

Declaration of Rick Weible

Pursuant to 28 U.S.C Section 1746, I, Rick Weible make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I currently reside at 803 Elk Street, Elkton, SD 57026.
3. I currently serve on the City Council of Elkton, SD.
4. I am a computer network engineer and data analysis expert with over 25 years of industry experience. Owner of a small computer consulting company, that has been in business for over 25 years providing compliance certifications, desktop support, programming, network management and security, web development and hosting.
5. In South Dakota when we hand count an election, the count is done publicly, to where an observer can see with their eyes and hear with their ears how the election officials are determining the count for each race on the ballot. We see that in South Dakota Codified law 12-20-1.

12-20-1. Delivery of supplies to counting board--Certificate of transmittal and receipt--Commencement of count--Continuation without adjournment--Comparison and correction of poll lists--Penalty.

As soon as the polls are closed, the precinct superintendent and precinct deputies shall audit the ballot count as prescribed in §§ 12-20-2 and 12-20-3. The precinct superintendent and precinct deputies shall then immediately deliver the ballot boxes, registration book, pollbook, and other election supplies, including voided and unused ballots, to the counting board, if appointed, and sign a certificate of transmittal and receipt as prescribed by the State Board of Elections. The members of the precinct election board or the counting board, if appointed, shall then immediately proceed to count publicly, in the presence of all persons desiring to attend the count, the votes received at the polls, and continue without leaving the site of the count until the count is completed. A person charged with implementing this section may not delay the counting of ballots other than to authorize short recesses for the health and wellbeing of those employed to implement this section. In counting the votes, the members of the precinct election board or counting board shall use the tally sheets provided.

Source: SDC 1939, § 16.1701; SL 1975, ch 119, § 11; SL 1976, ch 105, § 68; SL 1993, ch 113, § 13; SL 1993, ch 118, § 20; SL 1999, ch 69, § 39; SL 2002, ch 76; § 7; SL 2021, ch 68, § 1.

<https://sdlegislature.gov/Statutes/12-20-1>

6. The term Cast Vote Records (CVR) is not defined by South Dakota Statutes, instead it is defined by the National Institute of Standards and Technology (NIST), under the US Department of Commerce, just like other weights and measurements defined for federal use. The publication of the standards and the definition is meant for the public, like a building code, in comparison to the Department of Defense standards which are not meant for the public.

The screenshot shows the GitHub repository page for the NIST Special Publication 1500-103, Cast Vote Records Common Data Format Specification Version 1. The page includes the NIST logo, navigation links for 'NIST Website', 'About NIST', and 'usnistgov on Github'. The main content area features the title, a date of 'March 2020', a description of the document as an excerpt from the SP 1500-103 V1 specification, and a link to the full publication on GitHub. A 'Table of Contents' section lists 'Executive Summary' and 'Enumerations'.

There are many complex operations performed by voting devices when voters submit their paper ballots to be scanned. These operations are mostly invisible to voters but are necessary to determine whether contest selections have been marked adequately and whether voter intent is reflected by what is marked on the ballot. This specification includes the necessary detail to capture these operations so that CVRs can be better audited and adjudicated as necessary to include write-in candidates or other issues.

This specification is geared towards the following audiences:

- Election officials
- Voting equipment manufacturers
- Election analysts and auditors
- Election-affiliated organizations
- The public

<https://pages.nist.gov/CastVoteRecords/>

7. The Cast Vote Records (CVR) is further explained in detail as a useful tool to be able to audit the performance and accuracy of the election systems, specifically the tabulators. This can be found on page iii.

SP 1500-103, Version 1.0
NIST Cast Vote Records CDF Specification

Executive Summary

This document presents an interoperable, common data format specification for cast vote records (CVR), which are produced by vote-capture devices such as ballot scanners. A CVR is an electronic record of a voter's selections, with usually one CVR created per sheet (page) of a ballot. Election results are produced by tabulating the collection of CVRs, and audits can be done by comparisons of the paper ballots or paper records of voter selections against the CVRs.

This specification supports three general use cases for CVRs:

1. Interoperable exports of CVRs from devices such as scanners for import into tabulators, election management systems (EMS), or auditing systems.
2. Interoperable exports of aggregated collections of CVRs from aggregating devices such as election management systems.
3. Update of CVRs after adjudication.

The purpose of this specification is to provide an interoperable, non-proprietary data exchange format in JavaScript Object Notation (JSON) and eXtensible Markup Language (XML) for CVRs so as to promote greater transparency to voting records produced by vote-capture devices, and to facilitate the exchange of CVRs with other devices that operate upon CVRs regardless of device manufacturer.

<https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1500-103.pdf>

8. Here is an overview of the Cast Vote Records (CVR) as defined by the National Institute of Standards and Technology (NIST), a division of the US Department of Commerce in its publication “NIST Special Publication 1500-103 – Cast Vote Records Common Data Format Specification Version 1.0” in section 2.1 (page 3)

2.1 Overview of Cast Vote Records and their Generation

Simply put, a cast vote record (CVR) is an electronic record of a voter’s ballot selections, and its primary purpose is to provide a record of voter selections that can be counted in an efficient manner to produce election results. A CVR is created by equipment such as a voter facing scanner in a polling place into which a voter inserts a paper ballot. CVRs also get created by batch fed scanners used to scan absentee or other types of ballots that are collected before the election or that cannot be scanned by polling place scanners for various reasons. After the polls are closed, the CVRs are collected by election officials on memory devices and subsequently copied to an election management system that aggregates and tabulates the votes.

Three primary types of voting devices that create CVRs are:

- All-electronic voting devices that a voter uses to make ballot selections and that create and store a CVR for each ballot.
- Ballot marking devices (BMDs) that function like all-electronic devices but that produce a paper record of the voter’s choices that must be subsequently scanned.
- Voter-facing optical scanners used in polling places and batch-fed optical scanners used in central offices to scan paper ballots.

The scanning devices above are sometimes referred to collectively as “tabulators” because they generally have a tabulation capability, but this is not always the case.

