certified and accredited independent auditor to ensure the repaired system functions as required. If the electoral process cannot be proven to be accurate and compliant, the election shall not be certified, and a special election shall be held within 30 days correcting any deficits in conduct.

177. The Defendant has flaunted the Constitutional requirement to only allow known citizens eligible to vote, to vote. Registrations, mail-in and in person voting must be required to prove identity, eligibility, and citizenship.

178. Since it is impossible to guarantee that ballots mailed in are not tampered with or lost in transit, the Defendant should be ordered to implement a tracking system first from the printer to the voter, and then from the voter to the tabulator, so that no ballots are lost or tampered with or destroyed. In such cases the voter must be actively notified their ballot is lost and given a chance to submit a new ballot.

179. Since a large number of unexplained blank ballots have been registered, and a larger number of votes were counted than voters that were counted as having voted, the Defendant shall be ordered to implement control mechanisms to insure chain of custody of all ballots is maintained, and forgery protection at least equal to financial security standards with bonds and currency are maintained on ballots and with ballot handling.

180. As demonstrated by irrefutable statistics, the Defendant has lost control of the voting system. The Defendant should be mandated to use comprehensive batch control systems, as in the financial industry with item processing.

WHEREFORE, Plaintiffs respectfully requests that this Honorable Court:

- A. Issue an injunction mandating Defendant update and keep accurate the voter rolls in Maryland as well as address the discrepancies previously shown.
- B. Issue an injunction enjoining Defendant from administering or certifying any election wherein the voter registration database is not certified to contain only qualified citizen voters, with compliant registration records.
- C. Issue an injunction enjoining Defendant from administering or certifying any election where the entire voting system, from the qualified voters' hands to the tabulated count, is not provably secure and compliant.

- D. Issue an injunction enjoining Defendant from administering or certifying any election wherein all system steps and all components thereof are not fully auditable on a transaction/action basis.
- E. Issue an injunction enjoining Defendant from administering or certifying any election wherein the entire system is not monitored effectively to detect real time variances from legal conduct.
- F. Issue an injunction enjoining Defendant from administering or certifying any election wherein the entire system is not open and transparent for auditing by trusted parties outside the control of the state election boards and state executives, from qualified voters' hands to the certified count.
- G. Issue an injunction enjoining Defendant from certifying any election wherein the results do not accurately and provably reflect voter intent, individually and collectively, in compliance with the law.
- H. Issue an injunction enjoining Defendant from using the voting systems used in the 2020 and 2022 General Elections in future elections in Maryland due to the exceptionally high error rates and mandating the decertification of the system or systems.
- I. Issue an injunction enjoining Defendant from using the ES&S EVS 5.2.0.0 voting system in future elections in Maryland and mandating the decertification of the system.
- J. Issue an injunction enjoining Defendant from using the ES&S EVS 5.2.0.3 voting system in future elections in Maryland and mandating the decertification of the system.

K. Issue an injunction mandating Defendant comply with PIA requests for, including but not limited to, audit logs, system logs, error logs, configuration reports, etc. of voting systems.

L. Issue an injunction mandating Defendant to program voting machines to query voters in the case they are attempting to cast a blank ballot, undervote, or overvote instead of automatically accepting such ballots.

M. Establish a Special Master to guide the Maryland State Board of Elections to institute change prior to the November 2024 election and subject to the approval of this court to:

- i. Insure we know who is voting and that each voter is provably a U.S. citizen.
- ii. Insure that the entire system from the Voter's hands to the tabulated count is provably secure including ballots from printer to storage.
- iii. Insure that all system steps and all components thereof are fully auditable on a transaction/action by action basis.
- iv. Implement a monitoring system able to effectively detect real-time variances from legal conduct.
- v. Implement a system that allows end to end insured and certified audits by trusted parties outside the control of the State Election bureaucrats and executives, from the voters' hands to the certified count. such audits to be paid for by the State. Such audits will be done at sufficient scale to prove the intent of the voters was determined accurately and in compliance with the law.

vi. Prevent elections from being certified that are unable to prove they accurately determine voter intent; individually and collectively, in compliance with the law.

N. Grant such other and further relief as the nature of this cause may require.

Respectfully submitted,

HARTMAN, Attorneys at Law

Date: March 5, 2024

By: /s/ C. Edward Hartman, III  
C. Edward Hartman, III, No. 07716  
116 Defense Highway, Suite 300  
Annapolis, Maryland 21401-8962  
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*Attorneys for Plaintiff*

**AFFIDAVIT**

I have personal knowledge of the facts alleged in this Complaint. Based on my personal knowledge I verify that the matters stated in this Complaint are true.

I declare under penalties of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: \_\_\_\_\_

## Appendix F

### REGISTRATION VIOLATION CATEGORIES AND SUB-CATEGORIES

CATEGORIES	VIOLATIONS	LAW/RULE IN VIOLATION
<b>Illegal duplicate registrations</b>	<b>1,699</b>	Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); § 3-101
Match (First name, Address, DOB)	1,288	
Fuzzy Match (First name, Last name, Address, DOB +/- 30 days)	411	
<b>Questionable Inactive Status</b>	<b>25,084</b>	Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); §§ 3-502 - 3-503
No vote 2016, voted 2020, Inactive 12/2021	23,088	
Inactive after 2022 Primary, Active Post 2022 GE, Inactive by 4/2023	686	
Inactive before 2022 Primary, Active immediately after 2022 Primary, Inactive beginning again December 2022	1,310	
<b>Active Registrations without a certified U.S. Post Office mailing address</b>	<b>3,366</b>	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
<b>Active Registrants who moved at least 4 years ago</b>	<b>5,680</b>	Maryland Annotated Code, Election Law Article, Title 3 Moved Voters §3-502
<b>Active Registrations with no residential address (PO Box, UPS or Fedex)</b>	<b>605</b>	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102



## Appendix F

CATEGORIES	VIOLATIONS	LAW/RULE IN VIOLATION
Active Registrations with Nonstandard address	296	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Active Registrants who are deceased	1,218	Maryland Annotated Code, Election Law Article, Title Deceased Voters 3§3-504
Age discrepant registrants (younger than 16 )	883	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Questionable Registration Date	40,518	Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); § 3-101
January 1st registrations, all years 1900-2022	32,806	
Change registrations dates BEFORE State Registration Dates	4,732	
State Registration Date Changed	2,358	
Date of Birth Changed	622	
<b>TOTAL REGISTRATION VIOLATIONS</b>	<b>79,349</b>	

## Appendix G

**VOTING VIOLATION CATEGORIES AND SUB-CATEGORIES**

CATEGORIES	2020	2022	LAW/RULE IN VIOLATION
<b>Illegal duplicate registrations</b>	<b>1,323</b>	<b>822</b>	<b>Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); § 3-101</b>
Apparent Voting Violation (Duplicate Match)	1,035	643	
Actual Voting Violation (Duplicate Match)	15	7	
Apparent Voting Violation (Fuzzy Match)	288	179	
Actual Voting Violation (Fuzzy Match)	1	1	
<b>Questionable Inactive Status</b>	<b>23,558</b>	<b>455</b>	<b>Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); §§ 3-502 - 3-503</b>
No vote 2016, voted 2020, Inactive 12/2021	23,088		
Inactive after 2022 Primary, Active Post 2022 GE, Inactive by 4/2023		344	
Inactive before 2022 Primary, Active immediately after 2022 Primary, Inactive again sometime after Primary	470	111	
<b>Active Registrations w/o a Certified U.S. Post Office Mailing Address</b>	<b>1374</b>	<b>560</b>	<b>Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102</b>
<b>Active Registrants Who Moved at Least 4 Years Ago</b>	<b>3,704</b>	<b>1379</b>	<b>Maryland Annotated Code, Election Law Article, Title 3 Moved Voters §3-502</b>
<b>Active Registrations with NO Residential Address (PO Box, UPS or Fedex)</b>	<b>312</b>	<b>151</b>	<b>Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102</b>
<b>Active Registrations with Nonstandard Address</b>	<b>111</b>	<b>61</b>	<b>Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102</b>
<b>Active Registrants who are Deceased</b>	<b>4</b>	<b>0</b>	<b>Maryland Annotated Code, Election Law Article, Title Deceased Voters 3§3-504</b>

## Appendix G

CATEGORIES	2020	2022	LAW/RULE IN VIOLATION
<b>Age Discrepant</b>	<b>471</b>	<b>229</b>	<b>Maryland Annotated Code, Election Law Article, Title 3, Eligibility §3-102</b>
Registrants younger than 16	455	217	
Voters younger than 18; older than 115	15	11	
<b>Questionable Registration Date</b>	<b>29,755</b>	<b>23,902</b>	<b>Maryland Annotated Code, Election Law Article, Title 3; 3-102; §§3-301-3-306</b>
January 1st registrations, all years 1900-2022	25,587	21,442	
Change registrations dates BEFORE State Registration Dates	2982	1567	
State Registration Date Changed	842	596	
Date of Birth Changed	344	297	
<b>Registered after General Election</b>	<b>1463</b>	<b>64</b>	<b>Maryland Annotated Code, Election Law Article, Title 3; 3-102; §§3-301-3-306</b>
<b>REGISTRATIONS</b>	<b>47,075</b>	<b>27,633</b>	<i>Federal Law only allows for 16 Votes in Error. Help America Vote Act, 2002. 252 USC Ch. 209 § 21081 Voting Systems and Standards(5)ERROR RATES. For each processing function indicated above, the system shall achieve a target error rate of no more than one in 10,000,000 ballot positions, with a maximum acceptable error rate in the test process of one in 500,000 ballot positions. (1/125,000. 2005)</i>
<b>Cast Outcomes</b>	<b>6,216,619</b>	<b>27,607</b>	
<b>Acceptable Error Rates</b>			



**A. Required Information—In General.** The technical data package shall contain all documentation previously submitted for the qualification testing of the system, including each of the following:

- (1) Hardware schematic diagrams;**
- (2) Hardware theory of operation;**
- (3) Customer maintenance documentation;**
- (4) Operations manual;**
- (5) Software source code (both in the form of a listing and in a machine-readable form on media acceptable to the evaluation agent);**
- (6) Software system design;**
- (7) Customer documentation; and**
- (8) The report and test results of the independent test agency.**

All of the above, with the exception of (5), were provided.

**B. Required Information—License and Warranty.** The package also shall include:

- (1) A list of all third-party software required to install or operate the system;**

This requirement was met.

- The installation and operation documentation included third party software that is required for use of the system.

- (2) The terms of the license agreements for all software identified under §B(1) of this regulation; and**

This requirement was not met.

- ES&S stated in their response that the licensing of third party software remains with the jurisdiction.

- (3) Warranty terms for the entire system, including all third-party software.**



**U. S. ELECTION ASSISTANCE COMMISSION  
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM**  
1335 East West Highway, Suite 4300  
Silver Spring, MD 20910

March 20, 2020

Sent via e-mail

Steve Pearson, Senior Vice President of Certification  
Election Systems & Software  
11208 John Galt Blvd.  
Omaha, NE 69137

**Re: DS200 Misrepresentation**

Dear Mr. Pearson,

On January 7, 2020, the U.S. Election Assistance Commission (EAC) received a complaint from two organizations, Free Speech for People and National Election Defense Coalition, stating that:

1. ES&S may have violated Sections 5.14 and 5.15.1 of the EAC Testing and Certification Program Manual Version 2.0 by representing or implying that the DS200 with modem configuration is EAC certified when in fact only the DS200 without modem is EAC certified.
2. ES&S also may have violated Section 5.16 by failing to warn purchasers that adding a modem to the DS200 will void the EAC certification of the voting system in its entirety.

The complaint requested that the EAC conduct an investigation, require corrective action, and determine whether to suspend ES&S's manufacturer registration.

On the same day, I requested that ES&S submit all marketing material for all ES&S EAC-certified voting systems by COB on January 10, 2020. ES&S requested to extend the deadline to January 17<sup>th</sup> due to unavailability of ES&S's marketing manager. ES&S submitted the marketing material, including their response to the complaint, on January 17<sup>th</sup>. In their response, ES&S stated they have remedied the issue by removing all references in its current corporate marketing materials related to the "optional use" of modems.

I have reviewed the marketing material submitted by ES&S and confirm that ES&S has several documents that state that the DS200 is "fully certified and compliant with EAC guidelines" while also listing a modem as optional. This misrepresentation is in violation of the EAC's Testing and Certification Program. I am pleased that ES&S has taken prompt action to revise their marketing material. In order to be in compliance with our Program, ES&S must take the following corrective actions:

- Provide a plan to remove all misrepresented marketing material from circulation.
- Notify current and potential customers who received the misrepresented information that previous information was inaccurate.
- Distribute the revised information to those same customers.

In several other documents, ES&S states, "All ES&S tabulation systems are submitted to rigorous and extensive independent test campaigns as part of the Election Assistance Commission's (EAC) Voting System Certification Program." I find this statement to be a misrepresentation since ES&S has state-certified voting systems that have not been tested or certified under the EAC's Program. In order to be in compliance with our Program, ES&S must take the following corrective actions:

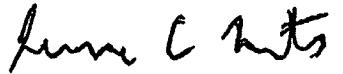
- Revise the marketing material to properly represent voting systems that have been certified by the EAC.
- Provide a plan to remove all misrepresented marketing material from circulation.
- Notify current and potential customers who received the misrepresented information that previous information was inaccurate.
- Distribute the revised information to those same customers.

As you are aware, the EAC has the authority to conduct reviews of fielded voting systems to ensure compliance with our Testing and Certification Program. We will conduct reviews of EAC-certified DS200s to ensure that they comply with our Program.

Finally, according to Section 5.15.4 of the Testing and Certification Program Manual, you have 15 days from receipt of this letter to comply with the recommended corrective actions. Failure to comply will result in the EAC publicly announcing that the voting system no longer complies with its original certification, and could include initiating decertification actions and/or suspension of manufacturer registration.

You are a valued stakeholder and I appreciate your proactive and prompt response.

Sincerely,



Jerome Lovato  
Director, Voting System Testing and Certification

cc:      Mona Harrington, Acting Executive Director  
          Amanda Joiner, Associate Counsel

- Symbol

The EMS Servers and Workstations require each user to be identified to Windows via its User Credentials system. The hardening process establishes strong user credential settings that conform to industry best practices.

- Each user must have his/her own credentials.
- User passwords must be constructed in accordance with the following complexity rules:
  - Not contain the user's account name or parts of the user's full name that exceed two consecutive characters.
  - Be at least 12 characters in length.
  - Contain characters from three of the following four categories:
    - English uppercase characters (A through Z).
    - English lowercase characters (a through z).
    - Base 10 digits (0 through 9).
    - Non-alphabetic characters (for example, !, \$, #, %).
- Non-keyboard characters such as symbols are not allowed.
- User passwords are never stored in the clear.
- Each user must be assigned to a specific user group which determines the functions that the user is allowed to execute.
- The Windows configuration is set to use FIPS-compliant configuration for the design and implementation of the application password encryption algorithms.
- User passwords expire every 90 days.



EXHIBIT

E

- Is there any remote communication technology associated with your proposed solution?  
If so, explain.

#### **ES&S RESPONSE**

The future upgrade includes adding the remote communications technology both dialup and wireless supported by our other products to this product release. The future EMS network is based on the proposed technology architecture. The EMS system includes a Windows 2008 R2 Server and Windows 7 Professional Workstations. The Workstations can be either desktop or laptop computers. The Workstations are then connected to the server using a gigabit switch.

The current closed loop LAN was given top priority when adding the wireless and wired data communications to the network architecture. In order to support the wireless and wired communications, a Demilitarized Zone (DMZ) was setup to host an SFTP Server. The DMZ configuration includes a Cisco ASA 5505 firewall and a Windows 2008 R2 Communications Server. This Server hosts both a SFTP and a Syslog Server. This Server may also host a Routing and Remote Access (RAS) Server if wired (dialup) communications is used.

The firewall supports three VLANs, Outside (Internet), Inside (EMS Network), and DMZ (SFTP Server). The firewall has a specialized configuration, which only allows: 1) the SSH protocol

between the Internet and DMZ, 2) the SSH protocol between the DMZ and the EMS Network, 3) the Network Time Protocol (NTP) to set its internal clock, and 4) logging to a Syslog server resident on the Server in the DMZ.

The DS200 Tabulators use wireless modems to connect to the SFTP Server via the Internet. In order to logon to the SFTP Server, each DS200 Tabulator is given a unique User ID and Password. The SFTP Server is configured to only allow the DS200 to push (send) data to the SFTP Server. The DS200 Tabulators are not allowed to pull data from the SFTP Server. The DS200 Tabulators may also use wired (dialup) modems to connect to the SFTP Server via the RAS Server. When using wired modems, before the DS200 Tabulator can communicate to the SFTP Server, it must first authentication with the RAS Server using Windows User ID and Password Authentication.

The Regional Results Transfer application allows results files accumulated on DS200 media devices at remote polling locations to be sent to Election Central from Regional Results Transfer sites. The Regional Results Transfer application runs on a Window 7 PC. The network options include Ethernet, dialup, wireless mobile broadband and MiFi (mobile WiFi).

In order to pull data into the EMS Network, an SFTP Client is installed on one of the ERM Workstations within the EMS Network. The SFTP Server is configured to only allow the SFTP Client to pull (receive) data from the SFTP Server in the DMZ. The SFTP protocol used by both SFTP Server and SFTP Client is FIPS 140-2 compliant. Attached is a network diagram and a list containing hardware configurations and the required COTS software for the proposed system.

The DS850 can be connected to the EMS network to an SFTP Server hosted on the EMS Server. Each DS850 is given a unique User ID and Password. The SFTP Server is setup so that the DS850 transmitted data is stored directly into the proper election data folder on the EMS Server.

- **What processes are you using for source code review and compiler security verification?**

#### **ES&S RESPONSE**

All ES&S source code is stored and archived on File Servers within the secure ES&S internal network infrastructure. Access to these source code repositories is limited to the ES&S developers assigned to the respective products and members of the ES&S Configuration Management Group. All changes made during the ES&S product development process goes through a peer review process whereby all source code is manually verified before being introduced as permanent changes to the system.

During the EAC Certification process, whenever source code is transferred to the EAC approved Voting System Test Lab (VSTL) to enable the source code review process, it is done using a Secure File Transfer Protocol (SFTP) between ES&S and the VSTL. The SFTP ensures that all information sent is encrypted using FIPS 140-2 compliant algorithms and cannot be modified during the transfer process.

Source code is never installed on the customer systems. Only the VSTL built product Installs, consisting of executable object code, are installed on the end-user systems. ES&S and the VSTL provide hash checking protocol to ensure that the installed object code matches the code built by the VSTL.

6. Non-English characters are not supported in ERM. This has to do with the creation of the XML results file out of ERM.
7. ERM's maximum page size for reports is 5,000 pages.

