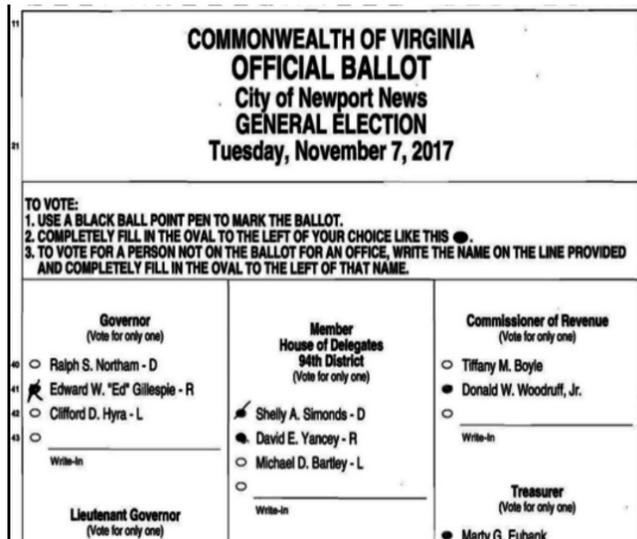


Dear Andrea Miller and Friends of People Demanding Action.



On March 1, 2018, well-known election attorney Chris Sautter and I went to Fairfax, Virginia. We had concerns due to our experience following the state election last November 7th. Although our attached report (Virginia Election Track Condition Report for 2017/18) generated before the 2017 election indicated otherwise, we were led to believe that ballot images across the state were being preserved. It turned out not to be the case. In some instances, ballot images were destroyed twice. Because the ballot images were illegally destroyed, there was no way to see if ballots were tampered with. See copy of the ballot at left that eliminated Shelly A. Simonds' one vote lead. It is obviously an over-vote and the stray mark means nothing, especially if you look at the race for governor and notice how that was marked in similar fashion by the elector.

Virginia looks to us to be a candidate centric state and through the discovery process an attorney for candidate should be able to request the images as part of the legal process.

We learned through BradBlog.com that Newport News County illegally destroyed their ballot images, not just once but twice due to a recount.

The process is flawed in some Virginia counties. We know that ballot images cannot be destroyed legally.

The good news is that ballot images are an official document and are part of the chain of custody: *"If you take voted ballots, take a photocopy of them and use those copies to count votes, what makes you think that you can destroy them?"* —Pima Co AZ Superior Court Hon. Judge Richard Gordon to Pima Co Attorney in our 2016 lawsuit.

Properly recognizing images as essential records in the evidentiary chain-of-custody from voter-marked ballots to tabulated results, the Court ruled from the bench that images must be preserved and protected.

Just this last December 11, 2017, the circuit court judge of Montgomery County in Alabama also ruled from the bench that ballot images cannot be destroyed. The Court ordered the Secretary of State to comply with our demand to order all counties to save ballot images in the imminent Doug Jones vs Roy Moore special U.S. Senate election. We are awaiting Alabama Supreme Court's ruling on the question in elections going forward.

Our job at AUDIT Elections USA is to investigate, educate and litigate when necessary. We won in two red states, Arizona and Alabama.

**With Digital Scan Voting Systems,
There Are Two Official Versions of Each Ballot**

The one the voter filled out ... and the one the machine counted.

	Why is that important? <ul style="list-style-type: none">* Chain-of-Custody cannot be broken* Federal Law 22 months States vary* Voted version is hard to get – catch 22 problem* The Digital copy is a public record that must be preserved just like other election materials such as Envelopes with signatures	
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However, we should only litigate if we cannot convince the Virginia State Board of Elections to act to protect the June 12, 2018 election ballot images statewide.

It is not a complicated case. By law, election officials cannot break the chain of custody and pick a choose what to save. After all, with digital scanners there are now two official ballots! One the voter filled out and one the machine counted. Both become official documents and must be preserved by law.

Please take this as a call to action. If we want elections that are transparent, trackable and publicly verified, it is important that the public be informed and understand how serious the problem is. Ballot images are impunity busters. Virginia needs to look at what the Maryland Board of Elections has done.

We met with Deputy General Registrar Gary Scott of Fairfax County Elections. Scott has worked there for 23 years and is retired from the U.S. Navy. We were well received and met for approximately 45 minutes.

Fairfax County is saving the ballot images and Cast Vote Records for 22 months in federal elections and for 12 months in state and local elections.

Mr. Scott explained that the state has not required or directed that counties using Digital Scanners save ballot images and that the decision to save images is left to the discretion of each county.

Mr. Scott said that he considers digital ballot images as official ballots because the machine counts the images as votes. He agrees that the images must be handled like paper ballots and cannot be destroyed.

Enclosing the day before Chris and I was in Montgomery, Maryland, from our meeting they are both Counties we visited in both states are highly progressive communities. From our Maryland Track condition report Maryland as a state does it correct and has laws in place with well written procedures. Attached is the Maryland report.

Respectfully,

John R Brakey of AUDIT Elections USA www.AuditElectionsUSA.org Phone 520 339 2696

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Below are the Question and Answers to our conversation.

Virginia Outstanding Questions for Evaluating Appropriateness for Ballot Image Project.