CVRs may include other information besides voter choices, including:

- Information on all contests and contest options on the ballot in addition to those marked
- The ballot style associated with the CVR
- The precinct or location associated with the CVR
- The equipment that produced the CVR
- The political party associated with the ballot for partisan primaries
- Images of the entire ballot and images of write-in areas on the ballot
- An identifier that is also printed on the ballot as it is scanned
- Indications of how the scanner has interpreted various marks.

This specification includes support for the above items.

<https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1500-103.pdf>

9. Here is an overview of the audit of the Cast Vote Records (CVR) as defined by the National Institute of Standards and Technology (NIST), a division of the US Department of Commerce in its publication “NIST Special Publication 1500-103 – Cast Vote Records Common Data Format Specification Version 1.0” in section 2.1 (page 5)

2.4 Auditing Cast Vote Records

CVRs need to be audited against their paper counterparts so that election results can be verified to be accurate. This specification supports auditing by providing the following as options:

- Support for ballot-level comparison auditing, that is, there is an identifier in the CVR that can be linked to an ID printed on the corresponding paper ballot.
- Support to include adjustments to contest selections made by adjudicators.
- Different snapshots of the CVR can be created, one for the original scan, one for after election rules have been applied, and others as needed for adjudications.
- Indications of marginal marks, mark quality/density can be associated with contest selections.
- A CVR can include signed/hashed references to an associated image of the ballot or images of write-ins made by the voter.
- Capability to include batch information such as batch IDs and sequence within the batch.

<https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1500-103.pdf>

10. In 2002 the Help America Vote Act (HAVA) was passed and signed into law, to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

A voting system is defined by Federal Law, Help America Vote Act of 2002, HR 3295-41:

(b) VOTING SYSTEM DEFINED.—In this section, the term “voting system” means—

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

(A) to define ballots;

(B) to cast and count votes;

(C) to report or display election results; and

(D) to maintain and produce any audit trail information; and

(2) the practices and associated documentation used—

(A) to identify system components and versions of such components;

(B) to test the system during its development and maintenance;

(C) to maintain records of system errors and defects;

(D) to determine specific system changes to be made to a system after the initial qualification of the system; and

(E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

https://www.eac.gov/sites/default/files/eac_assets/1/6/HAVA41.PDF

11. The South Dakota Codified Laws 12-17B-2, which was passed and signed in into law in 2005 as Senate Bill 8, established requirements for automatic tabulating, electronic ballot marking, and election voting equipment systems--Approval of changes or modifications. The codified law states “Each system shall fulfill the requirements for election assistance commission standards certification and be approved by the State Board of Elections prior to distribution and use in this state.” US Election Assistance Commission (the EAC) and its web site is www.eac.gov

12-17B-2. Requirements for automatic tabulating, electronic ballot marking, and election voting equipment systems--Approval of changes or modifications.

Any automatic tabulating or electronic ballot marking system used in an election shall enable the voter to cast a vote for all offices and on all measures on which the voter is entitled to vote. No automatic tabulating, electronic ballot marking, or election voting equipment system may be connected to the internet. No ballot marking device may save or tabulate votes marked on any system. Each system shall fulfill the requirements for election assistance commission standards certification and be approved by the State Board of Elections prior to distribution and use in this state. No system may be approved unless the system fulfills the requirements as established by the State Board of Elections. Any changes or modifications to an approved system shall be approved by the State Board of Elections prior to distribution and use.

https://sdlegislature.gov/Statutes/Codified_Laws/2040817

12. The Voluntary Voting Systems Guidelines Version 1.0 (VVSG 1.0) Volume 1, section 7 as established and adopted by the EAC in 2005, deals with Security Requirements.

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The Voluntary Voting System Guidelines Version 1.0 (VVSG 1.0) Volume 1, section 7.8 Independent Verification Systems (pages 134-136), developed by the US Election Assistance Commission (EAC.gov), explains the reasoning for the cast vote records, as a way to provide an independent verification to the accuracy and security of the tabulators, in detail, this is a **requirement and not optional....**:

7.8 Independent Verification Systems

7.8.1 Overview

Independent verification (IV) systems are electronic voting systems that produce multiple independent cast vote records of voter ballot selections, which can be audited to a high level of precision. For this to happen, the cast vote records must be handled according to the following protocol:

- At least two cast vote records of the voter's selections are produced and one of the records is then stored in a manner that it cannot be modified by the voting system. For example, the voting system creates a record of the voter's selections and then copies it to unalterable storage media.
- The voter must be able to verify that both cast vote records are correct and match before leaving the polling place, e.g., verify his or her selections on the voting machine summary screen and also verify the second record on the unalterable storage media.
- The verification processes for the two cast vote records must be independent of each other, and at least one of the records must be verified directly by the voter.
- The contents of the two cast vote records also can be checked later for consistency through the use of unique identifiers that allow the records to be linked.

The cast vote records would be formatted so that at least one set is usable in an efficient counting process by the electronic voting system and the other set is usable in an efficient process of auditing or verifying the agreement between the two sets.

Given these conditions, the multiple cast vote records are considered to be distinct and independently verifiable, that is, both records are not under the control of the same system processes. As a result of this independence, the audit records can be used to check the accuracy of the counted records. Because the records are separately stored, an attacker who can compromise one will also have to compromise the other.

The voter verifiable paper audit trail (VVPAT) methodology is one of several classes of IV systems. In this approach, the voter can directly compare the electronic summary screen of the voting machine with the printed paper audit record. (This is not to be confused with the

paper ballot that is produced by optical scan voting systems that the voter visually verifies before placing it in the ballot box or tabulator.) Requirements for DREs with a VVPAT feature are provided below to reflect the fact that a number of States currently require this feature.

There are a variety of other IV approaches for the voter to verify his or her selections with systems that produce an electronic record for verification. Appendix C describes the characteristics of these systems in more detail. They include:

- Split process systems, which use separate devices for the voters to record and verify their ballot selections
- Cryptographic systems, which provide voters with coded receipts that can be used to verify their ballot selections
- Witness systems, which use an independent module to create the second record

7.8.2 Basic Characteristics of IV Systems

This section describes a preliminary set of basic characteristics that apply to all types of IV systems. This information is provided for the purpose of introducing these concepts for consideration in voting system design. It is anticipated that future voting systems will be required to provide some type of independent verification feature to enable voters to have confidence that their ballot selections are correctly recorded and counted.