## Functionality

### 2005 VVSG Supported Functionality Declaration



Feature/Characteristic	Yes/No	Comment
Voter Verified Paper Audit Trails		
VVPAT	No	
Accessibility		
Forward Approach	Yes	
Parallel (Side) Approach	Yes	
Closed Primary		
Primary: Closed	Yes	
Open Primary		
Primary: Open Standard (provide definition of how supported)	Yes	
Primary: Open Blanket (provide definition of how supported)	No	
Partisan & Non-Partisan:		
Partisan & Non-Partisan: Vote for 1 of N race	Yes	
Partisan & Non-Partisan: Multi-member ("vote for N of M") board races	Yes	
Partisan & Non-Partisan: "vote for 1" race with a single candidate and write-in voting	Yes	
Partisan & Non-Partisan "vote for 1" race with no declared candidates and write-in voting	Yes	
Write-In Voting:		
Write-in Voting: System default is a voting position identified for write-ins.	Yes	
Write-in Voting: Without selecting a write in position.	Yes	
Write-in: With No Declared Candidates	Yes	
Write-in: Identification of write-ins for resolution at central count	Yes	
Primary Presidential Delegation Nominations & Slates:		
Primary Presidential Delegation Nominations: Displayed delegate slates for each presidential party	No	
Slate & Group Voting: one selection votes the slate.	No	
Ballot Rotation:		
Rotation of Names within an Office; define all supported rotation methods for location on the ballot and vote tabulation/reporting	Yes	
Straight Party Voting:		
Straight Party: A single selection for partisan races in a general election	Yes	
Straight Party: Vote for each candidate individually	Yes	
Straight Party: Modify straight party selections with crossover votes	Yes	
Straight Party: A race without a candidate for one party	Yes	
Straight Party: N of M race (where "N">>1)	Yes	
Straight Party: Excludes a partisan contest from the straight party selection	Yes	
Cross-Party Endorsement:		
Cross party endorsements, multiple parties endorse one candidate.	Yes	

<b>Feature/Characteristic</b>	<b>Yes/No</b>	<b>Comment</b>
Split Precincts:		
Split Precincts: Multiple ballot styles	Yes	
Split Precincts: P & M system support splits with correct contests and ballot identification of each split	Yes	
Split Precincts: DRE matches voter to all applicable races.	No	
Split Precincts: Reporting of voter counts (# of voters) to the precinct split level; Reporting of vote totals is to the precinct level	Yes	It is possible to list the number of voters.
Vote N of M:	Yes	
Vote for N of M: Counts each selected candidate, if the maximum is not exceeded.	No	
Vote for N of M: Invalidates all candidates in an overvote (paper)	No	
Recall Issues, with options:		
Recall Issues with Options: Simple Yes/No with separate race/election. (Vote Yes or No Question)	Yes	
Recall Issues with Options: Retain is the first option, Replacement candidate for the second or more options (Vote 1 of M)	Yes	
Recall Issues with Options: Two contests with access to a second contest conditional upon a specific vote in contest one. (Must vote Yes to vote in <sup>nd</sup> 2 <sup>nd</sup> contest.)	No	
Recall Issues with Options: Two contests with access to a second contest conditional upon any vote in contest one. (Must vote Yes to vote in <sup>nd</sup> 2 <sup>nd</sup> contest.)	No	Overturned - US District Court 7/29/03: CA Election Code sect. 11383
Cumulative Voting		
Cumulative Voting: Voters are permitted to cast, as many votes as there are seats to be filled for one or more candidates. Voters are not limited to giving only one vote to a candidate. Instead, they can put multiple votes on one or more candidate.	No	
Ranked Order Voting		
Ranked Order Voting: Voters can write in a ranked vote.	No	
Ranked Order Voting: A ballot stops being counting when all ranked choices have been eliminated	No	
Ranked Order Voting: A ballot with a skipped rank counts the vote for the next rank.	No	
Ranked Order Voting: Voters rank candidates in a contest in order of choice. A candidate receiving a majority of the first choice votes wins. If no candidate receives a majority of first choice votes, the last place candidate is deleted, each ballot cast for the deleted candidate counts for the second choice candidate listed on the ballot. The process of eliminating the last place candidate and recounting the ballots continues until one candidate receives a majority of the vote	No	
Ranked Order Voting: A ballot with two choices ranked the same, stops being counted at the point of two similarly ranked choices.	No	

<b>Feature/Characteristic</b>	<b>Yes/No</b>	<b>Comment</b>
Ranked Order Voting: The total number of votes for two or more candidates with the least votes is less than the votes of the candidate with the next highest number of votes, the candidates with the least votes are eliminated simultaneously and their votes transferred to the next-ranked continuing candidate.	No	
Provisional or Challenged Ballots		
Provisional/Challenged Ballots: A voted provisional ballots is identified but not included in the tabulation, but can be added in the central count.	Yes	
Provisional/Challenged Ballots: A voted provisional ballots is included in the tabulation, but is identified and can be subtracted in the central count	Yes	
Provisional/Challenged Ballots: Provisional ballots maintain the secrecy of the ballot.	Yes	
Overvotes (must support for specific type of voting system)		
Overvotes: P & M: Overvote invalidates the vote. Define how overvotes are counted.	Yes	
Overvotes: DRE: Prevented from or requires correction of overvoting.	No	
Overvotes: If a system does not prevent overvotes, it must count them. Define how overvotes are counted.	Yes	
Overvotes: DRE systems that provide a method to data enter absentee votes must account for overvotes.	No	
Undervotes		
Undervotes: System counts undervotes cast for accounting purposes	Yes	
Blank Ballots		
Totally Blank Ballots: Any blank ballot alert is tested.	Yes	
Totally Blank Ballots: If blank ballots are not immediately processed, there must be a provision to recognize and accept them	Yes	
Totally Blank Ballots: If operators can access a blank ballot, there must be a provision for resolution.	Yes	
Networking		
Wide Area Network – Use of Modems	No	
Wide Area Network – Use of Wireless	No	
Local Area Network – Use of TCP/IP	No	
Local Area Network – Use of Infrared	No	
Local Area Network – Use of Wireless	No	
FIPS 140-2 validated cryptographic module	No	
Used as (if applicable):		
Precinct counting device	Yes	DS200
Central counting device	Yes	DS850



MARYLAND STATE BOARD OF ELECTIONS  
ELECTION SYSTEMS AND SOFTWARE – EVS 5.2.0.0

During the public demonstration, 26 out of 40 voters felt that the DS200 was easy to use. 5 voters did not agree that it was easy to use, with the balance not expressed a preference.

For those voters using the ExpressVote, 13 of 19 voters felt that the system was easy to use, and no voters felt that the system was not easy to use with 6 voters not expressing an opinion either way.

**(7) the convenience of voting afforded by the system**

The system will support voting taking place during the early voting period in the State, on Election Day, and absentee and provisional voting.

The system supports voting by voters with a range of disabilities, through the use of the ExpressVote ballot marking devices, using visual and non-visual means.

It is also possible to use the ExpressVote system in lieu of a Ballot on Demand system in early voting.

**(8) the timeliness of the tabulation and reporting of election returns;**

Reporting of election results can take place in the polling place as soon as voting has ended. LBE results can be continuously updated as memory devices return from the polling place. Results can be transferred by modem to the EMS server.

**(9) the potential for an alternative means of verifying the tabulation**

The DS850 central counter can be used to verify election day results. Despite being slower and less reliable, the ballots may be also counted by hand if necessary. This satisfies the definition of an 'alternative means of verifying the tabulation'.

**(10) accessibility for all voters with disabilities recognized by the Americans with Disabilities Act; and**

The EVS 5.2.0.0 system meets the accessibility requirements of the 2005 Voluntary Voting System Guidelines.

**(11) any other factor that the State Board considers relevant**

The EVS 5.2.0.0 system meets requirements for the above considerations.

addition, the complaint alleges that non-compactness of districts itself produces harm by making more difficult candidates' use of mass media to reach the relevant electorate, increasing the cost of campaigns, and creating voter confusion. *Id.*, ¶¶ 48-52.

This lawsuit is the fifth challenge to the State's congressional districting plan, which was previously upheld against other gerrymandering claims in *Fletcher v. Lamone*, 831 F. Supp. 2d 887 (D. Md. 2011), *aff'd*, 133 S. Ct. 29 (2012); *Gorrell v. O'Malley*, Civil No. WDQ-11-2975, 2012 WL 226919 (D. Md. Jan. 19, 2012); *Olson v. O'Malley*, Civil No. WDQ-12-0240, 2012 WL 764421 (D. Md. Mar. 6, 2012); and *Benisek v. Mack*, 11 F. Supp. 3d 516 (D. Md. 2014), *aff'd*, 584 Fed.Appx. 140 (2014). Defendants expect to file a motion to dismiss the complaint early next week. Mr. Darsie explained how this challenge differed from the previously filed lawsuits.

2. Mr. Darsie reported that oral arguments in the *National Federation of the Blind* case have been postponed and not yet rescheduled. They were originally scheduled for mid-September 2015. In response to a question, Mr. Darsie responded that the appeal would likely continue regardless of whether the State Board certified the online ballot marking tool because of the attorneys fees.

## VOTING SYSTEM SOLUTION BRIEFING

Ms. Lamone explained that State law requires that a voting system be tested by a federally accredited laboratory and found to meet testing and performance standards of the federal Voluntary Voting System Guidelines. SBE's RFP for the new voting system, however, included a higher standard – certification by the U.S. Election Assistance Commission (EAC).

In ES&S' initial response, the company proposed version 5.2.0.0, an EAC-certified solution. The RFP, however, required that the proposed solution be capable of transmitting unofficial election results, and in its best and final offer, ES&S proposed modem technology and version 5.3.0.0. Release version 5.3.0.0 is not EAC-certified but had been tested by a federally accredited lab. The lab found that version 5.3.0.0 met all but one of the required standards; it did not meet the standard relating to transmitting election night results because of prior decisions issued by the EAC.

During testing, SBE discovered a signature issue with the ExpressVote files. These files are signed with a digital signature, but if the signature starts with a zero, the leading zero is dropped when the file is transferred from ElectionWare to the ExpressVote. Because the signatures no longer match, it triggers an error message. ES&S submitted for EAC certification a software fix – version 5.2.0.3, and testing is expected to be complete by July 17<sup>th</sup>. Ms. Charlson explained that the only difference between version 5.2.0.0 and 5.3.0.0 is the ability to modem, and the only difference between 5.2.0.0 and 5.2.0.3 is the fix to the signature issue.

This software issue has delayed testing but has not impacted other aspects of the project (e.g., training, documentation, mock election in October). Although ES&S continues to deliver equipment to SBE's central warehouse, acceptance testing of the equipment is on hold. Delivery of the equipment, however, could not begin until the assessments of the local boards' warehouses are complete, and they are due by the end of the month.

When the EAC certifies version 5.2.0.3, staff will provide board members with a copy of the lab report and EAC certification and ask the State Board to certify by email this version. Upon approval, ES&S will install on the equipment the new version, and SBE will fully test the equipment and software and coordinate delivery of the equipment to the local boards.

EXHIBIT

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In prior elections, three local boards – Baltimore, Montgomery, and Prince George's Counties – transmitted unofficial election results from either a polling place or a regional transmission center. Because version 5.2.0.3 does not support this type of transmission, SBE is working with ES&S and DoIT identify a solution for the three local boards to provide timely unofficial election night results.

Ms. Lamone stated that State Law requires a comprehensive, public information program to introduce a new voting system. In June 2015, the Board of Public Works rejected SBE's contract for the design and implementation of a voter education campaign. Ms. Lamone explained that the proposed campaign costs less than \$0.50 per voters and provided the board members with a list of the contract tasks that cannot be performed by SBE. Ms. Lamone noted that voter education is critically important to the success of the project and inadequate voter education will generate lines since voters will have to learn how to use the system when they appear to vote.

In response to a question about whether there could be a less expensive proposal, Ms. Lamone explained that she had asked Mr. Darsie whether procurement law would permit a reduced contract amount. Ms. Mack noted that teaching voters how to vote when they show up will generate more lines. Mr. Hogan stated that he did not think that the Board of Public Works understood that this is a legal requirement and that funds had been budgeted for this purpose.

Mr. McManus made a motion to send to the Board of Public Works a letter requesting that the board re-consider its denial of the SBE's proposed contract with Alex + Tom and determine whether SBE could propose a smaller contract and be consistent with procurement law, and Ms. Mack seconded the motion. The motion passed unanimously.

#### **APPROVAL OF CAMPAIGN FINANCE WAIVER REQUESTS**

Mr. DeMarinis explained the process for a campaign committee to request a waiver of fees that have been assessed because the committee failed to file a timely report. As of July 1, 2015, late fees will be remitted to the Fair Campaign Financing Fund (instead of SBE), and since the last board meeting, SBE has received \$16,960 in late fees. Mr. DeMarinis presented requests from eight campaign finance committees for waivers of late fees and noted that most of the committees want to close their accounts but are unable to do so because of the late fees. He noted that, in May, Ms. Lamone denied six requests for waivers.

- |                                      |                                                |
|--------------------------------------|------------------------------------------------|
| 1. Allen, William Committee to Elect | 5. Mosby, Marilyn Friends of                   |
| 2. George, Ron Committee To Elect    | 6. Novinger, Frank for Judge of Orphan's Court |
| 3. Guy, James (Randy), Citizens for  | 7. Sanchez, Carlo Friends of                   |
| 4. Marchini, Laurie P. Citizens for  | 8. Two Terms and No More                       |

Mr. McManus made a motion to approve the requests for waivers of late fees, and Mr. Hogan seconded the motion. The motion passed unanimously.

#### **APPROVAL OF TITLE 14 WAIVER REQUESTS**

Mr. DeMarinis explained the Title 14 filing requirements for businesses and presented requests from 17 businesses doing public business to waive assessed late fees. The businesses requesting a waiver of late fees are:

- |                                  |                                                 |
|----------------------------------|-------------------------------------------------|
| 1. Old Line Holding Company, Inc | 3. Maryland Thoroughbred Horsemen's Association |
| 2. Sidus Group, LLC              |                                                 |



James Randisi <jamesrandisi1@gmail.com>

**Fwd: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**  
1 message

PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
To: jamesrandisi1@gmail.com

Thu, Nov 30, 2023 at 3:07 PM

----- Forwarded message -----  
From: Brajkovic, Boris <Boris.Brajkovic@montgomerycountymd.gov>  
Date: Fri, Oct 27, 2023 at 1:53 PM  
Subject: RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>

Good afternoon Ms. Judy,

This acknowledges receipt of your Maryland Public Information Act request seeking public records regarding "ES&S EL68A reports Nov 2018, Nov 2020, Nov 2022." You have also requested a number of reports/logs from all DS200s and DS850s.

Please allow this letter to serve as notice that it will take more than ten (10) days to respond to your Maryland Public Information Act request. In addition, I am writing to respectfully request that you try to narrow the scope of your request. There are anywhere from 700-1,000 tapes/reports if one were to produce the reports you have requested for each DS200 and DS850. The DS200s are in each polling place and at least two (2) tapes are prepared for each machine. It would take an inordinate amount of time to reproduce those documents and would cost you thousands of dollars to do so. The MPIA is considered an iterative process. The parties should attempt to work to narrow the scope of any MPIA requests that are burdensome in nature. Please try to narrow the scope of your request. If you are not willing to do so, we will provide you a fee estimate but it will be substantial in nature.

I look forward to hearing from you.

Sincerely,

Boris Brajkovic

**Boris Brajkovic**  
**Election Director**  
Montgomery County Board of Elections  
18753 N. Frederick Avenue, Suite 210  
Gaithersburg, Maryland 20879  
240-777-8523 (office)  
240-372-5152 (cell)  
Boris.Brajkovic@montgomerycountymd.gov

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**From:** Elections, Board-Of <Board-Of.Elections@montgomerycountymd.gov>  
**Sent:** Monday, October 16, 2023 8:55 AM  
**To:** Brajkovic, Boris <Boris.Brajkovic@montgomerycountymd.gov>  
**Cc:** Ross, Janet A. <Janet.Ross@montgomerycountymd.gov>  
**Subject:** FW: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

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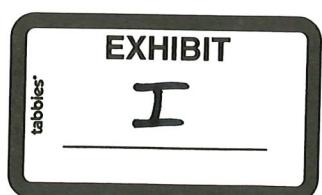
**From:** PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
**Sent:** Monday, October 16, 2023 8:10 AM  
**To:** Elections, Board-Of <Board-Of.Elections@montgomerycountymd.gov>  
**Subject:** REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

[EXTERNAL EMAIL]  
RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

Dear Custodian of Records

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&S reports and Public Records within the Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log



EXHIBIT

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tables\*

- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

## Chapter 33: Log

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.

**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.

## System Log

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.



**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These PUBLIC RECORDS requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
  - 2. a computerized record;
  - 6. a form;

The data format that the ES&S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries
- h.) \*\*\*System Configuration\*\*\*
- i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

- 1. Data or information, whether physical or virtual; or
- 2. Information technology resources as defined in the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, which includes:
  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

Therefore, no part of this request should be denied. However, should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland; and clearly print your name and title, and sign this denial.

Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,  
Maryann Judy  
410-924-3919 Direct  
For Elections - Public Records Requests



For more helpful Cybersecurity Resources, visit: <https://www.montgomerycountymd.gov/cybersecurity>



James Randisi <jamesrandisit@gmail.com>

**Fwd: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

1 message

PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
To: jamesrandisit@gmail.com

Thu, Nov 30, 2023 at 3:08 PM

----- Forwarded message -----

From: Dionne Church -SBE- <dionne.church@maryland.gov>  
Date: Mon, Oct 23, 2023 at 8:00 AM  
Subject: Re: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: <electionspublicrecordsrequest@gmail.com>

Dear Elections Public Records Request,

Good afternoon! This email correspondence is sent to you in response to your email correspondence dated Monday, October 16, 2023, in which you requested certain materials.

There are no documents responsive to the request.

Very truly yours,  
**Dionne Church**  
Election Director  
Wicomico County Board of Elections  
410-548-4830 ext. 104  
[dionne.church@maryland.gov](mailto:dionne.church@maryland.gov)

On Tue, Oct 17, 2023 at 8:31 AM Wicomico Elections -SBE- <[wicomico.elections@maryland.gov](mailto:wicomico.elections@maryland.gov)> wrote:

----- Forwarded message -----

From: PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
Date: Mon, Oct 16, 2023 at 8:13 AM  
Subject: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: <[wicomico.elections@maryland.gov](mailto:wicomico.elections@maryland.gov)>

**RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

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- November 2022 General Election - ES&S Report EL68A - Also known as System Log

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There are three ways to view the contents of this audit file.

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Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
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  - 6. a form;

The data format that the ES&S Software AUTOMATICALLY generates these public records is the .LST file format.

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- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries
- h.) \*\*\*System Configuration\*\*\*
- i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

- 1. Data or information, whether physical or virtual; or
- 2. Information technology resources as defined in the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, which includes:
  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

Therefore, no part of this request should be denied. However, should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland; and clearly print your name and title, and sign this denial.

Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

Maryann Judy  
410-924-3919 Direct  
For Elections - Public Records Requests



James Randisi &lt;jamesrandisi1@gmail.com&gt;

---

**Fwd: REQUEST FOR PUBLIC RECORDS Calvert County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**  
1 messageRecords Requests <[records@thejusticesociety.com](mailto:records@thejusticesociety.com)>  
To: James Randisi <[jamesrandisi1@gmail.com](mailto:jamesrandisi1@gmail.com)>

Thu, Nov 30, 2023 at 3:00 PM

----- Forwarded message -----  
From: Scott, Kristen E. <[Kristen.Scott@calvertcountymd.gov](mailto:Kristen.Scott@calvertcountymd.gov)>  
Date: Mon, Oct 23, 2023 at 11:37 AM  
Subject: RE: REQUEST FOR PUBLIC RECORDS Calvert County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: Records Requests <[records@thejusticesociety.com](mailto:records@thejusticesociety.com)>

Dear Mr. Fletcher,

The Calvert County Election Board has received your request for ES&S Report EL68A for the November 2018, 2020 and 2022 General Elections as well as your request for the audit log for the NOVUS Runbeck Ballot Duplication Software and the Runbeck NOVUS certification. We have no responsive documents for this request. Thank you, Kristen

*Kristen E. Scott*

Executive Administrative Aide  
Calvert County Election Board  
30 Duke St. / Lower Level  
PO Box 798  
Prince Frederick, MD 20678  
410-535-2214 x 4  
[Kristen.Scott@calvertcountymd.gov](mailto:Kristen.Scott@calvertcountymd.gov)



**From:** Records Requests <[records@thejusticesociety.com](mailto:records@thejusticesociety.com)>  
**Sent:** Friday, October 13, 2023 6:52 PM  
**To:** Election Board <[elections@calvertcountymd.gov](mailto:elections@calvertcountymd.gov)>  
**Subject:** REQUEST FOR PUBLIC RECORDS Calvert County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

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This Message Is From an External Sender

This message came from outside your organization.

**RE: REQUEST FOR PUBLIC RECORDS Calvert County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

Dear Custodian of Records Calvert County

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&S reports and Public Records within the Calvert County Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

### Chapter 33: Log

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.

**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.

## System Log

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.



**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These **PUBLIC RECORDS** requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
  - 2. a computerized record;
  - 6. a form;

The data format that the ES&S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries
- h.) \*\*\*System Configuration\*\*\*
- i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

1. Data or information, whether physical or virtual; or
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  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

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Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

Michael Fletcher

For The Justice Society



James Randisi <jamesrandisi1@gmail.com>

---

## Fwd: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

1 message

PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
To: jamesrandisi1@gmail.com

Thu, Nov 30, 2023 at 3:09 PM

----- Forwarded message -----

From: Mickley, Guy <gmickley@howardcountymd.gov>  
Date: Mon, Oct 16, 2023 at 11:31 AM  
Subject: RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>

The Howard County Board of Elections has no responsive documents in relation to this request.

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**From:** PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
**Sent:** Monday, October 16, 2023 8:11 AM  
**To:** Mickley, Guy <gmickley@howardcountymd.gov>  
**Subject:** REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

### RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

Dear Custodian of Records

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of **ES&S reports and Public Records** within the Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

[REDACTED]

[REDACTED]

These **PUBLIC RECORDS** requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
- 2. a computerized record;
- 6. a form;

The data format that the ES&S Software **AUTOMATICALLY** generates these public records is the .LST file format.

**The following reports/logs are being specifically requested for the each and all DS200, DS850**

Tabulator used to administer the election:

- a.) **\*\*\*Machine Configuration\*\*\***
- b.) **\*\*\*Initial State Report\*\*\* for each and every tabulator used.**
- c.) **\*\*\*Zero Total Report\*\*\***
- d.) **\*\*\*STATUS REPORT\*\*\***
- e.) **\*\*\*VOTING RESULTS REPORT\*\*\***
- f.) **\*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\***
- g.) **\*\*\*AUDIT LOG\*\*\* to include all entries**
- h.) **\*\*\*System Configuration\*\*\***
- i.) **\*\*\*Election Configuration\*\*\***

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- **Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.**
- **Runbeck NOVUS - Certification For Use In Maryland**

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

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  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

Therefore, no part of this request should be denied. However, should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland; and clearly print your name and title, and sign this denial.

Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

**Maryann Judy**

**410-924-3919 Direct**

For Elections - Public Records Requests



James Randisi <jamesrandisi1@gmail.com>

---

**Fwd: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

1 message

PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
To: jamesrandisi1@gmail.com

Thu, Nov 30, 2023 at 3:07 PM

----- Forwarded message -----

From: Diane Loibel <dloibel@alleganygov.org>  
Date: Mon, Oct 23, 2023 at 9:06 PM  
Subject: RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>

Allegany County does not have any responsive documents for this request.

Thanks,

Diane



**Diane Loibel**  
Administrator of Elections  
Allegany County Board of Elections  
Allegany County Government  
**t:** 301-777-5931  
**w:** <http://www.alleganygov.org>  
**a:** Allegany County Complex  
Suite 231  
701 Kelly Rd  
Cumberland, MD 21502

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**From:** PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
**Sent:** Monday, October 16, 2023 8:14 AM  
**To:** [elections@alleganygov.org](mailto:elections@alleganygov.org)  
**Subject:** REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

**RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

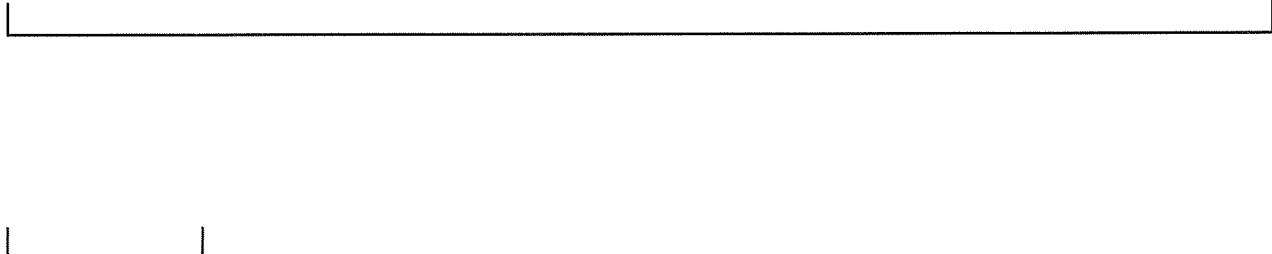
Dear Custodian of Records

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&S reports and Public Records within the Board of

Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.



These **PUBLIC RECORDS** requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
- 2. a computerized record;
- 6. a form;

The data format that the ES&S Software **AUTOMATICALLY** generates these public records is the .LST file format.

**The following reports/logs are being specifically requested for the each and all DS200, DS850**

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*

**e.) \*\*\*VOTING RESULTS REPORT\*\*\*****f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*****g.) \*\*\*AUDIT LOG\*\*\* to include all entries****h.) \*\*\*System Configuration\*\*\*****i.) \*\*\*Election Configuration\*\*\***

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- **Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.**
- **Runbeck NOVUS - Certification For Use In Maryland**

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

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Therefore, no part of this request should be denied. However, should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland; and clearly print your name and title, and sign this denial.

Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

**Maryann Judy**

**410-924-3919 Direct**

For Elections - Public Records Requests



James Randisi <jamesrandisi1@gmail.com>

Fwd: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

1 message

PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
To: jamesrandisi1@gmail.com

Thu, Nov 30, 2023 at 3:08 PM

----- Forwarded message -----

From: PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
Date: Fri, Oct 20, 2023 at 12:53 AM  
Subject: Fwd: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: <maryannmjudy@yahoo.com>, <mhflech673@gmail.com>, <mhflech@comcast.net>, <rsachs@mrr.com>

----- Forwarded message -----

From: Talbot Elections -SBE- <talbot.elections@maryland.gov>  
Date: Mon, Oct 16, 2023 at 12:33 PM  
Subject: Re: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>

Dear Maryann Judy,

I have reviewed your request for public information. Please see the attached response.

Regards,  
Tammy Stafford  
Election Director

On Mon, Oct 16, 2023 at 8:14 AM PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com> wrote:  
| RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

Dear Custodian of Records

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&S reports and Public Records within the Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

### Chapter 33: Log

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.

**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.

### System Log

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.



**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These PUBLIC RECORDS requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
- 2. a computerized record;
- 6. a form;

The data format that the ES&S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

a.) \*\*\*Machine Configuration\*\*\*

b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.

c.) \*\*\*Zero Total Report\*\*\*

d.) \*\*\*STATUS REPORT\*\*\*

e.) \*\*\*VOTING RESULTS REPORT\*\*\*

f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*

g.) \*\*\*AUDIT LOG\*\*\* to include all entries

h.) \*\*\*System Configuration\*\*\*

i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

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  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

Therefore, no part of this request should be denied. However, should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland; and clearly print your name and title, and sign this denial.

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I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

Maryann Judy  
410-924-3919 Direct  
For Elections - Public Records Requests



*Talbot County Board of Elections*  
215 Bay Street #7 Easton, MD 21601  
p: (410) 778-8099 f: (410) 778-8078

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PIAResponse\_Judy.pdf  
324K



# TALBOT COUNTY BOARD OF ELECTIONS

P.O. Box 353

Easton, MD 21601

Phone: 410-770-8099 ♦ Fax: 410-770-8078

Email: [Talbot.Elections@maryland.gov](mailto:Talbot.Elections@maryland.gov)

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October 16, 2023

Dear Michael Fletcher:

I have received your email dated October 13, 2023, in which you request certain records under the Public Information Act, Annotated Code of Maryland, General Provisions Article ("GP"), § 4-101 et seq. In particular, you are requesting to inspect the records in the original digital format, that it was generated, stored, kept and transmitted for the following:

- **November 2018 General Election - Report EL68A - Also known as the System Log**
- **November 2020 General Election - Report EL68A – Also known as the System Log**
- **November 2022 General Election - Report EL68A – Also known as the System Log**

Additionally, you requested the following information for the time period covering January 1, 2018 to present:

- **Audit log for the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.**
- **Runbeck NOVUS- Certification for use in Maryland**

Our office has determined that we do not have the documents that you are requesting. Under General Provisions Article § 4-205(c)(4)(iii) a custodian is not required to "create, compile, or program a new public record." Therefore, we cannot provide for your inspection the documents you are requesting.

Pursuant to GP § 4-362, you are entitled to seek judicial review of this decision. Alternatively, you may file a request for mediation with the Public access Ombudsman and, if the Ombudsman is unable to resolve the matter, may subsequently seek a resolution from the Public Information Act Compliance Board for those matters within the Compliance Board's jurisdiction. Please see GP §§ 4-1A-01 et seq. and 4-1B-01 et seq. Also, if you have any questions about this letter, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Tammy Stafford".

Tammy Stafford  
Election Director



James Randisi <jamesrandisi1@gmail.com>

## Fwd: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

1 message

PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
To: jamesrandisi1@gmail.com

Thu, Nov 30, 2023 at 3:08 PM

----- Forwarded message -----

From: WashCo Elections -SBE- <washco.elections@maryland.gov>  
Date: Wed, Oct 18, 2023 at 10:10 AM  
Subject: Re: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>

Thank you for your email. You have requested inspection of EL68A reports for the 2018, 2020, and 2022 General Elections. We have determined that we have no records in our custody or control that are responsive to your request.

If you have any questions about this determination, please feel free to contact our director, Mr. Barry Jackson, at 240-313-2050.

On Mon, Oct 16, 2023 at 8:12 AM PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com> wrote:  
RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

Dear Custodian of Records

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&S reports and Public Records within the Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

### Chapter 33: Log

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.

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### System Log

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.



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There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These PUBLIC RECORDS requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
- 2. a computerized record;
- 6. a form;

The data format that the ES&S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*

f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*

g.) \*\*\*AUDIT LOG\*\*\* to include all entries

h.) \*\*\*System Configuration\*\*\*

i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

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  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

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Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

Maryann Judy  
410-924-3919 Direct  
For Elections - Public Records Requests



James Randisi &lt;jamesrandisi1@gmail.com&gt;

**Fwd: REQUEST FOR PUBLIC RECORDS Baltimore County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

1 message

Records Requests <records@thejusticesociety.com>  
To: James Randisi <jamesrandisi1@gmail.com>

Thu, Nov 30, 2023 at 3:03 PM

----- Forwarded message -----

From: Kimberly Phillips <kphillips1@baltimorecountymd.gov>  
Date: Tue, Oct 17, 2023 at 11:00 AM  
Subject: RE: REQUEST FOR PUBLIC RECORDS Baltimore County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: Records Requests <records@thejusticesociety.com>

Good morning,

Thank you for reaching out to the Baltimore County Board of Elections. I have received your email and forwarded to the correct Department for further assistance and processing.

*Kimberly M Phillips*Program Manager, Baltimore County Board of Elections  
Board Member, (MAEO)Maryland Association of Election Officials  
Office: 410-887-5700From: Records Requests <records@thejusticesociety.com>  
Sent: Friday, October 13, 2023 6:49 PM  
To: Elections Supervisor <elections@baltimorecountymd.gov>  
Subject: REQUEST FOR PUBLIC RECORDS Baltimore County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022CAUTION: This message from [records@thejusticesociety.com](mailto:records@thejusticesociety.com) originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.**RE: REQUEST FOR PUBLIC RECORDS Baltimore County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

Dear Custodian of Records Baltimore County

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&amp;S reports and Public Records within the Baltimore County Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

**Chapter 33: Log**

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.

## System Log

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.



**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These PUBLIC RECORDS requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
  - 2. a computerized record;
  - 6. a form;

The data format that the ES&S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries
- h.) \*\*\*System Configuration\*\*\*
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We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

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We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

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Respectfully,

Michael Fletcher

For The Justice Society

CONNECT WITH BALTIMORE COUNTY



[www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)



James Randisi &lt;jamesrandisi1@gmail.com&gt;

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**4TH PUBLIC RECORDS REQUEST Baltimore County Board of Elections,  
November 2018, Nov 2020 & Nov 2022 Election Reports EL68A**

2 messages

PublicRecordsRequest ElectionData &lt;electionspublicrecordsrequest@gmail.com&gt;

Fri, Oct 13, 2023 at  
4:58 PMTo: elections@baltimorecountymd.gov  
Bcc: jamesrandisi1@gmail.com**RE: FOURTH REQUEST FOR PUBLIC RECORDS**

Dear Baltimore County Board of Elections,

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of **ES&S reports and Public Records** within the Baltimore County Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted.

These **PUBLIC RECORDS** requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. **MD. General Provisions Code § 4-101** (k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

(ii) is in any form, including:

2. a computerized record;
6. a form;

The data format that the ES&S Software **AUTOMATICALLY** generates these public records is the .LST file format.

**The following reports/logs are being specifically requested for the each and all DS200, DS850**

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries
- h.) \*\*\*System Configuration\*\*\*

## i.) \*\*\*Election Configuration\*\*\*

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- **Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.**
- **Runbeck NOVUS - Certification For Use In Maryland**

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

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  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

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I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

**Maryann Judy**  
**410-924-3919 Direct**  
For Elections - Public Records Requests

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PublicRecordsRequest ElectionData <[electionspublicrecordsrequest@gmail.com](mailto:electionspublicrecordsrequest@gmail.com)>  
To: [jamesrandisi1@gmail.com](mailto:jamesrandisi1@gmail.com)

Thu, Nov 30, 2023 at 3:08  
PM

----- Forwarded message -----  
From: Kimberly Phillips <[kphillips1@baltimorecountymd.gov](mailto:kphillips1@baltimorecountymd.gov)>  
Date: Tue, Oct 17, 2023 at 10:58 AM  
Subject: RE: 4TH PUBLIC RECORDS REQUEST Baltimore County Board of Elections, November 2018, Nov 2020 & Nov 2022 Election Reports EL68A  
To: PublicRecordsRequest ElectionData <[electionspublicrecordsrequest@gmail.com](mailto:electionspublicrecordsrequest@gmail.com)>

Good morning,

Thank you for reaching out to the Baltimore County Board of Elections. I have received your email and forwarded to the Department for further assistance and processing.

*Kimberly M Phillips*

Program Manager, Baltimore County Board of Elections

Board Member, (MAEO) Maryland Association of Election Officials

Office: 410-887-5700



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**From:** PublicRecordsRequest ElectionData <[electionspublicrecordsrequest@gmail.com](mailto:electionspublicrecordsrequest@gmail.com)>

**Sent:** Friday, October 13, 2023 4:59 PM

**To:** Elections Supervisor <[elections@baltimorecountymd.gov](mailto:elections@baltimorecountymd.gov)>

**Subject:** 4TH PUBLIC RECORDS REQUEST Baltimore County Board of Elections, November 2018, Nov 2020 & Nov 2022 Election Reports EL68A

**CAUTION:** This message from [electionspublicrecordsrequest@gmail.com](mailto:electionspublicrecordsrequest@gmail.com) originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

[Quoted text hidden]

**CONNECT WITH BALTIMORE COUNTY**



[www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)



James Randisi <jamesrandisi1@gmail.com>

## Fwd: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

1 message

PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
To: jamesrandisi1@gmail.com

Thu, Nov 30, 2023 at 3:09 PM

----- Forwarded message -----

From: Taylor, Stephanie <[sitaylor@harfordcountymd.gov](mailto:sitaylor@harfordcountymd.gov)>  
Date: Mon, Oct 16, 2023 at 8:55 AM  
Subject: RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: PublicRecordsRequest ElectionData <[electionspublicrecordsrequest@gmail.com](mailto:electionspublicrecordsrequest@gmail.com)>  
Cc: Taylor, Stephanie <[sitaylor@harfordcountymd.gov](mailto:sitaylor@harfordcountymd.gov)>

Good Morning,

Thank you for your request but we do not run this report during any election cycle and we do not have a paper copy. Therefor it does not fall under the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland.

Respectfully,

Stephanie L. Taylor, CPO

Election Director

Harford County Board of Elections

133 Industry Lane

Forest Hill, MD 21050

Office (410) 638-3565

Cell (443) 465-1375

[www.harfordvotes.gov](http://www.harfordvotes.gov)



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**From:** PublicRecordsRequest ElectionData <[electionspublicrecordsrequest@gmail.com](mailto:electionspublicrecordsrequest@gmail.com)>  
**Sent:** Monday, October 16, 2023 8:12 AM  
**To:** Elections <[ElectionBoard@harfordcountymd.gov](mailto:ElectionBoard@harfordcountymd.gov)>  
**Subject:** REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

[EXTERNAL SENDER]

RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

Dear Custodian of Records

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of **ES&S reports and Public Records** within the Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
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We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.



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instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
- 2. a computerized record;
- 6. a form;

The data format that the ES&S Software **AUTOMATICALLY** generates these public records is the .LST file format.