- Q. Voter registration - how difficult is it to register? **A. Virginia is more difficult than Maryland.**

Fairfax County
683,561 registered voters (10/2016)
243 precincts (10/2016)

Election Board Chair
Stephen Hubt
P.O. Box 10161
Fairfax VA 22038
Phone (703) 222-0776
Fax (703) 324-2205
Email
Website

- Q. How many days before election for cut off? **A. 21Days**
- Q. Can ex-felons vote? **A. NO!**
- Q. Voter ID at polls? **A.YES**
- Q. Does state have Early voting? **A. NO!**
- Q. When does absentee voting start? **A. 46 days out from election day. Very easy to get on list. "We allow 19 reasons/excuses. If you can't find a reason, that's on you..."**
- Q. What percent is absentee voting? **A. Approximately 22% of ballots cast in the 2016 Presidential election. It is predicted that 25% of votes in the next big election will be cast absentee. Absentee voting is growing. In the last off-year election, absentee voting went down to 17% of votes cast. Keep in mind that off-year elections are low turnout elections. Voters have to renew their request for an absentee ballot every election year.**
- Q. Who sets up the county election database? **A. Supposedly the county has their own person that does election database setup which creates the ballots and ES&S prints the ballots. Brakey thought: Usually the one who does the database setup makes the ballots. Why is the vendor printing the ballots? Responsibility and money? This needs to be researched more.**
- Q. Do you have a statewide election procedure manual? **A. Yes. It is online at the VA State Board of Elections website.**
- Q. Does VA have a Poll workers manual? **A. Yes**

- Q. How does VA transmit voting system election results? 1) thumb drive "soft shoe network" 2) phone modem 3) Virtual Private Network SIMM card? A. It's all done by thumb drive. They use two. One goes with a runner to central and the other goes with the ballots and other election records. Also confirmed both thumb drives from the DS200 have the **Ballot Images, the Cast Vote Record and the totals produced from the DS200. Basically, they have all they need to post this information online on election night!!!**
- Q. In your state are ballots a public record? A. YES
- Q. Does the election system reporting show the difference between Absentee, Precinct Voting and Provisional? Reason, we are looking for red and blue shifts also called the "Splits" from normal. A. Didn't ask, will call and ask Gary Scott.
- Q. When does vote tabulation start? A. One week out, but no tabulation until election night and only then are the totals transferred to the Election Management System (EMS) computer. Pima County, Arizona transferred every day to the EMS. Their history is they like to know the results of the elections as many as 10 days before the election. Very bad.
- Q. As to the ES&S DS850 High speed counter, the inkjet? A. State law doesn't allow. **Brakey thought:** Possibly argue that the machine is federally certified to use this function.
- Q. How ES&S "Express Vote" is used? A. For the Handicapped by law and if you need a ballot in a language other than English. Brakey thought: I call them \$6,000 pencils.

Notes. Some counties use ES&S "Express Vote" machines in Early Voting and all it does is produce a ballot that is marked by a machine that then goes into the Digital Scanner. On election day one is sent out to every precinct for handicapped voter use. This is required by federal law. However, using them in early voting centers is not required. These ballot Images are much easier to forage/counterfeit. Hand marked paper ballots are much harder to forage.

- Q. Does State or county use ballot rotation. A. No, which candidate is listed first in list of candidates in each race is determined by state lottery.
- What percent of provisional ballots are approved in your county? A. 40% to 50%. In Montgomery Co, Maryland over 90% of provisional ballots are approved. Both counties are very close to DC.
- Q. Who buys and owns the Voting equipment. A. The county buys, owns and operates the equipment.
- Like Maryland 17-year-old can vote in primary and work at polls if they will be 18 by general election.
- Some Precincts are as large as 5,000 voters.
- Deputy General Registrar Gary Scott of Fairfax County said the voter database is not by party. Primaries are open-and on election day electors may choose which party primary to vote for in.
- Scott also said that the state has a bill pending that will require a random check of 10% on all ballots cast.
- Virginia uses both Crosscheck and ERIC to cross check their voter database. Mr. Scott finds ERIC a better system and has a low option of the Kansas Crosscheck system.

END.

The Right to Vote Means Nothing If Our Votes Aren't Counted Accurately

Good News! The Public Can Oversee Vote Counts
Using a Little-Known Feature of Existing Election Machinery

**Official election results
cannot be trusted.**

The problem goes far deeper than whether the Russian government hacked the 2016 presidential election.

Even votes cast on paper ballots are counted by electronic systems that can be programmed to produce any result.

**The computers that count our
votes can be gamed.**

**We need transparent,
publicly verified elections.
This is achievable with
technology currently in use.**

Newer ballot scanners create a **digital image** of every ballot. It's votes on the *images* that are counted. Digital image files can safely be made public for oversight. And yes, the images can be re-matched with ballots for verification, without violating voter privacy.

In many jurisdictions, we're discovering that elections departments are turning off this security feature!

**But elections officials are
destroying these legally
protected election materials!**

**AUDIT-USA
is working to verify
elections through our
Ballot Images Project.**

**Americans United for Democracy, Integrity,
and Transparency in Elections**
is a non-partisan group of experienced advocates for election transparency. We're patriots who believe elections belong to the people, not to political parties or corporations.

We're taking our strategy
nationwide.

**Join us at
www.AUDITelectionsUSA.org**

**Courts have already ruled in
our favor in Arizona and
Alabama.**

We're looking for opportunities to join with other voting rights groups. Together we must address the entire elections mess, including **voter suppression, gerrymandering, & corporate money.**

Click the image above for a downloadable .pdf of the infographic.