An independent verification system produces at least two independent cast vote records of ballot selections via interactions with the voter, such that one record can be compared against the other to check their equality of content.

Discussion: This is the fundamental characteristic of IV systems. The records can be checked against one another to determine whether or not the voter selections are correctly recorded.

The voter verifies the content of each cast vote record and either (a) verifies at least one of the records directly or (b) verifies both records indirectly if the records are each under the control of independent processes.

Discussion: Direct verification involves using human senses; for example, directly reading a paper record via one's eyesight. Indirect verification involves using an intermediary to perform the verification; for example, verifying an electronic ballot image on the voting machine.

The creation, storage and handling of the cast vote records are sufficiently separate that the failure or compromise of one record does not cause the failure or compromise of another.

Discussion: The records must be stored on different media and handled independently of each other so that no one process could compromise all records. If an attack can alter one record, it should still be very difficult to alter the other record.

Both cast vote records are highly resistant to damage or alteration and capable of long-term storage.

Discussion: The records should be difficult to alter or damage so that they could be used in case the counted records are damaged or lost.

The processes of verification for the cast vote records do not all depend on the same device, software module, or system for their integrity, and are sufficiently separate that each record provides evidence of the voter's selections independently of its corresponding record.

Discussion: For example, the verification of the summary screen (electronic record) of a DRE is sufficiently separate from the verification of a paper record printed by a VVPAT component or a copy of the electronic record stored on a separate system.

The multiple cast vote records are linked to their corresponding audit records by including a unique identifier within each record.

Discussion: The identifier serves the purpose of uniquely identifying and linking the records for cross-checking.

Each cast vote record includes information identifying the following:

- An identification of the polling place and precinct
- Whether the balloting is provisional, early, or on election day
- Ballot style
- A timestamp generated when the voting machine is enabled to begin a voting session that can be used to correctly group the cast vote records
- A unique identifier associated with the voting machine

Discussion: The identifier could be a serial number or other unique ID.

The cryptographic software used in IV systems is approved by the U.S. Government's Cryptographic Module Validation Program, as applicable.

Discussion: IV voting systems may use cryptographic software for a number of different purposes, including calculating checksums, encrypting records, authentication, generating random numbers, and for digital signatures. This software should be reviewed and approved by the Cryptographic Module Validation Program (CMVP). There may be cryptographic voting schemes where the cryptographic algorithms used are necessarily different from any algorithms that have approved CMVP implementations, thus CMVP-approved software shall be used where feasible. The CMVP website is <http://csrc.nist.gov/cryptval>.

13. The Voluntary Voting System Guidelines Version 1.0 (VVSG 1.0) Volume 1, section 7.9 Voter Verifiable Paper Audit Trail Requirements (pages 139) is a standard that is **not required, and the example is provided here to show the language is different from above and makes very clear the intent of the US Election Assistance Commission.**

Version 1.0

Volume I: *Voting System Performance Guidelines*
7 Security Requirements

7.9 Voter Verifiable Paper Audit Trail Requirements

This section contains requirements for DREs with a Voter Verifiable Paper Audit Trail (VVPAT) component. VVPAT capability is not required for national certification. However, these requirements will be applied for certification testing of DRE systems that are intended for use in states that require DREs to provide this capability. The vendor's certification testing application to the EAC must indicate whether the system being presented for testing includes this capability, as provided under Subsection 1.6.2.5 extensions.

https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.0_Volume_1.PDF

14. The Cast Vote Records are also used in adjudication for ballots requiring additional inspection as laid out in "NIST Special Publication 1500-103 – Cast Vote Records Common Data Format Specification Version 1.0" in section 2.3 (page 4-5)

2.3 Adjudication of Cast Vote Records

After a CVR collection has been exported, a number of the CVRs may require additional inspection and adjustment as part of a process known as adjudication, which may be done on an EMS by election officials. Write-ins are the most common reason:

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1. On ballots produced by BMDs the write-in names could still be spelled differently or incorrectly, and
2. For scanned paper ballots, either the ballots themselves or the images of the write-in areas of the ballot that were made by the scanner must be inspected.

There are a number of other reasons why ballots may require adjudication, such as:

- The ballot was unreadable by the scanner.
- The voter may have marked the ballot in ways that are difficult to interpret, for example, the voter may have circled the ovals instead of filling them in.
- The scanner detected one or more overvotes.
- The scanner detected that the entire ballot was blank.

This specification provides the capability to update the CVR with multiple annotations made by adjudicators, recording the following items:

- The adjudicator name(s).
- Time stamp of when the adjudication(s) was made.
- The adjudication, i.e., the action taken by the adjudicator(s).

<https://www.govinfo.gov/content/pkg/GOVPUB-C13-5ece0a87c83a2a7d2ba2072e7420c584/pdf/GOVPUB-C13-5ece0a87c83a2a7d2ba2072e7420c584.pdf>

15. The cast vote records provide a way to audit election equipment against their paper counter parts for accuracy purposes as outlines in "NIST Special Publication 1500-103 – Cast Vote Records Common Data Format Specification Version 1.0" in section 2.4 Auditing Cast Vote Records (page 5) states - **“CVRs need to be audited against their paper counterparts so that election results can be verified to be accurate.”**

2.4 Auditing Cast Vote Records

CVRs need to be audited against their paper counterparts so that election results can be verified to be accurate. This specification supports auditing by providing the following as options:

- Support for ballot-level comparison auditing, that is, there is an identifier in the CVR that can be linked to an ID printed on the corresponding paper ballot.
- Support to include adjustments to contest selections made by adjudicators.
- Different snapshots of the CVR can be created, one for the original scan, one for after election rules have been applied, and others as needed for adjudications.
- Indications of marginal marks, mark quality/density can be associated with contest selections.
- A CVR can include signed/hashed references to an associated image of the ballot or images of write-ins made by the voter.
- Capability to include batch information such as batch IDs and sequence within the batch.