**The following reports/logs are being specifically requested for the each and all DS200, DS850**

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries
- h.) \*\*\*System Configuration\*\*\*
- i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

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- **Runbeck NOVUS - Certification For Use In Maryland**

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Respectfully,

**Maryann Judy**

**410-924-3919 Direct**

For Elections - Public Records Requests



James Randisi <jamesrandisi1@gmail.com>

Fwd: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

1 message

PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
To: jamesrandisi1@gmail.com

Thu, Nov 30, 2023 at 3:08 PM

----- Forwarded message -----

From: Election Board <ElectionBoard@frederickcountymd.gov>  
Date: Mon, Oct 16, 2023 at 3:33 PM  
Subject: RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>

Thank you for your email. We do not use the EL68A.

Thank you,  
Frederick County Board of Elections  
301-600-VOTE

---

From: PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
Sent: Monday, October 16, 2023 8:11 AM  
To: Election Board <ElectionBoard@FrederickCountyMD.gov>  
Subject: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

[EXTERNAL EMAIL]

RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

Dear Custodian of Records

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&S reports and Public Records within the Board of Elections office:

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### Chapter 33: Log

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.

**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.

## System Log

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.



**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These **PUBLIC RECORDS** requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

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Tabulator used to administer the election:

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Respectfully,

Maryann Judy

410-924-3919 Direct

For Elections - Public Records Requests



James Randisi <jamesrandisi1@gmail.com>

Fwd: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
1 message

PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
To: jamesrandisi1@gmail.com

Thu, Nov 30, 2023 at 3:09 PM

----- Forwarded message -----

From: CCBOE <ccboe@carrollcountymd.gov>  
Date: Mon, Oct 16, 2023 at 11:30 AM  
Subject: Re: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>

Good morning!

Thank you for contacting the Carroll County Board of Elections. The Carroll County Board of Elections has no responsive documents in relation to this request.

The Official Election Team at the Carroll County Board of Elections  
410-386-2080

From: PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
Sent: Monday, October 16, 2023 8:11 AM  
To: CCBOE <ccboe@carrollcountymd.gov>  
Subject: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.

RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

Dear Custodian of Records

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&S reports and Public Records within the Board of Elections office:

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In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

1. Data or information, whether physical or virtual; or
2. Information technology resources as defined in the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, which includes:
  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems.\*

Therefore, no part of this request should be denied. However, should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland; and clearly print your name and title, and sign this denial.

Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

Maryann Judy  
410-924-3919 Direct  
For Elections - Public Records Requests

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.



James Randisi &lt;jamesrandisit@gmail.com&gt;

**Fwd: REQUEST FOR PUBLIC RECORDS Baltimore City County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

7 messages

Records Requests <records@thejusticesociety.com> Mon, Oct 16, 2023 at 10:10 AM  
To: mhfletch@comcast.net, maryannmjudy@yahoo.com, rsachs@mr.com, Jean Benhoff <jmbenhoff@gmail.com>, James Randisi <jamesrandisi1@gmail.com>, Kate Strauch Sullivan <kate@sullyland.com>, David Morsberger <dave@morsberger.com>, Christopher Gleason <cpgleason72@gmail.com>, Shawn Poulsen <shawn@kentcountyrc.com>, Shari Wilcoxon <shari@wilcoxonconsulting.com>, Gary Judy <gjudy95@gmail.com>, Jay Kaminsky <jkaminsky59@gmail.com>, Katja Harper <katjaharper@protonmail.com>, Kate McCloskey <k8mcloskey@gmail.com>

FYI...

----- Forwarded message -----  
From: Goldman, Abigail (BOE) <[Abigail.Goldman@baltimorecity.gov](mailto:Abigail.Goldman@baltimorecity.gov)>  
Date: Mon, Oct 16, 2023 at 8:40 AM  
Subject: RE: REQUEST FOR PUBLIC RECORDS Baltimore City County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: Records Requests <[records@thejusticesociety.com](mailto:records@thejusticesociety.com)>

Good Morning

We do not have the records already generated so we do not have the report we cannot supply it.

Abigail

**Abigail Goldman, CERA**  
**Deputy Election Director**

**MAEO (Maryland Association of Election Officials), Secretary**  
**Certified Election Registration Administrator (CERA)**

**Baltimore City Board of Elections**  
**Benton Office Bldg.**  
**417 E. Fayette Street, Room 129**  
**Baltimore, MD 21202**

**Telephone:** **410-396-5570**  
**Fax:** **410-962-8747**

**Worrying does not empty tomorrow of its troubles, it empties today of its strengths!**

**The only thing in life you have total control over is your attitude!**

**"Embrace the Challenge"**

---

**From:** Records Requests <[records@thejusticesociety.com](mailto:records@thejusticesociety.com)>  
**Sent:** Friday, October 13, 2023 6:50 PM  
**To:** Judge, Election (BOE) <[election.judge@baltimorecity.gov](mailto:election.judge@baltimorecity.gov)>  
**Subject:** REQUEST FOR PUBLIC RECORDS Baltimore City County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

**CAUTION: This email originated from outside of Baltimore City IT Network Systems.**  
**Reminder: DO NOT click links or open attachments unless you recognize the sender and know that the content is safe. Report any suspicious activities using the Report Phishing Email Button, or by emailing to [Phishing@baltimorecity.gov](mailto:Phishing@baltimorecity.gov)**

**RE: REQUEST FOR PUBLIC RECORDS Baltimore City County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

Dear Custodian of Records Baltimore City County

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&S reports and Public Records within the Baltimore City County Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

### Chapter 33: Log

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.

**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.

### System Log

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.



**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These **PUBLIC RECORDS** requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
  - 2. a computerized record;
  - 6. a form;

The data format that the ES&S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries
- h.) \*\*\*System Configuration\*\*\*
- i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

1. Data or information, whether physical or virtual; or
2. Information technology resources as defined in the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, which includes:
  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

Therefore, no part of this request should be denied. However, should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland; and clearly print your name and title, and sign this denial.

Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

Michael Fletcher

For The Justice Society

---

Mon, Oct 16, 2023 at 10:31 AM

David Morsberger <dave@morsberger.com>

To: Records Requests <records@thejusticesociety.com>

Cc: mhfletch@comcast.net, maryannmjudy@yahoo.com, rsachs@rrmr.com, Jean Benhoff <jmabenhoff@gmail.com>, James Randisi <jamesrandisi1@gmail.com>, Kate Strauch Sullivan <kate@sullyland.com>, Christopher Gleason <cpgleason72@gmail.com>, Shawn Poulsen <shawn@kentcountyrc.com>, Shari Wilcoxon <shari@wilcoxonconsulting.com>, Gary Judy <gjudy95@gmail.com>, Jay Kaminsky <jkaminsky59@gmail.com>, Katja Harper <katjaharper@protonmail.com>, Kate McCloskey <k8mccloskey@gmail.com>

I think we should follow-up and tell them that we want the records generated and what will it take to generate them. They should provide a time and cost estimate.

---

David Morsberger  
[Quoted text hidden]

---

Mon, Oct 16, 2023 at 12:03 PM

mhfletch@comcast.net <mhfletch@comcast.net>

To: David Morsberger <dave@morsberger.com>, Records Requests <records@thejusticesociety.com>

Cc: maryannmjudy@yahoo.com, rsachs@rrmr.com, Jean Benhoff <jmabenhoff@gmail.com>, James Randisi <jamesrandisi1@gmail.com>, Kate Strauch Sullivan <kate@sullyland.com>, Christopher Gleason <cpgleason72@gmail.com>, Shawn Poulsen <shawn@kentcountyrc.com>, Shari Wilcoxon <shari@wilcoxonconsulting.com>, Gary Judy <gjudy95@gmail.com>, Jay Kaminsky <jkaminsky59@gmail.com>, Katja Harper <katjaharper@protonmail.com>, Kate McCloskey <k8mccloskey@gmail.com>

I think we should say that the reports have been generated and exist in the machines. They just have to be printed out.

[Quoted text hidden]

FYI...

[Quoted text hidden]  
[Quoted text hidden]  
[Quoted text hidden]

[Quoted text hidden]

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Mon, Oct 16, 2023 at 1:05 PM

Christopher Gleason <cpgleason72@gmail.com>

To: mhfletch@comcast.net

Cc: David Morsberger <dave@morsberger.com>, Records Requests <records@thejusticesociety.com>, maryannmjudy@yahoo.com, rsachs@rrmr.com, Jean Benhoff <jmabenhoff@gmail.com>, James Randisi <jamesrandisi1@gmail.com>, Kate Strauch Sullivan <kate@sullyland.com>, Shawn Poulsen <shawn@kentcountyrc.com>, Shari Wilcoxon <shari@wilcoxonconsulting.com>, Gary Judy <gjudy95@gmail.com>, Jay Kaminsky <jkaminsky59@gmail.com>, Katja Harper <katjaharper@protonmail.com>, Kate McCloskey <k8mccloskey@gmail.com>

I did do that...



NOTE: The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

[Print the ERM System Log using the steps described under this heading.](#)

This is a PUBLIC RECORDS request for the City of Baltimore, Maryland (PA 4). We are lawfully permitted to release records of official government business, such as the administration of state government functions, within the administration of official elections. Maryland General Provisions Code § 10-104(k) "Public records" have the right to see any copy of any document or material that (1) is made by a unit or an instrumentality of the State or a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (2) is in any form, including:
- 2. a computerized record;
- 3. a form;

The data owner that has ERM Software AUTOMATICALLY generates these public records in the ERM System.

The following requirements are being specifically requested for the search at D020, CSAB:

Facilitate Audit & Monitoring & Evaluation

4) "Machine Configuration"

[Quoted text hidden]

Mon, Oct 16, 2023 at 1:06 PM

Christopher Gleason <cpgleason72@gmail.com>

To: mhfletch@comcast.net

Cc: David Morsberger <dave@morsberger.com>, Records Requests <records@thejusticesociety.com>, maryannmjudy@yahoo.com, rsachs@rnr.com, Jean Benhoff <jmbenhoff@gmail.com>, James Randisi <jamesrandisi1@gmail.com>, Kate Strauch Sullivan <kate@sullyland.com>, Christopher Gleason <cpgleason72@gmail.com>, Shawn Poulsom <shawn@kentcountycc.com>, Shari Wilcoxon <shari@wilcoxonconsulting.com>, Gary Judy <gjudy95@gmail.com>, Jay Kaminsky <jkaminsky59@gmail.com>, Katja Harper <katjaharper@protonmail.com>, Kate McCloskey <k8mcclloskey@gmail.com>

However, if you would like to further clarify for them please by all means give them a call and further clarify for them

[Quoted text hidden]

Mon, Oct 16, 2023 at 2:21 PM

Records Requests <records@thejusticesociety.com>

To: David Morsberger <dave@morsberger.com>

Cc: mhfletch@comcast.net, maryannmjudy@yahoo.com, rsachs@rnr.com, Jean Benhoff <jmbenhoff@gmail.com>, James Randisi <jamesrandisi1@gmail.com>, Kate Strauch Sullivan <kate@sullyland.com>, Christopher Gleason <cpgleason72@gmail.com>, Shawn Poulsom <shawn@kentcountycc.com>, Shari Wilcoxon <shari@wilcoxonconsulting.com>, Gary Judy <gjudy95@gmail.com>, Jay Kaminsky <jkaminsky59@gmail.com>, Katja Harper <katjaharper@protonmail.com>, Kate McCloskey <k8mcclloskey@gmail.com>

The records were already generated. They just need to print them. That is how they get you. If you accept that the records were not generated then they claim that they are under no legal obligation to do so. I have been going round and round with them on this since May.

But by all means feel free to call them.

[Quoted text hidden]

Thu, Nov 30, 2023 at 3:03 PM

Records Requests <records@thejusticesociety.com>

To: James Randisi <jamesrandisi1@gmail.com>

[Quoted text hidden]



James Randisi <jamesrandisi1@gmail.com>

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**Fwd: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

1 message

---

Records Requests <records@thejusticesociety.com>  
To: James Randisi <jamesrandisi1@gmail.com>

Thu, Nov 30, 2023 at 2:59 PM

----- Forwarded message -----

From: Richard Siejack -SBE- <richard.siejack@maryland.gov>

Date: Thu, Nov 9, 2023 at 2:39 PM

Subject: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

To: <records@thejusticesociety.com>

Cc: David Garreis -SBE- <david.garreis@maryland.gov>

Good afternoon,

The purpose of this email is to respond to your October 13, 2023 request for records referenced in the subject line above. Please be advised that we have no responsive documents.

Thank you,

Richard T. Siejack, Deputy Director  
Anne Arundel County Board of Elections  
**6740 Baymeadow Drive, Glen Burnie, MD 21060**  
410-222-6600 (Ext. 0401)



James Randisi &lt;jamesrandisi1@gmail.com&gt;

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**4TH PUBLIC RECORDS REQUEST Anne Arundel Board of Elections, November 2018, Nov 2020 & Nov 2022 Election Reports EL68A**

2 messages

PublicRecordsRequest ElectionData &lt;electionspublicrecordsrequest@gmail.com&gt;

Fri, Oct 13, 2023 at 4:58 PM

To: elections@aacounty.org  
Bcc: jamesrandisi1@gmail.com**RE: FOURTH REQUEST FOR PUBLIC RECORDS**

Dear Anne Arundel Board of Elections,

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of **ES&S reports and Public Records** within the Anne Arundel Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted.

These **PUBLIC RECORDS** requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. **MD. General Provisions Code § 4-101** (k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

(ii) is in any form, including:

2. a computerized record;
6. a form;

The data format that the ES&S Software **AUTOMATICALLY** generates these public records is the .LST file format.

**The following reports/logs are being specifically requested for the each and all DS200, DS850**

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries
- h.) \*\*\*System Configuration\*\*\*

i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- **Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.**
- **Runbeck NOVUS - Certification For Use In Maryland**

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

1. Data or information, whether physical or virtual; or
2. Information technology resources as defined in the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, which includes:
  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

Therefore, no part of this request should be denied. However, should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland; and clearly print your name and title, and sign this denial.

Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

**Maryann Judy**  
**410-924-3919 Direct**  
For Elections - Public Records Requests

---

PublicRecordsRequest ElectionData <[electionspublicrecordsrequest@gmail.com](mailto:electionspublicrecordsrequest@gmail.com)>  
To: [jamesrandisi1@gmail.com](mailto:jamesrandisi1@gmail.com)

Thu, Nov 30, 2023 at 3:09 PM

[Quoted text hidden]



James Randisi <jamesrandisi1@gmail.com>

---

## Fwd: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

1 message

PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
To: jamesrandisi1@gmail.com

Thu, Nov 30, 2023 at 3:06 PM

----- Forwarded message -----

From: Steve Fratz <sfratz@garrettcounty.org>  
Date: Wed, Nov 15, 2023 at 10:00 AM  
Subject: RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>

To Whom It May Concern:

Garrett County has no responsive documents.

Steven D Fratz

Election Director

---

**From:** PublicRecordsRequest ElectionData <electionspublicrecordsrequest@gmail.com>  
**Sent:** Monday, October 16, 2023 8:15 AM  
**To:** Steve Fratz <sfratz@garrettcounty.org>  
**Subject:** REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

You don't often get email from [electionspublicrecordsrequest@gmail.com](mailto:electionspublicrecordsrequest@gmail.com). Learn why this is important

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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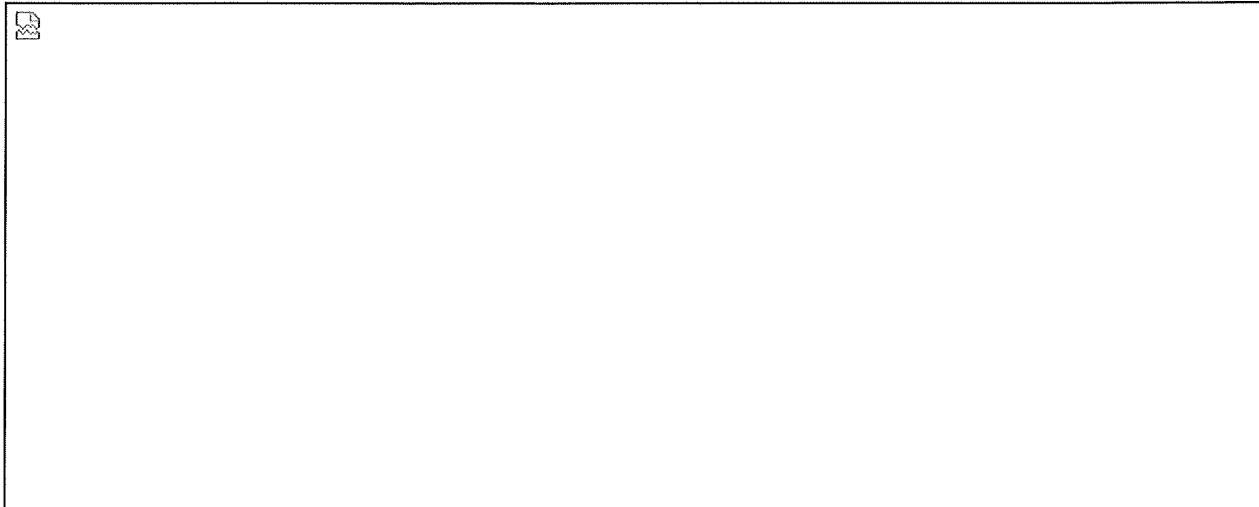
## RE: REQUEST FOR PUBLIC RECORDS ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022

Dear Custodian of Records

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&S **reports and Public Records** within the Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.



These **PUBLIC RECORDS** requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

(ii) is in any form, including:

2. a computerized record;
6. a form;

The data format that the ES&S Software **AUTOMATICALLY** generates these public records is the .LST file format.

**The following reports/logs are being specifically requested for the each and all DS200, DS850**

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries
- h.) \*\*\*System Configuration\*\*\*

**i.) \*\*\*Election Configuration\*\*\***

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- **Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.**
- **Runbeck NOVUS - Certification For Use In Maryland**

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

1. Data or information, whether physical or virtual; or
2. Information technology resources as defined in the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, which includes:
  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

Therefore, no part of this request should be denied. However, should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland; and clearly print your name and title, and sign this denial.

Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

**Maryann Judy**

**410-924-3919 Direct**

For Elections - Public Records Requests

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This message and its contents are confidential. If you received this message in error, do not use or rely upon it. Instead, please inform the sender and then delete it. Thank you.

Garrett County Government,  
203 South Fourth Street, Oakland, Maryland 21550  
[www.garrettcounty.org](http://www.garrettcounty.org)



James Randisi &lt;jamesrandisi1@gmail.com&gt;

**Fwd: REQUEST FOR PUBLIC RECORDS Kent County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

1 message

Records Requests <records@thejusticesociety.com>  
To: James Randisi <jamesrandisi1@gmail.com>

Thu, Nov 30, 2023 at 3:03 PM

----- Forwarded message -----

From: Records Requests <records@thejusticesociety.com>  
Date: Fri, Oct 13, 2023 at 6:54 PM  
Subject: REQUEST FOR PUBLIC RECORDS Kent County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: <elections@kentgov.org>**RE: REQUEST FOR PUBLIC RECORDS Kent County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

Dear Custodian of Records Kent County

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&amp;S reports and Public Records within the Kent County Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

### Chapter 33: Log

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.

