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BY EMAIL ONLY

To the Wyoming County Clerks

During the testing and retesting of the voting systems required by Wyoming Statutes sections 22-11-101 et seq., The Wyoming Republican Party and its expert identified numerous errors in building the test decks for the tabulator testing and some of the retests. These errors are outlined below.

1. **Using the Same Numbers.** In testing performed by 21 of the 23 counties statewide, we discovered that test decks included the same number of votes for more than one candidate in the same race. Wyoming Statutes section 22-11-104 b iii requires that a different number of test ballots be assigned to each candidate in the same race. Why does this matter? Well, if the tabulator is incorrectly configured and switches the votes for candidate A and gives them to candidate B, and vice versa, using the same numbers in the testing will not properly test to prevent such an error. Such vote switching has been discovered in another State. This also applies to write-ins, which also must receive a different number. In 2 counties, Laramie and Albany Counties, same numbers were used in 100% of the contested races that they provided. Even though the numbers may be different when you look at the overall county L & A reports, you must look at the votes assigned at the precinct/voter district level to make sure no 2 candidates or write-ins are assigned the same number of test votes.
2. **Do Not Assign 0 Votes to Any Candidate, Write-In, or Overvote During Testing.** Wyoming Statutes section 22-11-104 b iii requires that each candidate be assigned “a valid vote” during the testing. Zero is not a valid vote. Instead, it is the absence of a valid vote. Further, a 0 cannot be tested. After testing is complete, if a candidate who was assigned 0 votes received 0 votes tells you that one of 2 conditions exist -- either 1.) the tabulator is properly counting his vote as a zero, or 2.) the tabulator is not set to count any votes for that person.
3. **Not Testing Write-Ins.** A number of counties did not test write-ins or assigned 0 votes to them. Wyoming Statutes section 22-11-104 b iii requires that testing be performed to ensure the tabulators are accurately counting for “all offices”, which includes all write-ins and overvotes cast for

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that election. Also, Clerks must test the tabulators in compliance with the manufacturer's recommendations. The Operating Manuals for the DS200s and DS450s require that the Clerk perform "end to end testing." Therefore, write-ins must be tested as well. Write-ins must be assigned a number that is different from all candidates in that race.

4. **Not Testing Overvotes.** A number of counties did not test overvotes or assigned 0 votes to them. Overvotes must be tested. See Wyo. Stat. sec. 22-11-104 b iii (stating "... and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes.") Also, Clerks must test the voting systems in compliance with manufacturer's recommendations. The Operating Manuals for the DS200s and DS450s require that the Clerk perform "end-to-end testing." See ES&S DS200 and DS450 Operating Manuals, section 3.3.2, on page 22. Therefore, overvotes must be tested as well. Unlike write-ins, overvotes need not be assigned a number that is different from the candidates in that race.
5. **Not Testing All Parts of the Voting System, Including All Ballot Styles.** The ES&S DS200 and DS450 Operations Manuals, section 3.3.2, on page 22, provides that "end-to-end" testing must be completed on the entire voting system, which includes testing all ballot styles. If 1 test vote is assigned to any candidate on the L&A report or detail report, then it is clear that that candidate did not have both the standard ballot style and the ExpressVote Card tested to make sure the tabulators were calibrated to count his/her votes for those cards. In some counties, there were very few ExpressVote Cards used in the test decks, far fewer than was necessary to make sure the tabulators were calibrated to count votes on both types of ballot styles for every candidate. If a county has 2 ballot styles, then a "2 to max" system should be used instead of using a "1 to max" system. If there are three ballot styles used in a county, then a "3 to max" system of building a test deck should be employed, etc.
6. **Test All Components of the Testing System.** If the system employs a Dell laptop, then that part of the voting system must be present and tested during the public testing. If the voting system employs a ballot-on-demand printer, then that printer is part of the voting system and should be present and tested during the public testing. Again, see ES&S DS200 and DS450 Operations Manuals, section 3.3.2, on page 22, regarding end-to-end testing. See also Sec. of State Rules, Ch. 29, Sec. 6 (d), which mandates that all ballot-on-demand printers/ballots be tested as part of the public testing.
7. **County Clerks Must Notify County Political Party Chairs of All Testing.** County political party chairs and independent candidates must be notified of testing of voting systems under Wyoming Statutes section 22-11-101 et seq. and voting machines under Wyoming Statutes section 22-10-101 et seq. The statutes provide that voting systems, including tabulators, "shall" be tested "**at least 2 weeks before**" the election. Wyo. Stat. sec. 22-11-104 b iii. Further, voting machines are to be tested **during the 2-week window** before the election. If certain voting machines are to be

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used in early/absentee voting, then 2 weeks before early voting starts is complaint with the statutes as to those voting machines. However, all other voting machines to be used on election day should be tested within 2 weeks of the general election.

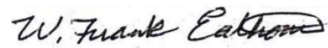
8. **"Rules."** There is no limit in the statutes on the number of representatives who may attend the testing on behalf of a political party. Laramie County ill-advisedly attempted recently to limit the number of people who could attend the testing and limit their free speech rights, but backed off on its "rules" before the testing was to occur. Further, Sec. of State Rules, Ch. 29, sec. 6 (e.) provides that other witnesses may be present as well. Any such rules that limit attendance, participation or speech during testing by political parties or the public will not be tolerated.

Given the errors that were discovered prior to the primary election, the Wyoming Republican Party hereby request that Clerks run a second tape/report at the time Clerks run the L & A reports and detail reports for all DS200 and DS450 tabulator immediately after the conclusion of testing. In the alternative, Clerks may email electronic copies of these 2 reports to the Wyoming Republican Party. Given the stakes involved during this general election, be advised we will be watching carefully for compliance with the testing requirements during the public voting machine and voting system testing leading up the general election in November.

We have received the 2022 L & A reports from approximately 14 different counties so far and ALL of those reports demonstrated that the test decks used contained errors such as same numbers, use of zeros, failure to test write-ins and overvotes, etc. Therefore, this has been an issue for some time and it needs to be corrected this election season to ensure the integrity of future elections.

It is not our goal to criticize or embarrass any of our Clerks. Instead, it is the Wyoming Republican Party's goal to ensure Wyoming's Election Code, Secretary of State's Rules, and the ES&S Operating Manuals are being followed and to work with counties to accomplish the same so Wyoming voters can have confidence in our elections. We invite you to join us in this important endeavor.

Sincerely,



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