<https://www.govinfo.gov/content/pkg/GOVPUB-C13-5ece0a87c83a2a7d2ba2072e7420c584/pdf/GOVPUB-C13-5ece0a87c83a2a7d2ba2072e7420c584.pdf>

16. In the meeting of the State Board of Elections on Wednesday, Oct 30th, 2019, the cast vote records (CVR) are mentioned during the update on Post-Election Audit Information, it is also clearly noted that a purchase of the ES&S Election Management System (EMS)

would be required to view the cast vote records.

Update on Post-Election Audit Information:

Secretary Barnett updated the board on the Post-Election Audit. The following was his statement.

“During the election equipment testing with Election Systems and Software (ES&S), Minnehaha County Auditor Bob Litz agreed to use the mock election ballots that we use for testing the equipment to walk through potential processes for a post-election audit. This was an easier option

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than asking for a Judge to allow him to open the ballot boxes from the 2018 General Election, as those are to be sealed for 22 months after a federal election. Also, the ballots for testing are not from a past election.

Mark Manganaro, State Certification Manager with (ES&S) provided a demonstration on the process to place an ink cartridge in the DS450 and DS850 tabulating machines to be able to sequentially number the ballots for use in a post-election audit. Mr. Manganaro also provided a brief demonstration of the Election Management System (EMS) that would be a required software program the counties would have to purchase to view the vote cast record. Secretary of State staff present to observe these processes included Deputy Jason Lutz, Director, Division of Elections, Kea Warne, and State Election Supervisor Christine Lehrkamp, along with Minnehaha County Auditor Bob Litz.

We are looking at having a more in-depth demonstration on this process in March 2020 from another ES&S representative. Further research on post-election audits will need to be conducted prior to any legislation drafted for future legislative sessions. Auditor Litz remains supportive of this process and committed to continue working with our office as we develop a process that can work for all our counties. At this time, no further action is needed from the Board.”

- a. Meeting Minutes - https://sdsos.gov/about-the-office/assets/boe_agendas/FINALBOEMinutes10.30.19.pdf
- b. Agenda of Oct 30th, 2019 - https://sdsos.gov/about-the-office/assets/boe_minutes/October30.2019BOEConferenceCallAgenda.pdf

17. The EAC Certificate for ES&S EVS 6.1.0.0 on the South Dakota SOS site only has the cover page and is missing the rest of the EAC certificate. The first page of the certificate shows that Voting systems is tested to the Voluntary Voting Guidelines Version 1.0 (VVSG 1.0).



United States Election Assistance Commission



Certificate of Conformance

ES&S EVS 6.1.0.0

The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the *Voluntary Voting System Guidelines Version 1.0 (VMSG 1.0)*. Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the *EAC Voting System Testing and Certification Program Manual* and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.

Product Name: EVS

Model or Version: 6.1.0.0

Name of VSTL: Pro V&V

EAC Certification Number: ESSEVS6100

Date Issued: September 24, 2019

Executive Director

Scope of Certification Attached

https://sdsos.gov/about-the-office/assets/boe_agendas/EAC%20Certificate%20for%20EVS%206.1.0.0.pdf

18. The actual complete certificate can be found at the US Election Assistance Commission (EAC) site, which is 16 pages long...on page 3 we see the DS200, DS450 and DS850 do a “conversion of voter selection marks to electronic cast vote records(CVR).”

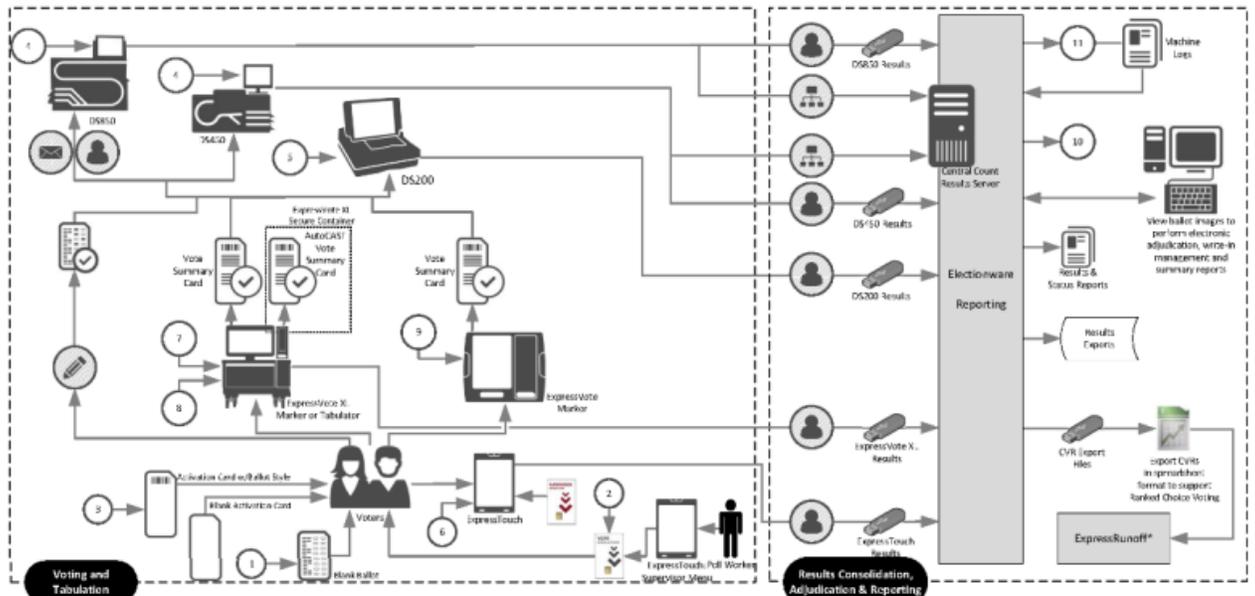
DS200® is a polling place paper-based voting system, specifically a digital scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic **cast vote records (CVR)**.

DS450® is a central scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic CVRs.