**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.

### System Log

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.



**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These PUBLIC RECORDS requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
  - 2. a computerized record;
  - 6. a form;

The data format that the ES&S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries

## h.) \*\*\*System Configuration\*\*\*

## i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

1. Data or information, whether physical or virtual; or
2. Information technology resources as defined in the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, which includes:
  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

Therefore, no part of this request should be denied. However, should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland; and clearly print your name and title, and sign this denial.

Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

Michael Fletcher  
For The Justice Society



James Randisi &lt;jamesrandisi1@gmail.com&gt;

**Fwd: REQUEST FOR PUBLIC RECORDS St Mary's County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**  
 1 message

Records Requests <records@thejusticesociety.com>  
 To: James Randisi <jamesrandisi1@gmail.com>

Thu, Nov 30, 2023 at 3:05 PM

----- Forwarded message -----

From: Records Requests <records@thejusticesociety.com>  
 Date: Fri, Oct 13, 2023 at 6:51 PM  
 Subject: REQUEST FOR PUBLIC RECORDS St Mary's County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
 To: <wendy.adkins@co.saint-marys.md.us>

**RE: REQUEST FOR PUBLIC RECORDS St Mary's County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

Dear Custodian of Records St Mary's County

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&S reports and Public Records within the St Mary's County Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

### Chapter 33: Log

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.

**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.

### System Log

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.



**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These PUBLIC RECORDS requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
- 2. a computerized record;
- 6. a form;

The data format that the ES&S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries

## h.) \*\*\*System Configuration\*\*\*

## i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

1. Data or Information, whether physical or virtual; or
2. Information technology resources as defined in the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, which includes:
  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems.\*

Therefore, no part of this request should be denied. However, should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland; and clearly print your name and title, and sign this denial.

Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

Michael Fletcher  
For The Justice Society



James Randisi &lt;jamesrandisi1@gmail.com&gt;

**Fwd: REQUEST FOR PUBLIC RECORDS Somerset County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

1 message

Records Requests <records@thejusticesociety.com>  
To: James Randisi <jamesrandisi1@gmail.com>

Thu, Nov 30, 2023 at 3:04 PM

----- Forwarded message -----

From: Records Requests <records@thejusticesociety.com>  
Date: Fri, Oct 13, 2023 at 6:54 PM  
Subject: REQUEST FOR PUBLIC RECORDS Somerset County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: <elections.somersetco@maryland.gov>**RE: REQUEST FOR PUBLIC RECORDS Somerset County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

Dear Custodian of Records Somerset County

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&amp;S reports and Public Records within the Somerset County Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

**Chapter 33: Log**

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.**System Log**

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.

**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These PUBLIC RECORDS requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
- 2. a computerized record;
- 6. a form;

The data format that the ES&amp;S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries

## h.) \*\*\*System Configuration\*\*\*

## i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

1. Data or Information, whether physical or virtual; or
2. Information technology resources as defined in the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, which includes:
  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

Therefore, no part of this request should be denied. However, should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland; and clearly print your name and title, and sign this denial.

Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

Michael Fletcher  
For The Justice Society



James Randisi &lt;jamesrandisi1@gmail.com&gt;

**Fwd: REQUEST FOR PUBLIC RECORDS Queen Anne's County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**  
1 messageRecords Requests <records@thejusticesociety.com>  
To: James Randisi <jamesrandisi1@gmail.com>

Thu, Nov 30, 2023 at 3:04 PM

----- Forwarded message -----

From: Records Requests <records@thejusticesociety.com>  
Date: Fri, Oct 13, 2023 at 6:52 PM  
Subject: REQUEST FOR PUBLIC RECORDS Queen Anne's County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: <Christine.Jones@maryland.gov>**RE: REQUEST FOR PUBLIC RECORDS Queen Anne's County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

Dear Custodian of Records Queen Anne's County

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&amp;S reports and Public Records within the Queen Anne's County Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

### Chapter 33: Log

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.

**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.

### System Log

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.



**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These PUBLIC RECORDS requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
- 2. a computerized record;
- 6. a form;

The data format that the ES&S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries

## h.) \*\*\*System Configuration\*\*\*

## i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

1. Data or information, whether physical or virtual; or
2. Information technology resources as defined in the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, which includes:
  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems.\*

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I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

Michael Fletcher  
For The Justice Society



James Randisi &lt;jamesrandisi1@gmail.com&gt;

---

**Fwd: REQUEST FOR PUBLIC RECORDS Queen Anne's County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**  
1 messageRecords Requests <records@thejusticesociety.com>  
To: James Randisi <jamesrandisi1@gmail.com>

Thu, Nov 30, 2023 at 3:04 PM

----- Forwarded message -----

From: Records Requests <records@thejusticesociety.com>  
Date: Fri, Oct 13, 2023 at 6:52 PM  
Subject: REQUEST FOR PUBLIC RECORDS Queen Anne's County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: <Christine.Jones@maryland.gov>**RE: REQUEST FOR PUBLIC RECORDS Queen Anne's County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

Dear Custodian of Records Queen Anne's County

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&amp;S reports and Public Records within the Queen Anne's County Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

### Chapter 33: Log

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.

**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.

### System Log

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.



**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These PUBLIC RECORDS requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
  - 2. a computerized record;
  - 6. a form;

The data format that the ES&S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries

## h.) \*\*\*System Configuration\*\*\*

## i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

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  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

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Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

Michael Fletcher  
For The Justice Society



James Randisi &lt;jamesrandisi1@gmail.com&gt;

**Fwd: REQUEST FOR PUBLIC RECORDS Cecil County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

1 message

Records Requests <records@thejusticesociety.com>  
To: James Randisi <jamesrandisi1@gmail.com>

Thu, Nov 30, 2023 at 3:04 PM

----- Forwarded message -----

From: Records Requests <records@thejusticesociety.com>  
 Date: Fri, Oct 13, 2023 at 6:51 PM  
 Subject: REQUEST FOR PUBLIC RECORDS Cecil County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
 To: <voting@ccgov.org>

**RE: REQUEST FOR PUBLIC RECORDS Cecil County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

Dear Custodian of Records Cecil County

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&S reports and Public Records within the Cecil County Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

### **Chapter 33: Log**

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.

**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.

### **System Log**

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.



**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These PUBLIC RECORDS requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
- 2. a computerized record;
- 6. a form;

The data format that the ES&S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries

## h.) \*\*\*System Configuration\*\*\*

## i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of:

1. Data or Information, whether physical or virtual; or
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  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security Information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

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Respectfully,

Michael Fletcher  
For The Justice Society



James Randisi &lt;jamesrandisi1@gmail.com&gt;

**Fwd: REQUEST FOR PUBLIC RECORDS Caroline County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**  
1 message

Records Requests <records@thejusticesociety.com>  
To: James Randisi <jamesrandisi1@gmail.com>

Thu, Nov 30, 2023 at 3:04 PM

----- Forwarded message -----

From: Records Requests <records@thejusticesociety.com>  
Date: Fri, Oct 13, 2023 at 6:53 PM  
Subject: REQUEST FOR PUBLIC RECORDS Caroline County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: <election@carolinemd.org>

**RE: REQUEST FOR PUBLIC RECORDS Caroline County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

Dear Custodian of Records Caroline County

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&S reports and Public Records within the Caroline County Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

### Chapter 33: Log

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.

**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.

### System Log

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.



**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These PUBLIC RECORDS requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
- 2. a computerized record;
- 6. a form;

The data format that the ES&S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries

## h.) \*\*\*System Configuration\*\*\*

## i.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

1. Data or Information, whether physical or virtual; or
2. Information technology resources as defined in the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, which includes:
  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security Information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

Therefore, no part of this request should be denied. However, should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland; and clearly print your name and title, and sign this denial.

Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

Michael Fletcher  
For The Justice Society



James Randisi &lt;jamesrandisi1@gmail.com&gt;

**Fwd: REQUEST FOR PUBLIC RECORDS Dorchester County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**  
1 messageRecords Requests <records@thejusticesociety.com>  
To: James Randisi <jamesrandisi1@gmail.com>

Thu, Nov 30, 2023 at 3:04 PM

----- Forwarded message -----

From: Records Requests <records@thejusticesociety.com>  
Date: Fri, Oct 13, 2023 at 6:53 PM  
Subject: REQUEST FOR PUBLIC RECORDS Dorchester County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: <Gwendolyn.dales@maryland.gov>**RE: REQUEST FOR PUBLIC RECORDS Dorchester County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

Dear Custodian of Records Dorchester County

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&amp;S reports and Public Records within the Dorchester County Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

**Chapter 33: Log**

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.**System Log**

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.

**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These PUBLIC RECORDS requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
  - 2. a computerized record;
  - 6. a form;

The data format that the ES&amp;S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries

## h.) \*\*\*System Configuration\*\*\*

## I.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

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1. Data or information, whether physical or virtual; or
2. Information technology resources as defined in the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, which includes:
  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
  - b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems."

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Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

Michael Fletcher  
For The Justice Society



James Randisi &lt;jamesrandisi1@gmail.com&gt;

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**Fwd: REQUEST FOR PUBLIC RECORDS Worcester County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**  
1 message

Records Requests <records@thejusticesociety.com>  
To: James Randisi <jamesrandisi1@gmail.com>

Thu, Nov 30, 2023 at 3:04 PM

----- Forwarded message -----

From: Records Requests <records@thejusticesociety.com>  
Date: Fri, Oct 13, 2023 at 6:52 PM  
Subject: REQUEST FOR PUBLIC RECORDS Worcester County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022  
To: <Worcester.Elections@maryland.gov>

**RE: REQUEST FOR PUBLIC RECORDS Worcester County ES&S EL68A Reports Nov 2018, Nov 2020, Nov 2022**

Dear Custodian of Records Worcester County

Pursuant to the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland. I am requesting the following: copies of ES&S reports and Public Records within the Worcester County Board of Elections office:

- November 2018 General Election - ES&S Report EL68A - Also known as the System Log
- November 2020 General Election - ES&S Report EL68A - Also known as System Log
- November 2022 General Election - ES&S Report EL68A - Also known as System Log

We are requesting that this data be provided in the original digital format, that it was generated, stored, kept and transmitted. See the image below extracted from the reports section of the Operators Manual Reports Section.

### Chapter 33: Log

Generate log reports to check the status of your election equipment and software. Refer to your log reports if any errors occur during the vote counting process.

**System Log:** Generate a System Log report to list every action performed in your election system in chronological order.

**Results Corrections Log:** Generate the Results Corrections Log to view user altered election totals. The Results Corrections Log lists your candidate names, any user altered totals, the date and time that election totals were altered and the original totals for each user altered contest.

## System Log

ERM maintains one audit file that records log records for activities performed within the application. The creation of this audit file cannot be disabled by the ERM application.



**NOTE:** The System Log is not erased when the results database is reset or recreated.

There are three ways to view the contents of this audit file.

- ❖ Print the ERM System Log using the steps described under this heading.

These PUBLIC RECORDS requested fall under Maryland PIA as they are automatically generated in the course of official government business, duties in the administration of official elections. Maryland General Provisions Code § 4-101(k)(1) "Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
- 2. a computerized record;
- 6. a form;

The data format that the ES&S Software AUTOMATICALLY generates these public records is the .LST file format.

The following reports/logs are being specifically requested for the each and all DS200, DS850

Tabulator used to administer the election:

- a.) \*\*\*Machine Configuration\*\*\*
- b.) \*\*\*Initial State Report\*\*\* for each and every tabulator used.
- c.) \*\*\*Zero Total Report\*\*\*
- d.) \*\*\*STATUS REPORT\*\*\*
- e.) \*\*\*VOTING RESULTS REPORT\*\*\*
- f.) \*\*\*BALLOT STATUS ACCOUNTING REPORT\*\*\*
- g.) \*\*\*AUDIT LOG\*\*\* to include all entries

## h.) \*\*\*System Configuration\*\*\*

## I.) \*\*\*Election Configuration\*\*\*

We are also requesting the following information regarding Runbeck Software and Services that you are currently using to administer elections in Maryland.

- Audit Log For the NOVUS Runbeck Ballot Duplication Software used in the administration of elections.
- Runbeck NOVUS - Certification For Use In Maryland

We are requesting that this data be provided for the time period covering January 1, 2018 to Present.

In compliance with the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, no request being presented in this FOIA document would "facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

1. Data or Information, whether physical or virtual; or
2. Information technology resources as defined in the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland, which includes:
  - a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or
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Therefore, no part of this request should be denied. However, should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by the PIA in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland; and clearly print your name and title, and sign this denial.

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I will contact your office within 24 hours to discuss when I may expect the fulfillment of my request. If you have any questions, please contact me at the number below.

Respectfully,

Michael Fletcher  
For The Justice Society



James Randisi &lt;jamesrandisi1@gmail.com&gt;

---

**Fwd: Record Request**

1 message

PublicRecordsRequest ElectionData &lt;electionspublicrecordsrequest@gmail.com&gt;

Thu, Nov 30, 2023 at  
3:08 PM

To: jamesrandisi1@gmail.com

---

----- Forwarded message -----From: Christine McDougal <[McDougaC@charlescountymd.gov](mailto:McDougaC@charlescountymd.gov)>

Date: Mon, Oct 16, 2023 at 2:32 PM

Subject: Record Request

To: [electionspublicrecordsrequest@gmail.com](mailto:electionspublicrecordsrequest@gmail.com) <[electionspublicrecordsrequest@gmail.com](mailto:electionspublicrecordsrequest@gmail.com)>

Good afternoon,

I have forwarded your request to the appropriate department.

Thank you,

Christine McDougal , Deputy Director

Charles County Board of Elections

P O Box 908

LaPlata, Maryland 20646

301-934-8972 office

301-396-8871 direct line

301-934-6487 fax

[201 E. Charles Street, LaPlata, MD 20646 \( Physical location\)](#)

Please visit the State Board website for more information.

[www.elections.state.md.us](#)

**Charles County Government**

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**Charles County Government**

### New Inventory System

SBE continues to work with the inventory system vendor to resolve issues identified during the inventory audit visits and preparing for the full implementation of the system.

## 6. Voting Systems

### Electronic Pollbooks

Testing of the latest alpha version of the pollbook software continues and should be complete by the end of this week. This version includes enhancements and bug fixes.

We expect that the local boards will receive collectively approximately 3,300 CMOS batteries by the end of the month. The local boards can begin installing the batteries right away or combine installation with their pollbook charging process or upcoming software upgrade. The balance of batteries is scheduled to be delivered in September.

### DS200 Modem Removal

Approximately 1,400 of the DS200 scanners have non-functioning modems installed that have not been used since delivery. ES&S has started removing these modems, which they wish to put back into their own inventory. Once each modem is removed, acceptance testing will be performed on the unit under SBE and local board supervision prior to returning to service. This affects approximately nine counties.

### ES&S Contract Modification - Personnel Resources

On July 5th, the Board of Public Works approved a modification to the ES&S voting system contract for additional hours for ES&S' Maryland project team. These three individuals will now be assigned full-time to Maryland through the 2018 elections.

During the procurement process, we asked each bidder to complete a Pricing Summary worksheet for services for the base period, Option 1, and Option 2. To enable us to compare proposals fairly, we asked for a quote based on 1,000 hours for Option 1. At the time, we knew that we would need more than 1,000 hours but did not realize that the 1,000 hours would become part of the contract and require modification to increase hours.

## 7. Information Technology

### New Office Telecommunications System

We are in the process of implementing a new office telecommunications system, a solution by ShoreTel called Connect. Implementation kick-off call and a site survey have occurred, and the new telecommunications devices have been ordered. We plan on having the new system installed, configured and deployed in the next few weeks

## **APPROVAL OF 2018 ABSENTEE BALLOT APPLICATION**

Ms. Perrone presented the absentee ballot application for the 2018 elections and explained that this redesign was developed and tested by usability experts at the University of Baltimore. The application includes instructions, the request form, and contact information for the local boards of elections.

Ms. Perrone explained that the language requested by the State Board members about electronically delivered ballots needing to be copied is found in the instructions and in the margin of Block 7 on the application. Mr. Cogan suggested adding "hand" before "copied" to clarify that this is a manual process.

## Section 12.0 – UVS System Requirements Table: Appendix B, Section H – Miscellaneous Requirements, Additional Comments

**EXHIBIT**

**Req. ID H-1 Store sufficient data in an unalterable system audit log file to allow the auditing of all operations related to election setup, ballot creation, ballot tabulation, results consolidation and report generation. The audit log file shall contain:**

- a. An identification of the program and version being run.
- b. An identification of the election file being used.
- c. A record of all options entered by the operator, including operator ID.
- d. A record of all actions performed by a subsystem of the system.
- e. A record of all tabulation and consolidation input.
- f. Audit log records that are created and maintained in the sequence in which operations were performed, with date/time stamps.

### **ES&S RESPONSE**

Each application has its own audit log to allow the auditing of all operations relating to the election setup, ballot creation, ballot creation, ballot tabulation, results consolidation and report generation.

The ES&S proposed voting system audit log provides sufficient information to allow the auditing of all operations related to ballot tabulation, results consolidation, and report generation. Specifically, it includes the following system audit capabilities:

#### **DS200 System Audit Log**

The DS200 meets most of the above audit log requirements. A system audit log (that stores machine specific audit items) is kept in the NVRAM and is also shadowed on the DS200 Election Media. This log contains such items as number of system halts, last power on, and other system audit items. The DS200 does not employ user ID's, but rather allow access based on roles for which access codes are issued by the administrator from the EMS.

#### **DS850 System Audit Log**

The DS850 meets most of the above audit log requirements. An election event log that records each critical event (operator action, system response to each operator action, standard status messages, exceptions and error events, etc.) is generated and maintained by the DS850. Each event recorded includes a date/time stamp. The DS850 does not employ user ID's, but rather

allow access based on roles for which access codes are issued by the administrator from the EMS.

### **AutoMARK System Log**

The AutoMARK meets most of the above audit log requirements. The AutoMARK uses the Operations log to record and report the date and time of normal and abnormal events, system status, and degree of operability. There is also a Scan log to record scanner specific records and a Service log to record low level hardware anomaly records. These logs are only used for identifying software versions, tracking procedural operation and for hardware and software diagnosis. Since this unit does not tabulate and is only a ballot marking device. Log content has no record of election results nor should the log be included in any recount considerations. These logs are encoded and must use software to provide a human readable textural translation.

### **ExpressVote System Audit Log**

The ExpressVote meets most of the above audit log requirements. ExpressVote includes functionality to record system audit logs. These real-time logs are stored on each system's removable media. Logs can be accessed through each system's TEST mode.