DS850® is a central scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic CVRs.

https://www.eac.gov/sites/default/files/voting_system/files/EVS6100Cert_Scope_%2528FINAL%2529.pdf

- 19. The EAC Certificate for ES&S EVS 6.1.0.0 on page 4 of the certificate shows that from the USB drives of the tabulators, once converted and decrypted by the Electionware Reporting System, that the CVR Export files are available.



https://www.eac.gov/sites/default/files/voting_system/files/EVS6100Cert_Scope_%2528FINAL%2529.pdf

20. The latest Election Systems & Software (ES&S) approved by South Dakota is 6.1.1.0, and its complete certificate is not listed under the approved systems, however it is listed within the minutes of the State Board of Elections meeting minutes. All of the pages of the certificate are complete and can be found here:



<https://boardsandcommissions.sd.gov/bcuploads/ES&S%20EVS6110%20Certificate%20and%20Scope%20of%20Conformance%2007-27-2020.pdf.pdf>

21. On page three of the certificate, we can clearly see that when the ballots are scanned the Cast Vote Records are created as each ballot is inserted into the DS200, DS450, and DS850.

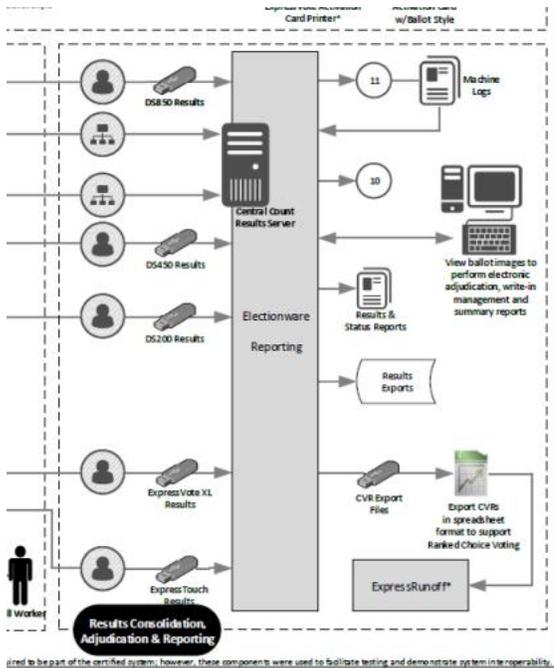
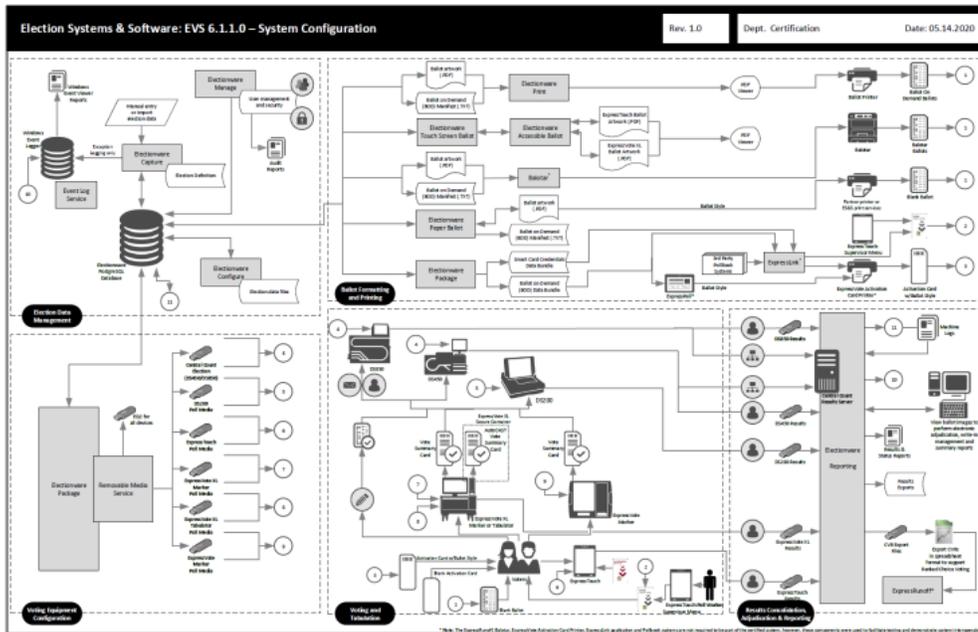
DS200® is a polling place paper-based voting system, specifically a digital scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic cast vote records (CVR).

DS450® is a central scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic CVRs.

DS850® is a central scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic CVRs.

<https://boardsandcommissions.sd.gov/bcuploads/ES&S%20EVS6110%20Certificate%20and%20Scope%20of%20Conformance%2007-27-2020.pdf.pdf>

22. On page 4 of the certificate, we can clearly see that from the thumb drives, we can take that data from the tabulators and bring that data into the Electionware Reporting software and create various reports, CVRs and ballot images.



<https://boardsandcommissions.sd.gov/bcuploads/ES&S%20EVS6110%20Certificate%20and%20Scope%20of%20Conformance%2007-27-2020.pdf.pdf>

23. Election Systems & Software (ES&S) on it's own web site explains that cast vote records (CVRs) exist in that it supports post-election audits by "providing election details (logs, cast vote records, reports, ..."



<https://www.essvote.com/faqs/>

24. In a publicly available ES&S manual published on-line from the California Secretary of State we can clearly see that the Cast Vote Records exist.

ES&S digital scanners use scanning technology similar to that of a copying machine to create two scanned images of the front and back of the ballot at the same time. These digital images are then processed by ES&S Electionware software, which creates a cast vote record (CVR). The CVR contains data from the front and back of the ballot and lists all vote selections made on the ballot. At the time of poll closing or data export, the CVRs are totaled to create aggregate results for that ballot scanning device. After the election, Electionware imports the tabulated results, machine logs, and images for reviewing, reporting, adjudication, and archiving.

<https://votingsystems.cdn.sos.ca.gov/vendors/ess/evs6042/ess-6042-proc.pdf>

25. In a publicly available ES&S manual published on-line from the California Secretary of State we can clearly see the instructions of how to export and backup the Cast Vote Records and Ballot Images

7.2.5 Exporting Data

When data is exported from the Central Count tabulator, all files are digitally signed and, aside from the Audit Log, all files are also encrypted. The Audit Log is not encrypted to enable you to read it directly from your PC.

Data can be exported to a properly formatted (FAT32) blank ES&S flash drive. Or, if the Central Count is networked to a local server, data can be exported directly to the server.

Export Files – Use this option to export the **cast vote record** (CVR) for new or all batches scanned and saved on the Central Count, as well as all saved ballot images. This data can be imported into Electionware.

7.2.6 Backup

The Backup option enables you to do the following:

- **Export** the CVRs and specified image files to a blank flash drive

Use the Backup Export function to create periodic backup copies of the election data from all ballots processed up to that point. Keep ballots physically separated so you know which ballots belong to which backup flash drive.

- **Collect** results from a flash drive containing an exported copy of the CVRs and convert those to a format that can be used to read election results and data into Electionware.

The Backup Collect function creates the same files as are created in the Export Files function, but uses a different process and may require more time to perform than the Export Files function, especially if there is a large amount of data on the Central Count.

Use this function if a hardware or system problem prevents further scanning of ballots or if you discover an error in your procedures.

Chapter 10: Reporting

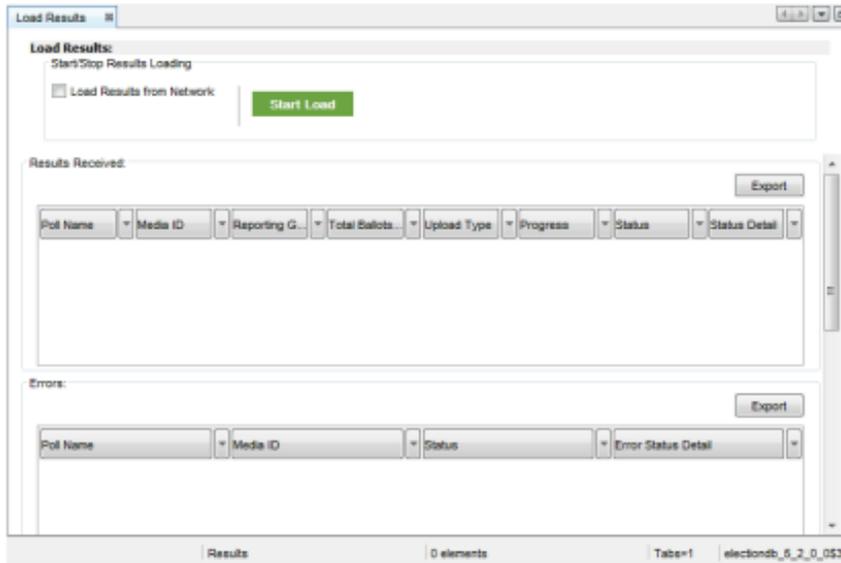
10.1 Overview

After the election, *Reporting* is used to import tabulated results, machine logs, cast vote records, and ballot images by reading the election media from the ES&S election equipment USB flash drives/networked results; review, export, and report election results and media device-related data; and review/adjudicate ballot images.

10.2 Loading Election Results

Load Results

The **Load Results** workflow opens the Load Results window.

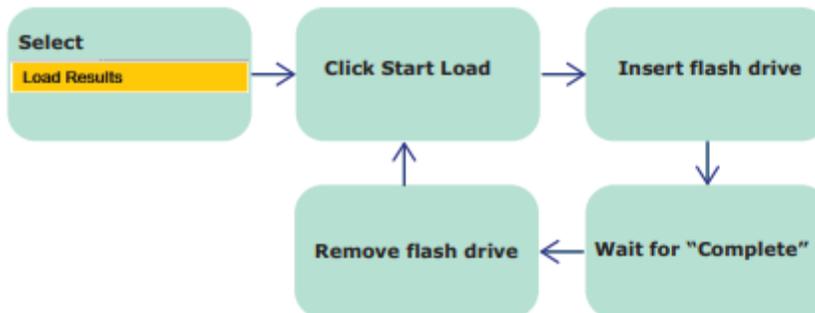


When loading results, as a precaution, it is recommended that you log in as a Reporting User (not as an Administrator).

10.2.1 Load Results Workflow Summary

The process of loading election results can be summarized in six basic steps:

1. Select the **Load Results** workflow.
2. If applicable, select **Load Results from Network**.
3. Click **Start Load**.
4. Insert a results flash drive.
5. When the status says "complete," remove the flash drive.
6. Repeat steps 4 and 5 until all results flash drives have been loaded.



11.6.2 Export Ballot Images

All ballot images can be exported in a ZIP file.

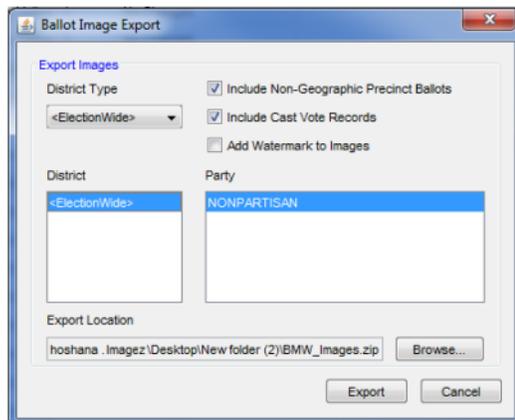
1. From the **Tools** menu, select **Export Ballot Images**.

There are three items that can be optionally included in the export:

- Non-Geographic Precinct Ballots
- Cast Vote Records (CVR)
- Watermark



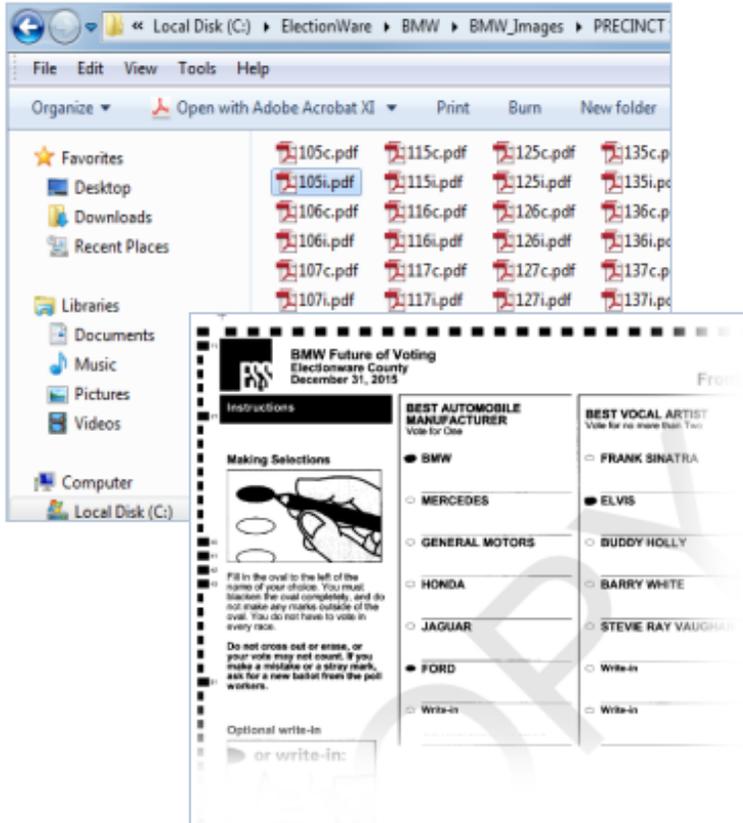
To be exported, at least one item and one district must be selected.



2. In the Ballot Image Export window, specify ballot, and optionally, CVR export parameters:
 - To include absentee and early voting ballot images, select **Include Non-Geographic Precinct Ballots**.
 - To include CVRs with the exported ballot images created in Electionware using Non-Geographic Precincts, select **Include Cast Vote Records**.
 - The watermark identifies the printout as a ballot copy that is not intended for scanning. To include this on exported ballots, select **Add Watermark to Images**.
 - From the **District Type** list, select a district type.
 - The contents of the **District** list are determined by the selected District Type. Select the appropriate district(s).
 - Select the party or parties from the **Party** list.
3. Browse to the target folder in which to save the file. Enter a filename for the ZIP file, then click **Save**.
4. The Ballot Image Export window reappears, with the location and filename in the Export Location box. Click **Export**.
5. When the export is complete, a confirmation dialog box will display the number of images exported, the specified export parameters, and the location and name of the ZIP file. Click **OK**.

Ballot images (and optionally CVRs) are exported as individual PDF files within the *.zip archive. These PDF files are sorted in folders, by precinct and party.

Each file is identified by CVR number, followed by the letter "i" if the file is a ballot image, or the letter "c" if the file is a cast vote record.



<https://votingsystems.cdn.sos.ca.gov/vendors/ess/evs6042/ess-6042-proc.pdf>

26. I am aware of the ability of ES&S to provide support to help counties get this data, the support number, email and hours are in the manuals.

Support representatives are available Monday through Friday, between 7:00 a.m. and 7:00 p.m. Central Time.

Telephone: 877-377-8683 (USA & Canada)

Fax: 402-970-1285

Email: technicalsupport@essvote.com

<https://votingsystems.cdn.sos.ca.gov/vendors/ess/evs6042/ess-6042-proc.pdf>

27. I am aware that Brown, Lincoln, Minnehaha and Pennington County counties have purchased and have support for the Electionware Reporting software, to where they can export the Cast Vote Records and ballot images. The South Dakota Secretary of State office and the other 62 counties do not have the software to decrypt the thumb drives, then load the Cast Vote Records and ballot images into a reporting software, and then export the data.
28. I am aware that the Voluntary Voting System Guidelines 1.0 (2005) requires that voter identifies be protected, in that it requires that the time stamp of the CVRs and ballot images can not be traced to any voter, and that the specification requires that the time stamp of all files be changed to the time stamp that the voting session began, and that the order of the ballots stored be randomized to protect the voters. See also see that evidence in a request for information in Georgia.

BALLOT IMAGES/CAST VOTE RECORDS

The units providing tabulation functionality can also capture digital images of each ballot or vote summary card cast and associated Cast Vote Record (CVR), which also can be used for recounts and adjudication.

To ensure security and protect voter anonymity, the ballot images and CVRs are stored with random names assigned to each ballot image file and have their file timestamps obfuscated.

Electionware provides online adjudication that retains both the CVR as initially tabulated and the adjudication board's modified CVR. The ballot image, the machine-generated original CVR, and the review board-modified CVR can be reviewed alongside each other.

PAPER TRAIL

The paper ballot or vote summary card also provides an audit trail that is available to jurisdictions in the event a recount, including manual recount, is required.

9. Does your solution include Election Night Reporting capabilities? If so, please describe your Election Night Reporting solution, including security features.

ES&S RESPONSE

After the election, the Reporting module in Electionware is used to import tabulated results, machine logs, cast vote records, and **ballot images** by reading the election media from the ES&S election equipment USB flash drives/networked results; review, export, and report election results and media device-related data; and review/adjudicate ballot images.

The Election Results workflow is used to generate paper and electronic tabulated results reports and exports. The Reporting module can produce summary and custom table reports, as well as exports, each of which can be adjusted to fit your needs:

- ✓ Summary Results: By election, precinct, or precinct/split
- ✓ Custom Table Results (Canvass-style report): By precinct, precinct/split, poll, ballot style, or district
- ✓ Plain Text (similar to the ASCII export from Election Reporting Manager software): Summary or Precinct Detail
- ✓ XML: Enhanced, Standard, or Custom
- ✓ CSV: Precinct Detail

With the Electionware reporting module, the State of Georgia can export various reports in multiple formats, including HTML, which can be posted to election night reporting websites at both the state and county level.

https://sos.ga.gov/sites/default/files/2022-03/ess_rfi_-_final_-_redacted.pdf

29. Dodge County, Wisconsin, publishes their cast vote records and ballot images for the public to download and review. I have downloaded those files and have done a review of the files. There are 39,325 Ballot Images and Cast Vote Records, it takes about 8 GB of space.