### **Electionware EMS System Audit Log**

Electionware meets all of the above audit log file requirements. All activity, including application errors, log to the Electionware internal audit log database.

User logs record each activity including type, date, time, ES&S application, and user ID.

### **Election Reporting Manager Audit Log**

Election Reporting Manager meets all of the above audit log file requirements. ERM creates an election specific log file when it creates a database for a new election. It records software versions and database created versions as well as all normal and abnormal application events including all precinct vote total updates. A separate log section is maintained for tracking manual entry results modifications on an entry by entry basis. This log is encoded and must use software to provide a human readable textural translation.

**Note 1: Please explain what audit trail techniques and audit reports are incorporated in your proposed system.**

## **ES&S RESPONSE**

### **DS200**

In addition to the audit log described previously that records all use operation and substantial application operations or errors, the DS200 has various configuration reports, ballot accounting reports, and results reports, all of which can be used forensically for auditing.

### **DS850**

Similarly, the DS850 has various configuration reports, ballot accounting reports, and results reports, all of which can be used forensically for auditing , in addition to the audit log described previously that records all user operation and substantial application operations or errors.

### **AutoMARK and ExpressVote**

To detect and record every event and unrecoverable system error condition, the AutoMARK and ExpressVote logs each exception to an operations log. Error conditions that the system cannot overcome are logged to the Operations log and initiate a graceful system shutdown. Specific lower level scanner related errors also produce a lower level detail record in the Scan log in addition to the record in the Operations log. Similarly, hardware detected issues will record a lower level detail record in the Service log. ES&S ballot marking devices do not execute time dependent or pre-programmed events.

### **Electionware EMS**

Electionware logs all events, user actions and errors to the internal audit database when the audit database is not reachable the last audit event is written to the vendor's event log and the application shuts down gracefully. Each event log has a unique identifier, description, time stamp, user id, and modular identification. If the system encounters an error that cannot be overcome, EMS programs gracefully shut down and log the error to the system event log.

### **Election Reporting Manager**

The Election Reporting Log provides a complete audit of normal and abnormal events including all user selection as well as tracking the precinct by precinct vote total updates and the results groups the totals were updated in. The log has the detail needed to forensically back track system operation to see occurrences leading up to the current state of the system.

**Note 2: Please provide a list of all audit log files, the file location within the voting system, and the procedures to navigate to and retrieve them from the voting system.**

### **ES&S RESPONSE**

Each product in the system maintains its own log and has its own method of access. These are detailed below.

#### **DS200**

The signed audit logs are written to the log directory on the removable media. The audit log events can be accessed on the DS200 onscreen or through a printed report. When the media is read back into the EMS the audit logs are also retrievable from the EMS through a machine audit log report or exported in a comma separated format.

#### **DS850**

The audit logs for the DS850 are stored on the hard disk drive and are available only through the application. When the media is read back into the EMS the audit logs are also retrievable from the EMS through a machine audit log report or exported in a comma separated format.

#### **AutoMARK**

The AutoMARK has three log files located in the root directory of the CF card containing the election definition. These are the OP.ELF, SCN.ELF and SERVICE.ELF. The logs are accessed

through the service menu and can either be displayed or printed on ballot card stock. The logs are encoded and must use the AutoMARK firmware to translate them into displayable or printable form.

### **ExpressVote**

The ExpressVote generates two audit logs during normal operation, Operations Log and System Log. The Operations Log resides on the USB media device. The systems log resides internally but can be easily exported and saved onto the USB media device. Both the Operations and Systems log can be viewed on the display screen. To navigate to the logs, switch the ExpressVote to Official mode. Press the button at the top right titled “Operations / System Log”. Each log can be displayed newest entry first or oldest entry first. Press **Page Up** and **Page Down** to view all pages. Press **Export** to save the log to the USB media device. Exporting the Operations Log will overwrite the log already on the USB device.

Both logs can also be printed on 19 inch card stock directly from the ExpressVote. Both logs can be imported from the USB device into Electionware where they can be digitally verified as unaltered and decrypted for viewing, printing, or saved as text format.

### **Election Reporting Manager**

Each election has an election specific log file, <electionname>.ALN, which is located in the \ELECDATA folder that is in the root directory of the drive being used as the server drive for the election files. This file is an encoded file and cannot be opened with an editor. An ERM menu selection is used to display or print the file content. The log report can be saved as a report image which can then be opened or printed by a text editor.

### **Electionware**

ElectionWare has four different log handlers that log the audit events under different circumstances. The main audit repository for an election is the election audit log in the Electionware database. Until a connection is established to the Electionware database (mainly user login attempt events), the audit events are logged to the Windows Event Log. Once a connection is established to the database, there are two audit repositories, one in the admin database and one in the election database. Whenever an election is open , the events are logged into the election database. When an election is not open, the audit events are logged into the admin audit repository.

The audit repository is an audit schema in the Electionware admin database and each election’s database. There is also an output window, where the audit events during that session of Electionware are logged to. This can be exported to a text file.

Otherwise the audit log is only accessible to the Electionware administrator user who can run the audit log report with a filter for a date and time window and event type. The audit tables are otherwise only accessible to the database administrator.

**Note 3: Please describe steps needed to protect the audit logs from possible unintentional or intentional erasure or alteration.**

## **ES&S RESPONSE**

The EMS network environment is hardened with specific roles for different users to protect from potential intentional and unintentional alterations. Each product in the system maintains its own log and has its own security. These are detailed below.

### **DS200**

The removable media where the audit log is stored is in a sealed, locked compartment. In addition, the audit log files are signed to detect any unauthorized alteration.

### **DS850**

The audit logs for the DS850 are stored on the hard disk drive and are available only through the application. When exported, the file is still maintained on the machine and is the exported log is digitally signed and verified on export into the EMS.

### **AutoMARK**

The records in the AutoMARK log files are encoded and not in textual form. A program must interpret the codes to convert it to user meaningful format.

### **ExpressVote**

The removable media where the audit log is stored is in a sealed, locked compartment. In addition, the audit log files are signed to detect any unauthorized alteration.

### **Electionware**

The EMS runs on a closed network and should be housed in a secure environment with the recommended user roles and access controls in place. In addition to physical security, Electionware is a secure system which allows the user access to the data only through the application to ensure data integrity and security.

The tables in the Electionware database are not directly accessible by the Electionware user accounts. All access to the audit tables are done through stored procedures which execute as the database administrator. The only stored procedures to access the audit tables are an insert procedure to add to the audit tables and a select procedure to read from the table. It is also recommended that the password for the system administrator and the database administrator are split between two individuals to ensure additional protection against intentional alteration.

### **Election Reporting Manager**

The records in the ERM audit log file are encoded in a proprietary format. All ERM log entries are also written to the unalterable Windows event log and only accessible by the system administrator. They are in a relative file which has a propriety format. Any manual modification will render the file unusable.

**Note 4: Please provide a sample set of audit reports (system logs, etc.) from an election in a county with 200,000 or more registered voters (not necessarily in Colorado).**

### ES&S RESPONSE

A sample set of audits is provided at Appendix F.

**Req. ID H-13 Create audit records during the election definition and ballot preparation phases showing completion of the baseline ballot layouts and any modifications to them, a description of the modifications and a date/time stamp.**

### ES&S RESPONSE

Audit records created during the election definition and ballot preparation include records for the finalization of ballot layout and modifications to that finalization. These records incorporate a date/time stamp, include a description of the action and the module the action occurred in. Audit reports can be filtered by date, event type, and sorted by ascending or descending timestamps.

Following is an example of an audit record report showing ballot finalization:

Info	Save Document: Test ballot	11/18/2013 06:33:06PM	admin	Paper Ballot Application
Info	Update Frame: Default Frame	11/18/2013 06:33:22PM	admin	Paper Ballot Application
Info	Update Stylesheet: Default Office Heading Style	11/18/2013 06:33:35PM	admin	Paper Ballot Application
Info	Update Stylesheet: Default Candidate Style	11/18/2013 06:33:49PM	admin	Paper Ballot Application
Info	Save Document: Test ballot	11/18/2013 06:33:56PM	admin	Paper Ballot Application
Info	Export: Start of ballot layout finalization.	11/18/2013 06:34:09PM	admin	Paper Ballot Application
Info	Export: Success	11/18/2013 06:34:30PM	admin	Paper Ballot Application
Info	Save Template: C:\Users\cmiller\Desktop\My Documents\000 EW	11/18/2013 06:35:11PM	admin	Paper Ballot

**Req. ID H-15 Create audit records prior to the initiation of ballot counting to verify hardware and software status. These particular audit records shall include the identification of the software release, the identification of the election to be processed and the results of hardware and software diagnostic tests.**

### ES&S RESPONSE

On power up, a configuration report is automatically printed to create a hard copy record of the relevant configuration and settings of the particular DS200. When opening the polls on election day, a ballot status accounting report, as well as a zero report print automatically for the poll worker indicating that the machines has been properly cleared and is ready for voting. The DS200 will not allow the polls to open or voting to commence unless it has passed all startup hardware and software status checks.

### Sample Hardware Configuration Report

```
*** CONFIGURATION REPORT ***
9:40 AM January 10, 2011
Unit Serial Number: 019739045

VOTING DEVICE INFORMATION

HARDWARE CONFIGURATION
Current Time Date: 9:40 AM January 10, 2011
Time Zone: America/Chicago
Divertor Status: Not Detected
Touch Screen: OK
Power Source: AC
Battery Charge: 100%
Reader Status: Not Detected
Universal Voting Console: Not Detected

STORAGE
Available System Log Storage: 22 PB
Available Ballot Storage: 175L MB
Available Backup Storage: 0 PB

FIRMWARE
Paper Processing Engine: 2.4.0.0x
Hardware Abstraction Engine: 2.4.0.0x
Tabulation Engines: 2.4.0.0x
Scanning Engine: 2.4.0.0x
Presentation Engine: 2.4.0.0x
Scanner Firmware: 2.12.0.0a
Power Management Firmware: 1.2.2.0a
Operating System Version: 2.4.0.0x
Firmware Last Updated On: Unknown
Protected Count: 0

ELECTION QUALIFICATION INFORMATION
Election Name: TULSA
Election Date: 2010-12-31
Election Qualification Code: 09516725

ELECTION LOCKED

ELECTION STATUS
Poll Opened Date: January 11, 2011
Poll Opened Time: 4:31 PM
Poll Closed Date: January 11, 2011
Poll Closed Time: 4:44 PM
Poll Status: Closed
Public Count: 1

ELECTION INFORMATION
Jurisdiction Name: TULSA
Election Description: TULSA
Election Date: December 31, 2010
Poll Place ID/Name: 062/Poll 001
Election Type: GENERAL
Number of Precincts: 1

BALLOT INFORMATION
Ballots By Style
Ballot Height: 17.0
Ballot Width: 8.5
Ballot Rows: 62
Ballot Columns: 24
Ballot Art Work: DSIM
Target Type: oval

ELECTION SETTINGS
Ability to Re-open: Yes
Number of Zero Tapes to Print: 1
Number of Result Tapes to Print: 1
Print Event Log on Close: No
Transmit Results on Close: No
Report Detail: Mafia
Report Level: Poll
Candidate Sort Order:
  Default Candidate Order
Single Over-Vote: No
Combine Over and Under Votes: No
Save Ballot Images: All

EXCEPTION BALLOT SETTINGS
Blank Ballots: Query
Over-voted Ballots: Query
Under-voted Ballots: Query
Marginal Marks: Reject
Cross-over Ballots: Query

DIVERTER SETTINGS
Divertor Installed: No
Identify Write-in Overvotes: No
Identify Blank Ballots: No
Identify Write-ins: No

*** END OF REPORT ***

```

The DS850 similarly prints a System Readiness report at startup and performs all necessary hardware and software status checks to verify that the machine is ready for ballot scanning. A worker may reprint addition copies of this and any report. Additionally, the DS850 has ballot statistics reports, as well as a Zero Report, as well as on-screen indicators to validate to the user or administrator that the machine is ready for ballot scanning.

**Req. ID H-22 Be configurable so as to be capable of performing the following functions on all system hardware/software, in compliance with current Colorado statutes and rules:**

- Hardware test**
- Logic and Accuracy Test**
- Post-Election Audit**
- Pre-Recount Logic and Accuracy Test**
- And capable of performing the Colorado Risk Limiting Audit commencing no later than 2017.**

#### **ES&S RESPONSE**

ES&S will comply with items A-D; ES&S has technology which is capable of performing risk limiting type audits. If selected we would work with the State of Colorado to implement this technology.

**Req. ID H-25 Provide capability to permit diagnostic testing of all the major components within each electronic vote capture device.**

### **ES&S RESPONSE**

Upon start up, the DS200 and DS850 automatically performs a series of internal system diagnostic checks. These checks are always executed on startup. If any of these checks fail, the failure is logged and system operation may be limited or disallowed.

Automatic self-tests include checking the scanner software, checking the printer, and other system checks. As noted, the DS200 and DS850 can generate and in some cases automatically print various reports including Configuration, Status, and Zero reports, which provide all the information needed to verify equipment readiness. Users also have the ability to print such reports on demand.

Additionally, all hardware devices have significant hardware diagnostic capabilities available via administrative menu options, allowing technicians to run and diagnose key hardware components.

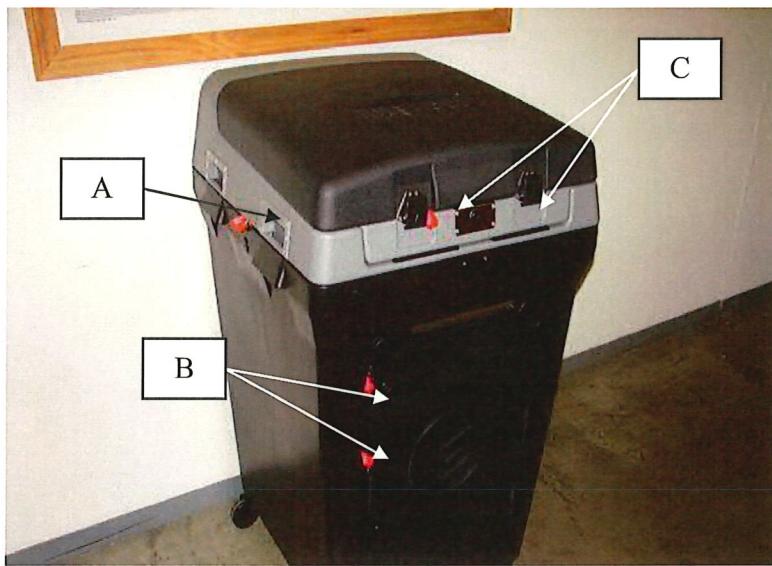
**Req. ID H-33 Allow all access points to equipment to be visible and subject to oversight of seals, unless the access point is behind doors or a cover. Access points that are not visible should also accommodate tamper evident seals.**

### **ES&S RESPONSE**

The DS200 carrying case and ballot bin have a total of 5 locks and 9 possible locations for wire type seals. Before poll opening and after polls close, the DS200 and ballot bin can be secured as shown in the diagram. Note: At poll closing the USB flash drive containing vote, image, and audit log data will have been removed from the DS200 and delivered to election central. The cast ballots inside the ballot bin may or may not be present depending on County procedures.

- A. To secure the carrying case to the bin, engage the locks on the sides of the bin between the handles, then place one seal on each side of the bin between the handles (2 seals).
- B. To secure the ballot bin, ensure that both doors are locked and place one seal on each door (2 locks + 2 seals).
- C. To secure the carrying case lid, secure both lid latches and lock the lid using the lock between the two latches. Place at least one seal at the lid latch. There are two locations for seals at the each latch. Only one seal should be necessary to secure the lid. (1 lock + 2 seals)
- D. To secure the DS200 inside the carrying case, lock the front door and place a seal through the lock bracket. (1 lock + 1 seal)

Locations of the lock and seals on the DS200 and ballot bin shown below:



In addition to the locks and seals, the DS200 scanner can be further secured by tamper-proof evident and wire seals while in polls open operation. Specifically, a wire seal can be applied to the USB flash drive containing the election definition, vote results, images, and audit log data (see below). This wire seal is in addition to the access door lock and application of a tamper-proof seal (see below). Further, the rear access door containing the backup USB flash drive (if required) can be sealed the same as the front door.



All ExpressVote and AutoMARK ports, doors, openings and data access points are protected by lockable, sealable clear plastic doors to protect access and allow election officials to easily detect unauthorized access.

**Figure 26 - Public and Protected Counts on the Scanning Unit & Scanning Unit Opening Integrity Report**

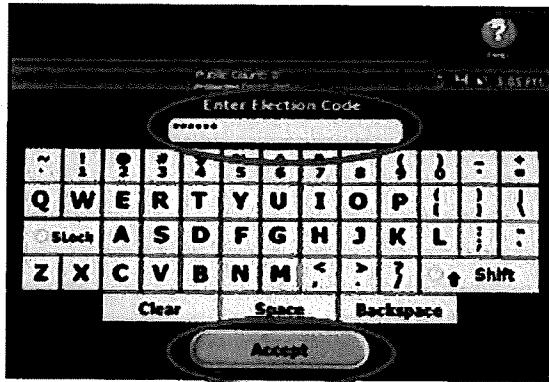
Scanning Unit #	A. Main Ballot Box Security Seal #	B. New Main Ballot Box Security Seal #	C. Emergency Ballot Compartment Security Seal #	D. New Emergency Ballot Compartment Security Seal #	E. Left Case Seal # (Do Not Remove)	F. Right Case Seal # (Do Not Remove)
1	Verify ✓	Record	Verify ✓	Record	Verify ✓	Verify ✓
2						

Scanning Unit #	G. Scanning Unit Lid Security Seal #	H. Scanning Unit Serial #	I. Rear Access Door Tamper Tape # (Do Not Remove)	J. Front Access Door Tamper Tape # (Do Not Remove)	K. Public Count	L. Protected Count
1	Verify ✓	Verify ✓	Verify ✓	Verify ✓	Verify ✓	Verify ✓
2						

27. A chief judge will enter the election code and will touch “Accept.”

**Figure 27 - Election Code on the Scanning Unit**



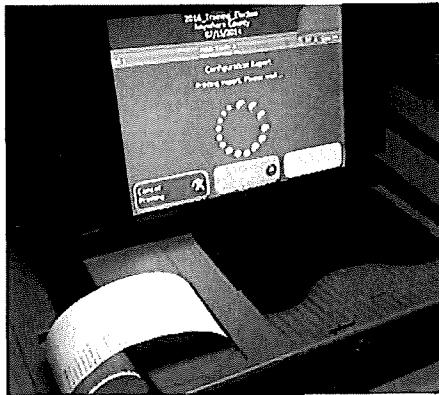
28. A “Configuration Report” will automatically print. **DO NOT remove the report.**

**EXHIBIT**

tabbies

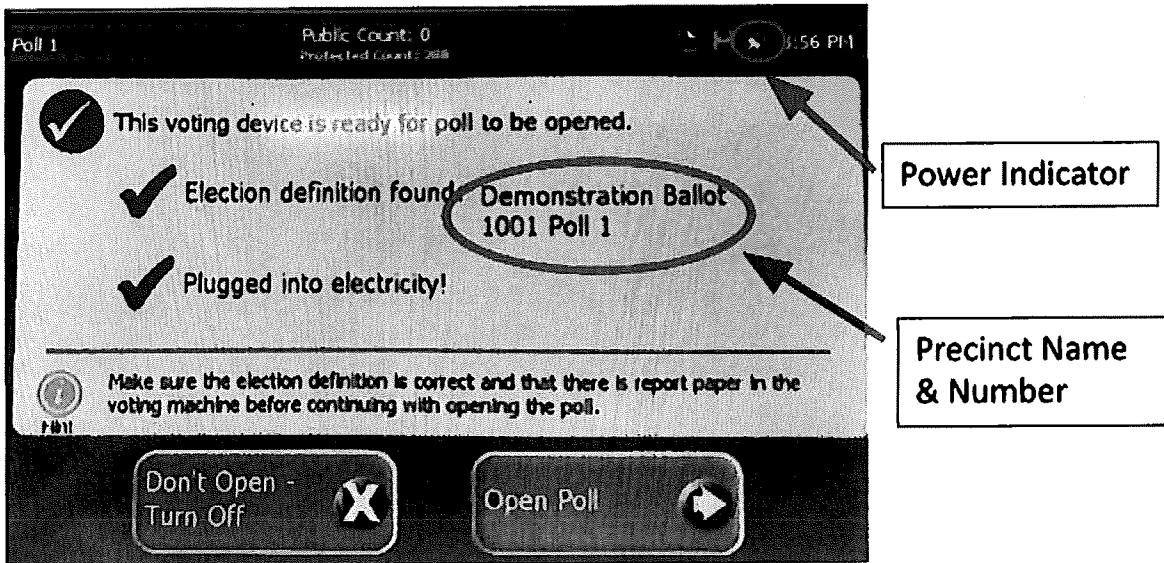
L

**Figure 28 - Printing of the Configuration Report**



29. Check the precinct name displayed on the screen is correct and the scanning unit is receiving power. Touch “Open Poll” on the screen.

**Figure 29 - Precinct Name and Power Indicator on the Scanning Unit**



30. Two copies of the “Zero Report” will print. Separate the “Zero Reports” into two reports:
- o Both chief judges sign both “Zero Reports.”
  - o Attach the first copy of the “Zero Report,” along with the “Configuration Report” still attached to the “Zero Report”, to the *Scanning Unit Opening Integrity Report*.
  - o Post the second copy of the “Zero Report” for public viewing.

## Chapter 20: Setup Reports

Use the **Reports** menu in Setup to access the report options for that module.

**EXHIBIT**

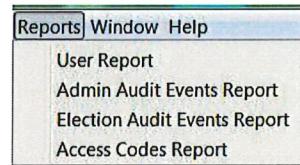
tables



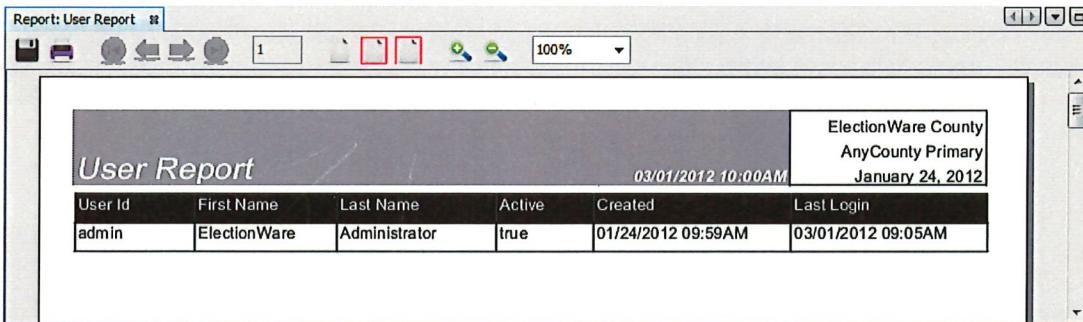
### User Report

Use the **User Report** option to access information about users that have been entered into the Electionware system. The User Report includes specific information about each user. This information includes the User ID, First Name, Last Name, whether the user is active, when the user account was created, and the last login of the user. The time and date stamp is updated to reflect the most recent time and date the user accessed Electionware.

To run this report, from the **Reports** menu click **User Report**.



The User Report appears:



Use the Report Screen Toolbar to **Print**, **Save**, change the current page, or change the view of the displayed report.

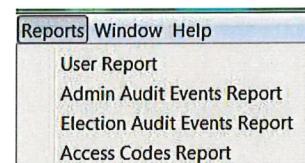


Reference: See [Report Screen Toolbar](#) for further information regarding Report Screen Toolbar functions.

## Admin Audit Events Report

Use the Admin Audit Events Report option to access detailed audit information. This report includes information regarding all administrator events in Electionware. This information includes the type of Event, an event Description, the event's Timestamp, the User ID, and the module in which the event occurred. The time and date stamp is updated to reflect the most recent audit event.

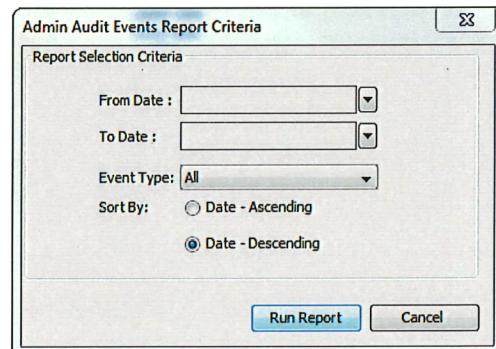
To run this report, from the **Reports** menu click **Admin Audit Events Report**.



An Admin Audit Events Report Criteria window opens.

Use the options in the Admin Audit Events Report Criteria window to define the criteria for the report you wish to run.

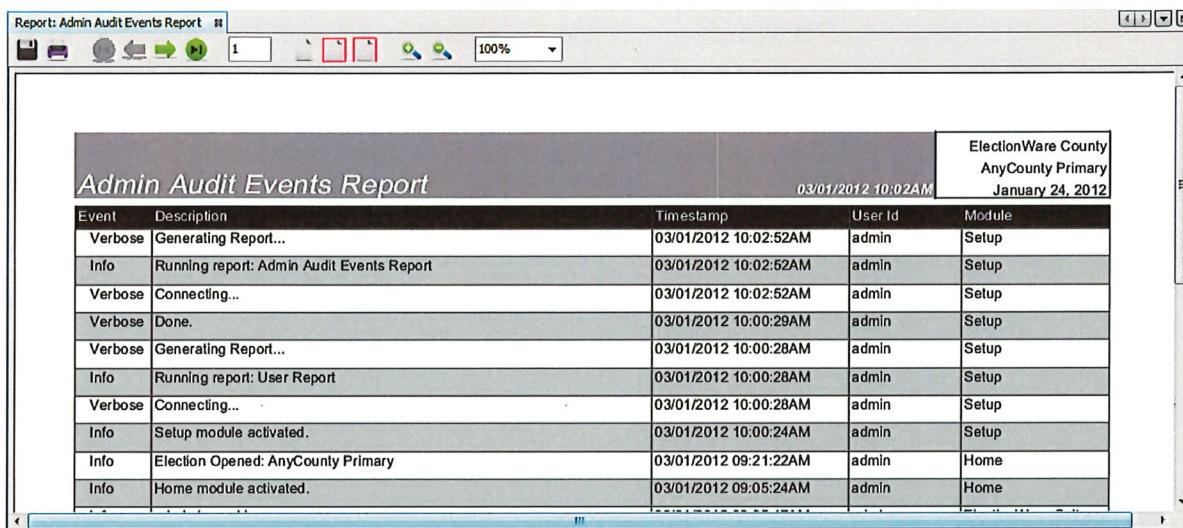
- ◆ Use the **From Date** field to enter a start date for the report. (Example: The date on which you started creating the current election.)
- ◆ Use the **To Date** field to enter an end date for the report.
- ◆ Use the **Event Type** drop-down menu to choose the type of events to display in the report. Available options are listed below:
  - **Fatal:** The **Fatal** option will report only the fatal error messages that were displayed to the administrator between the selected dates.
  - **Debug:** The **Debug** option will report only the debug messages displayed to the administrator between the selected dates.
  - **Verbose:** The **Verbose** option will report only the verbose messages displayed to the administrator between the selected dates.
  - **Info:** The **Info** option will report only the information related messages displayed to the administrator between the selected dates.
  - **Warning:** The **Warning** option will report only the warning related messages displayed to the administrator between the selected dates.
  - **Error:** The **Error** option will report only the error related messages displayed to the administrator between the selected dates.
  - **All:** The **All** option will report every message displayed to the administrator between the selected dates.
- ◆ Use the **Date-Ascending** or **Date-Descending** option button to sort the events by ascending date (chronological) or descending date (reverse chronological) order.



When you have finished selecting the report criteria, click **Run Report**.

- Or, to exit the window without running a report, click **Cancel**.

The Admin Audit Events Report appears:



The screenshot shows a Windows-style application window titled "Report: Admin Audit Events Report". The window has a toolbar at the top with icons for Print, Save, and various report options. Below the toolbar is a header bar with the title "Admin Audit Events Report", the date "03/01/2012 10:02AM", and the election information "ElectionWare County AnyCounty Primary January 24, 2012". The main content area is a table with the following data:

Event	Description	Timestamp	User Id	Module
Verbose	Generating Report...	03/01/2012 10:02:52AM	admin	Setup
Info	Running report: Admin Audit Events Report	03/01/2012 10:02:52AM	admin	Setup
Verbose	Connecting...	03/01/2012 10:02:52AM	admin	Setup
Verbose	Done.	03/01/2012 10:00:29AM	admin	Setup
Verbose	Generating Report...	03/01/2012 10:00:28AM	admin	Setup
Info	Running report: User Report	03/01/2012 10:00:28AM	admin	Setup
Verbose	Connecting...	03/01/2012 10:00:28AM	admin	Setup
Info	Setup module activated.	03/01/2012 10:00:24AM	admin	Setup
Info	Election Opened: AnyCounty Primary	03/01/2012 09:21:22AM	admin	Home
Info	Home module activated.	03/01/2012 09:05:24AM	admin	Home

Use the Report Screen Toolbar to **Print**, **Save**, change the current page, or change the view of the displayed report.



**Reference:** See [Report Screen Toolbar](#) for further information regarding Report Screen Toolbar functions.

## Election Audit Events Report

Use the **Election Audit Events Report** option to access detailed audit information. This report includes information regarding events in Electionware for the open election. Information in this report includes the type of Event, an event Description, the event's Timestamp, the User ID, and the module in which the event occurred. The time and date stamp is updated to reflect the most recent audit event.



**Note:** An election must be open in order to run the Election Audit Events Report.

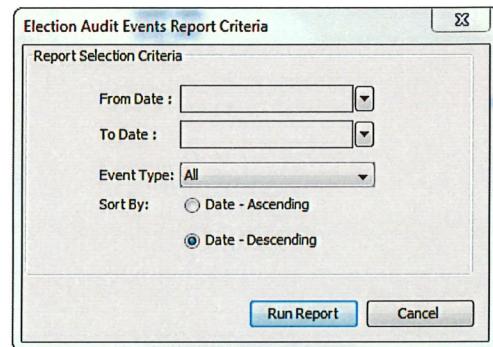
To run this report, from the **Reports** menu click **Election Audit Events Report**.



An Election Audit Events Report Criteria window opens.

Use the options in the Election Audit Events Report Criteria window to define the criteria for the report you wish to run.

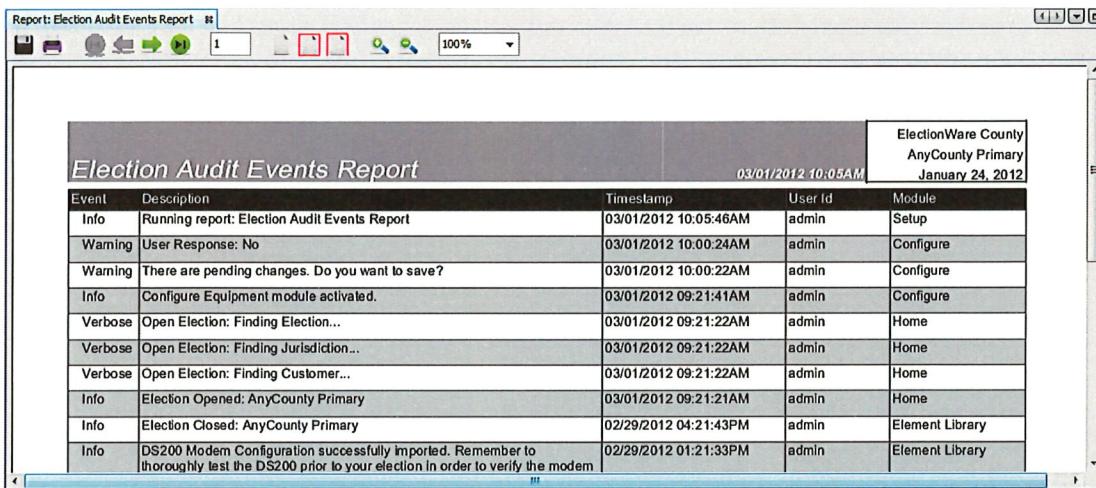
- ◆ Use the **From Date** field to enter a start date for the report. (Example: The date on which you or other users started creating the current election.)
- ◆ Use the **To Date** field to enter an end date for the report.
- ◆ Use the **Event Type** drop-down menu to choose the type of events to display in the report. Available options are listed below:
  - **Fatal:** The **Fatal** option will report only the fatal error messages that were displayed to the user for the open election between the selected dates.
  - **Debug:** The **Debug** option will report only the debug messages displayed to the user for the open election between the selected dates.
  - **Verbose:** The **Verbose** option will report only the verbose messages displayed to the user for the open election between the selected dates.
  - **Info:** The **Info** option will report only the information related messages displayed to the user for the open election between the selected dates.
  - **Warning:** The **Warning** option will report only the warning related messages displayed to the user for the open election between the selected dates.
  - **Error:** The **Error** option will report only the error related messages displayed to the user for the open election between the selected dates.
  - **All:** The **All** option will report every message displayed to the user for the open election between the selected dates.
- ◆ Use the **Date-Ascending** or **Date-Descending** option button to sort the events by ascending date (chronological) or descending date (reverse chronological) order.



When you have finished selecting the report criteria, click **Run Report**.

- Or, to exit the window without running a report, click **Cancel**.

The Election Audit Events Report appears:



The screenshot shows a software application window titled "Report: Election Audit Events Report". The window has a toolbar at the top with various icons for printing, saving, and navigating. Below the toolbar is a header bar with the title "Election Audit Events Report" and a timestamp "03/01/2012 10:05AM". To the right of the timestamp is a section labeled "ElectionWare County AnyCounty Primary January 24, 2012". The main area of the window contains a table with the following data:

Event	Description	Timestamp	User Id	Module
Info	Running report: Election Audit Events Report	03/01/2012 10:05:46AM	admin	Setup
Warning	User Response: No	03/01/2012 10:00:24AM	admin	Configure
Warning	There are pending changes. Do you want to save?	03/01/2012 10:00:22AM	admin	Configure
Info	Configure Equipment module activated.	03/01/2012 09:21:41AM	admin	Configure
Verbose	Open Election: Finding Election...	03/01/2012 09:21:22AM	admin	Home
Verbose	Open Election: Finding Jurisdiction...	03/01/2012 09:21:22AM	admin	Home
Verbose	Open Election: Finding Customer...	03/01/2012 09:21:22AM	admin	Home
Info	Election Opened: AnyCounty Primary	03/01/2012 09:21:21AM	admin	Home
Info	Election Closed: AnyCounty Primary	02/29/2012 04:21:43PM	admin	Element Library
Info	DS200 Modem Configuration successfully imported. Remember to thoroughly test the DS200 prior to your election in order to verify the modem	02/29/2012 01:21:33PM	admin	Element Library

Use the Report Screen Toolbar to **Print**, **Save**, change the current page, or change the view of the displayed report.



**Reference:** See [Report Screen Toolbar](#) for further information regarding Report Screen Toolbar functions.

## 7.4 Ballot-Handling Options Before Ballot is Cast

Your election definition determines how the DS200 handles each ballot type before tabulating results from scanned ballots. Your Electionware settings determine how the DS200 handles ballots with specific conditions before accepting those ballots for tabulation. For example, you can have the DS200 query voters who submit blank ballots or ballots that contain overvotes, undervotes, or unreadable marks. The voter query function provides the voter the opportunity to review potential errors, to retrieve the ballot for correction, or to cast the ballot as marked.

If your ballots use boxes for judges initials or a box to flag ballots for further review, you can control whether ballots are accepted or rejected, depending on whether a box is marked or left blank.

For each of your ballot styles, use the DS200 settings in Electionware to control whether the DS200 queries the voter for specific ballot conditions and to control whether ballots with initial or review boxes are always accepted or always rejected depending on the box condition.

### 7.4.1 Establishing Ballot Handling Options

When you create your election definition, your Electionware settings determine for each ballot style how the DS200 handles specific types of ballot conditions.

**Note**



See the Configure chapter in the *Electionware Vol IV: Deliver User Guide* for more information about the DS200 settings.

For each of these ballot conditions, you can set the DS200 to always accept or always reject ballots with a specified conditions. For some of those conditions, you can instead have the DS200 query the voter to ascertain the voter's intent.

You can set the DS200 to always accept, always reject, or query the voter for the following ballot conditions:

- Undervoted Ballot
- Blank Ballot
- Overvoted Ballot
- Unreadable Marks on Ballot



You can have the DS200 always accept or always reject ballots for the following ballot conditions:

- Blank Initial Box
- Marked Review Box

The DS200 does not query voters about the status of the initial and/or review boxes. See section [7.6 Initials and Review Boxes](#) for more information.

Selecting **Query Voter Preference** for any of these ballot conditions causes the DS200 to provide the voter the opportunity to review the ballot for possible errors. The voter can choose to retrieve the ballot for correction or to cast the ballot as is. Also checking **Allow Display of Affected Contests** causes the DS200 to display information about the specific contests that may contain errors.

Selecting **Always Accept** for any of these conditions causes the DS200 to skip the voter query function for that condition. The DS200 will not display the query screen for those conditions.

Selecting **Always Reject** for any of these conditions causes the DS200 to prevent the voter from casting a ballot with that condition. The DS200 will not be able to process the ballot until the identified conditions have been resolved.

Refer to the DS200 Settings chapter in the *Electionware Volume IV: Deliver User's Guide* for more information.

**Note**



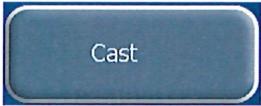
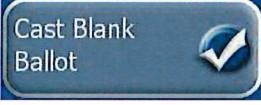
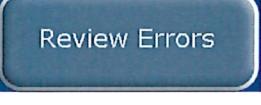
Before scanning folded ballots, see [4.6.1 Scanning Folded Ballots](#).

## 7.5 Voter Query

### 7.5.1 Common Voter Query Functions

The screens displayed when querying voters use many of the same command options. The following table identifies these command options and describes their function.

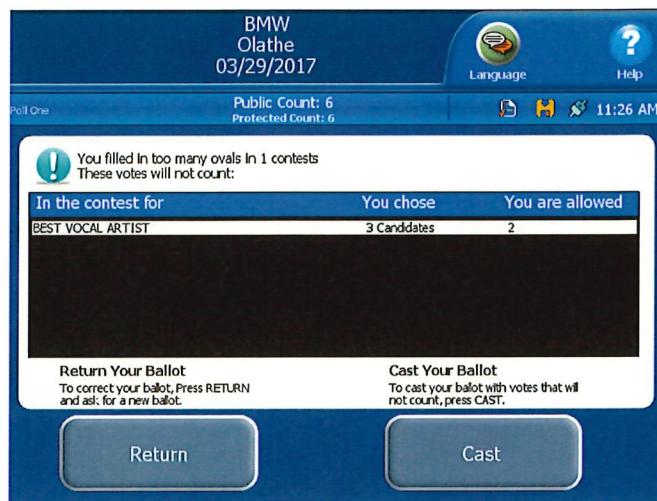
**Table 7-1: Voter Query Command Options**

	Touch to cast the ballot as marked. Overvotes and unreadable marks will not be counted as valid votes.
	Touch to cast the blank ballot as is. This option appears only when the submitted ballot is blank.
	Touch to view the next page of possible errors on the ballot. This option appears only when the number or type of possible errors cannot be displayed on a single screen.
	Touch to view information about the next type of possible error on the ballot.
	Touch to return the ballot to the voter for review and/or correction. If necessary, the voter may request a new ballot from a poll worker.
	Touch to view more detailed information about the possible errors on this ballot. This option appears when the ballot contains more than one type of possible error.

### 7.5.1.1 Overvote Warning Screen

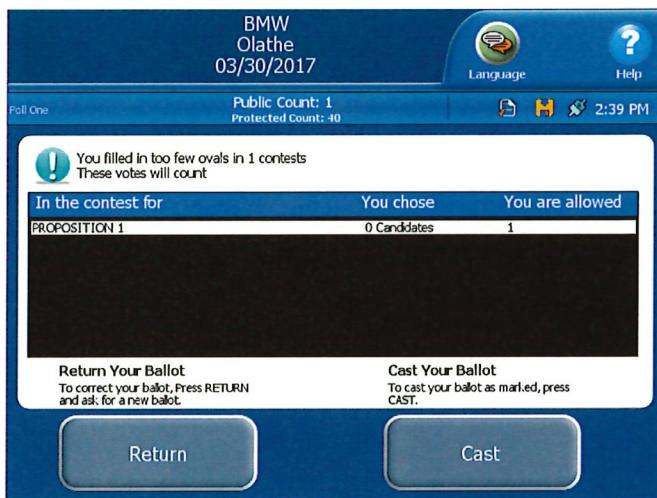
If you use the voter query function for overvotes and a voter exceeds the number of votes allowed for a contest, the following screen appears.

The contest(s) containing overvotes appears in the **In the contest for** column. The ballot can be returned to the voter, or cast as marked.



### 7.5.2 Undervote Warning Screen

If you use the voter query function for undervotes and a voter has not filled in the number of votes allowed for a contest, the following screen appears.

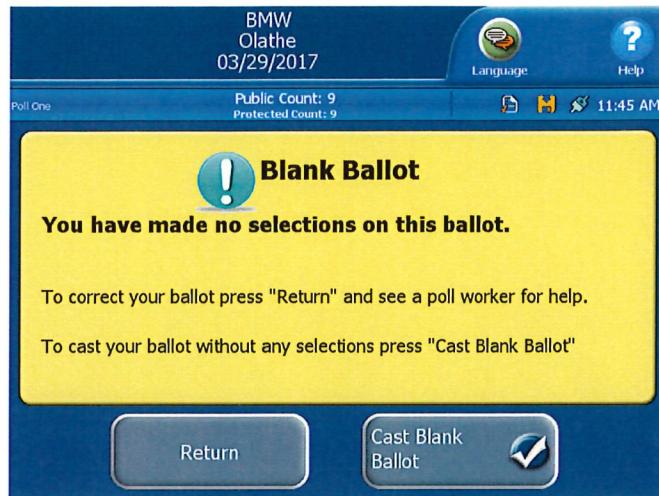


If the election definition is programmed to query voter preference in the event of an undervoted ballot, the contest(s) containing undervotes appear(s) in the **In the contest for** column. If the ballot contains too many undervoted contests to be displayed in a single screen, the **Next** and **Back** commands appear on the screen to enable you to view all undervoted contests.

The ballot can be returned to the voter, or cast as marked.

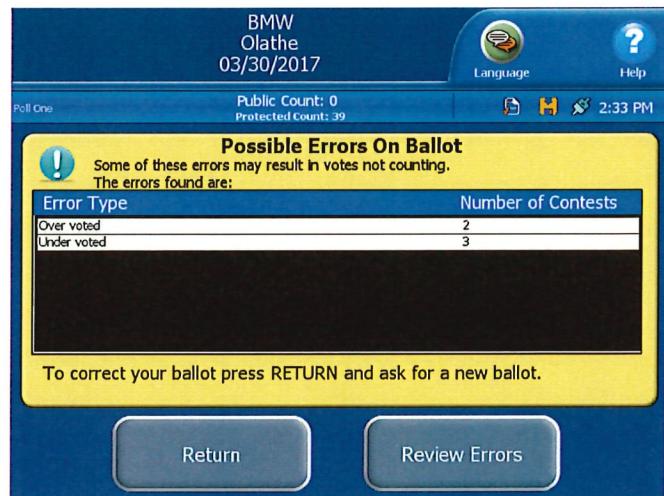
### 7.5.3 Blank Ballot Warning Screen

If you use the voter query function for blank ballots and a ballot is blank, the following screen appears.



### 7.5.4 Overvote and Undervote Warning Screen

If you use the voter query function for overvotes and undervotes and a ballot contains both undervoted and overvoted contests, the following screen appears.



The type of possible ballot error (for example, overvote) appears in the **Error Type** column. The number of contests containing the ballot mistake appears in the **Number of Contests** column.

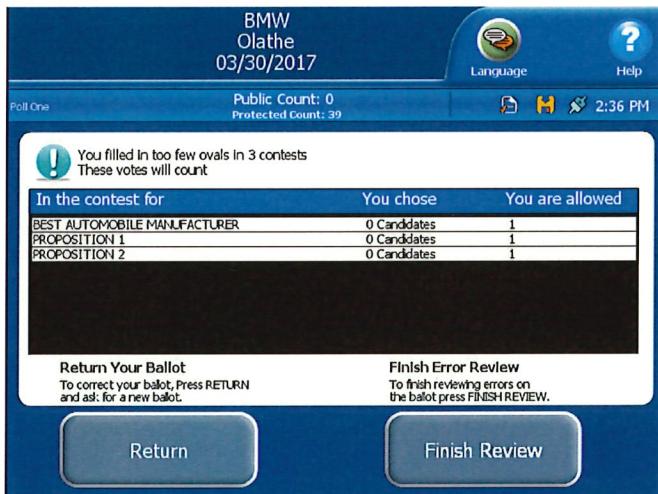
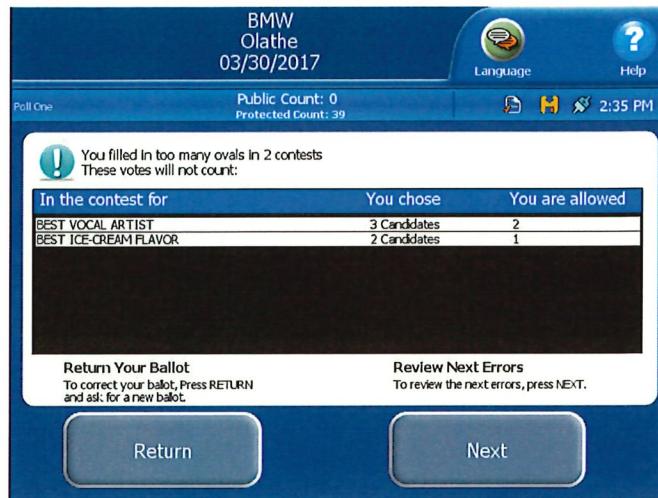
To return the ballot to the voter at any point in this process, touch **Return**. The voter can then request a new ballot from a poll worker and remark the ballot.

To review all the overvotes and undervotes on the current ballot, touch **Review Errors**.

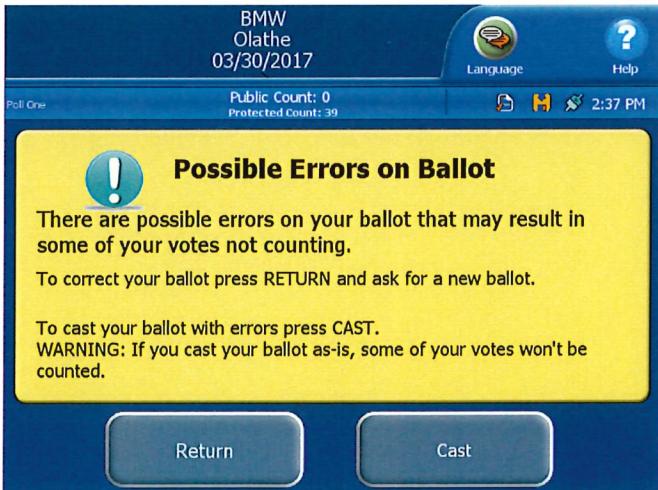
The DS200 displays information about overvoted contests in a screen like the following.

If the ballot contains both overvotes and undervotes, or contains too many errors to be displayed on a single screen, the **Next** and **Back** commands appear on the screen. Touch **Next** to navigate to the next screen of information, touch **Back** to return to the previous screen of information.

The DS200 displays information about undervoted contests in a screen like the following. Touch **Finish Review**.



The Possible Errors on Ballot screen appears. Select **Return** to correct the ballot or **Cast** to cast ballot as is.



3. Touch **Yes** to confirm your selection, or touch **No** to exit.
4. Touch **Menu** to return to the Tools menu and then select **Return to Voting Mode** to begin inserting ballots.

You can return to the Override Authorization Boxes settings menu if you wish the override both the initials and review boxes.

The setting(s) will persist until either you return to the settings menu and re-enable the initials and/or review box settings or until the DS200 is cleared and initialized with the EQC flash drive.

### 7.11.3 Report Options

The report options available from the Tools menu are different from the report options available from the Admin menu because the poll is open when you access the Tools menu.

You can generate the Daily Ballot Status Accounting Report from the Tools menu, but not from the Admin menu because the poll must be open to generate this report.

If the poll is open but no votes have been cast, you can generate a Zero Totals Report. Once a vote has been cast, this report is no longer available.

You can also generate the following reports from the Tools menu:

- Configuration Report
- Event Log Report and Summary Event Log
- System Log

You cannot generate the Voting Results Report from the Tools menu.

1. From the Tools Menu, touch **Report Options**.
2. Select the report you would like to view or print.
3. Touch **Preview Report** to view the report on the screen. Touch **Print Report** to print the report. Touch **Cancel** to exit the menu.

Refer to [Chapter 9: Reports](#) for more information about generating and printing reports, and for information about specific reports.

# Chapter 9: Reports

Use the information in this chapter to become familiar with report formats and types so you can generate the proper reports for your jurisdiction. This chapter contains descriptions and examples of the following reports:

- [Ballot Status Accounting Report](#) and [Daily Ballot Status Accounting Report](#)

The Ballot Status Accounting report is not available while the poll is open. Depending on your election definition, the report may print automatically during the poll opening and poll closing processes. The report can also be accessed via the Reports menu.

The Daily Ballot Status Accounting report is available only while the poll is open, and is accessed via the Tools menu rather than the Reports menu.

- [Configuration Report](#)

The Configuration report includes hardware configuration information.

- [Event Log Report](#) and [Event Log Summary](#)

The Event Log provides a record of all actions taken on the DS200 by poll workers, voters and by the DS200 system. The Event Log Summary is a condensed version of the Event Log and provides fewer details.

- [System Log Report](#)

The System Log contains all system-level messages from the time the DS200 is powered on until the unit is shutdown. It is used by ES&S maintenance technicians.

- [Voting Results Report](#)

The Voting Results report is available only after the poll has been closed.

- [Write-in Review Report](#)

The Write-in Review Report is available only after the poll has been closed.

- **Zero Totals Report**

The Zero Totals report is available only when all votes have been cleared from the machine. Use this report to verify that all residual testing data has been removed from the machine before you open the poll for live voting.

## 9.1 Reports Overview

The DS200 generates a variety of reports, from the Zero Totals report that verifies that you open your election with no residual votes on the DS200, to the Voting Results report generated after you close the poll at the end of the election. Depending on your Electionware settings for the DS200, some reports are printed automatically, and some are printed only at your request.

For example, the DS200 can automatically print the Configuration, Zero Totals, and Ballot Status Accounting reports as part of the poll opening process. The DS200 can automatically print the Ballot Status Accounting, Write-in Review, and Voting Results reports as part of the poll closing process.

In addition to reports that are generated automatically, you can manually request reports, either before the poll is opened or after the poll is closed. To protect the security of the election and safeguard election results until the poll is closed, the DS200 typically does not generate any reports while the poll is open.

**Note**



If you are using the DS200 as a central count tabulator during an extended voting period such as Early Voting, you can use the Tool menu to print the Daily Ballot Status report while the poll is open. You can also generate the Zero Totals report while the poll is open, provided there are not yet any votes on the machine.

You can also manually request additional copies of any reports that are generated automatically.

## 9.6 Configuration Report

The Configuration report provides information about the system configuration, including election settings, diverter settings, and the firmware version in use on the machine. This report also lists information, such as the storage memory availability, firmware information, and basic tabulator information, such as the status of the touch screen and battery charge level. Compare the Configuration reports printed before and after loading the election definition to verify that the correct election definition has been loaded.

**Note**



If a backup flash drive is installed, verify that the Configuration Report displays a non-zero number next to the report heading "Available Backup Storage."

A sample of the Configuration Report follows.

```
*** CONFIGURATION REPORT ***
1:15 PM April 18, 20YY
Unit Serial Number: 0107370046

VOTING DEVICE INFORMATION

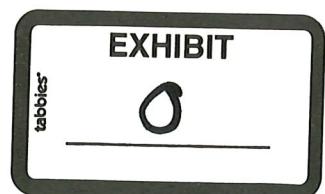
HARDWARE CONFIGURATION
Current Time Date:
  1:15 PM April 18, 20YY
Time Zone: America/Chicago
Diverter Status: Not Detected
Touch Screen: OK
Power Source: AC
Battery Charge: 100%
Modem Status: Not Detected
Universal Voting Console: Not Detected
Scanner Board: WM8215
Motherboard: VT6070-R2
Touch Screen Model: ELO AccuTouch 2218
Installed RAM: 1GB
Report Text Size: Larger

STORAGE
Available System Log Storage: 6422 MB
Available Ballot Storage: 3927 MB
Available Backup Storage: 3926 MB
All data paths and memory locations OK

FIRMWARE
Scanner Firmware: 3.1.0.0
Power Management Firmware: 1.2.14.0
DS200 Firmware Version: 2.20.0.0

Protected Count: 738

~~~~~sample continues on next page~~~~~
```



ELECTION QUALIFICATION INFORMATION  
Election Name: G19L5004  
Election Date: 20YY-02-01  
Election Qualification Code: 05ble725

ELECTION LOADED

ELECTION STATUS  
Poll Opened Date: April 17, 20YY  
Poll Opened Time: 5:10 PM  
Poll Closed Date: April 17, 20YY  
Poll Closed Time: 5:15 PM  
Poll Status: Not Open  
Public Count: 0

ELECTION INFORMATION  
Jurisdiction Name:  
OurTown  
Election Description:  
G19L5004  
Election Date: April 17, 20YY  
Poll Place ID/Name:  
PO1CFH/Poll 01 - Big Red Firehouse  
Election Type: CLOSED PRIMARY  
Number of Precincts: 4

BALLOT INFORMATION  
Ballots By: Style  
Ballot Height: 19.0  
Ballot Width: 8.5  
Ballot Rows: 56  
Ballot Columns: 24  
Ballot Art Work: DSIM  
Target Type: oval

ELECTION SETTINGS  
Ability to Re-Open: Yes  
Number of Zero Tapes to Print: 1  
Number of Result Tapes to Print: 1  
Print Event Log on Close: Yes  
Transmit Results on Close: No  
Report Format: Public  
Report Level: Poll  
Candidate Print Order:  
Home Rotation Order  
Single Double-Vote: No  
Single Over-Vote: No  
Combine Over and Under Votes: No  
Save Ballot Images: All  
Display Affected Contests: Yes  
Allow Ballot Handling Override: No  
Detect Unmarked Write-ins: Yes  
Allow On-Screen Write-In Review: Yes  
Require Authorization on Poll Close: No  
Auto Print Ballot Status Accounting Report: No  
Auto Print Write-in Review Report: Yes  
Status Barcode: Disabled

~~~~~sample continues on next page~~~~~

```
EXCEPTION BALLOT SETTINGS
Blank Ballots: Accept
Double-voted Ballots: Query
Over-voted Ballots: Accept
Under-voted Ballots: Accept
Unreadable Marks: Reject
Cross-over Ballots: Query
Blank Initial Box: Always Reject
Marked Review Box: Always Accept
```

```
EXCEPTION CARD SETTINGS
Blank Cards: Accept
Under-voted Cards: Accept
Marked Review Box: Always Accept
```

```
BALLOT IDENTIFICATION SETTINGS
Divert Ballots: No
Stamp Ballots: None
Identify Write-in Overvotes: No
Identify Blank Ballots: No
Identify Write-ins: No
```

```
*** END OF REPORT ***
```

## 9.7 Daily Ballot Status Accounting Report

The Daily Ballot Status Accounting report contains daily ballot counts across a multi-day voting period, such as an Early Voting period. The Daily Ballot Status Account report provides daily counts of the paper ballots and ExpressVote cards scanned, by ballot and card style. The report lists all of the ballot and card styles in the election. Poll workers can use this report daily to reconcile paper ballots at the polls.

**Note**



The Daily Ballot Status Accounting report can be accessed only while the poll is open. Touch the **Tools** icon to access the reports screen. See section [7.11 Using the Tools Menu](#) for more information.

A sample of the Daily Ballot Status Accounting Report follows.