The screenshot shows the Dodge County Wisconsin website. At the top, there is a navigation bar with links for Home, Land Information Search, Careers, Permits & Licenses, Bids & Proposals, and Contact Us. Below this is a search bar with the text "I am looking for...". The main header features the Dodge County logo and the text "DODGE COUNTY Wisconsin". A dark blue navigation bar contains the following categories: DEPARTMENTS, GOVERNMENT, COMMUNITY, and HOW DO I?. The "DEPARTMENTS" category is expanded, showing a list of links: County Clerk, Annual Reports, County Directory, Dog Licensing, Election Information, and Incident Report. The main content area displays the breadcrumb trail: Departments » Departments A-D » County Clerk » Election Information » Election Results ». The title of the page is "Ballot Images and Cast Vote Records - November 8, 2022". Below the title are icons for Print, Feedback, Share & Bookmark, and Font Size (with plus and minus buttons). The main text of the page reads: "Voters who cast provisional ballots may provide whatever documentation is required no later than 4:00 p.m. on the Friday after the election in order for their provisional ballot to be counted."

Ballot Images and Cast Vote Records - November 8, 2022

Disclaimer

Please note Cast Vote Record (CVR) Reports are unofficial results from election night. These are the results the voting equipment tabulated on Election Day. The final, official canvass results posted on the Wisconsin Elections Commission's website for any state/federal races also include counted provisional ballots and other small adjustments. These adjustments are not tallied by, or in, the voting equipment, rather through the County Board of Canvass process. The Cast Vote Record (CVR) Reports contain all data fields available in the ES&S Election Software. Also, please note that if a Municipal Clerk has accidentally corrupted their election data after printing their results tapes and electronically transferring the results into the County for a specific election, that data will not be able to be archived and therefore, would have no ballots to be read and included in the CVR Report.

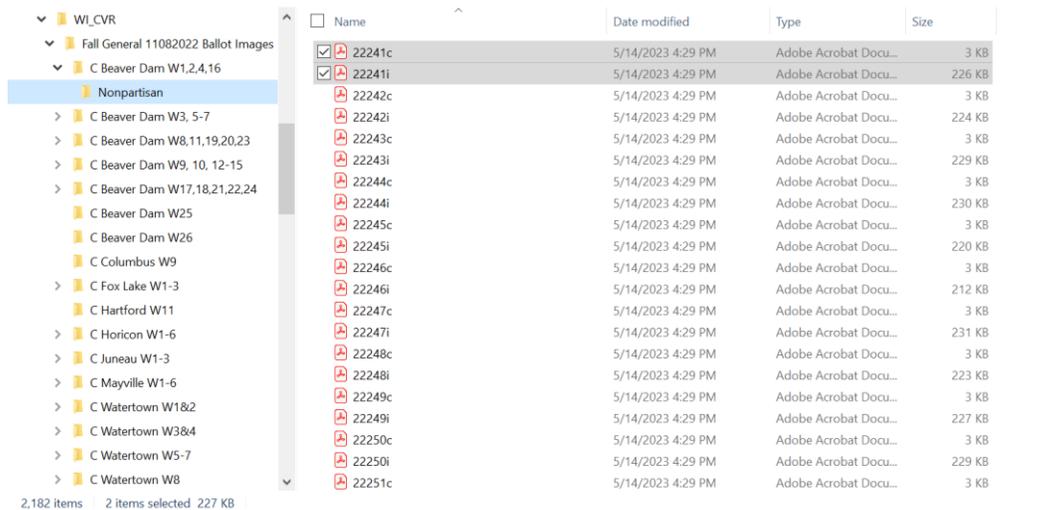
The ZIP files below contain PDF documents showing the ballot images from the November 8, 2022 election. Each ballot has two files associated with it. The two files will have the same number. One will end with an "i" the other will end with a "c" (e.g. 31473i.pdf and 31473c.pdf). The file ending with "i" contains an image of the ballot. The file ending with "c" contains the Vote Cast Record showing how the tabulator counted the ballot.

[Cast Vote Record - November 8, 2022](#)

[Ballot Image and Ballot CVR Zip Files - November 8, 2022](#)

<https://www.co.dodge.wi.gov/departments/departments-a-d/county-clerk/election-information/election-results/election-results-2022>

30. This is a screen shot of the downloaded files from Dodge County, WI. The files are separated by precinct, and then the files with the "c" designation are Cast Vote Records, and the "i" files are Ballot Images.



31. This is a screen shot of one of the ballot images from WI

Official Ballot Partisan Office and Referendum November 8, 2022		
General Instructions		
<p>Notice to voters: If you are voting on Election Day, your ballot must be initiated by two (2) election inspectors. If you are voting absentee, your ballot must be initiated by the municipal clerk or deputy clerk. Your ballot may not be counted without initials (see end of ballot for initials).</p>		
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help (absentee voters: contact your municipal clerk).</p> <p>To vote for a name on the ballot, fill in the oval next to the name like this: ●</p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this: ●</p>	<p>Attorney General Vote for 1</p> <p><input type="radio"/> Josh Kaul (Democratic)</p> <p><input checked="" type="radio"/> Eric Toney (Republican)</p> <p><input type="radio"/> write-in:</p>	<p>State Senator District 13 Vote for 1</p> <p><input checked="" type="radio"/> John Jagler (Republican)</p> <p><input type="radio"/> write-in:</p>
	<p>Secretary of State Vote for 1</p> <p><input type="radio"/> Doug La Follette (Democratic)</p> <p><input checked="" type="radio"/> Amy Lynn Loudenbeck (Republican)</p> <p><input type="radio"/> Neil Harmon (Libertarian)</p> <p><input type="radio"/> Sharyl R. McFarland (Wisconsin Green Party)</p> <p><input type="radio"/> write-in:</p>	<p>Representative to the Assembly District 39 Vote for 1</p> <p><input checked="" type="radio"/> Mark L. Born (Republican)</p> <p><input type="radio"/> write-in:</p>
<p>When voting for Governor and Lieutenant Governor, you have one of two choices:</p> <ul style="list-style-type: none"> • Vote for candidates on one ticket, or • Write in names of persons on both write-in lines. <p>A write-in vote for only a Lieutenant Governor candidate will not be counted.</p>	<p>State Treasurer Vote for 1</p> <p><input type="radio"/> Aaron Richardson (Democratic)</p> <p><input checked="" type="radio"/> John S. Leiber (Republican)</p> <p><input type="radio"/> Andrew Zuelke (Constitution)</p> <p><input type="radio"/> write-in:</p>	<p>Clerk of Circuit Court Vote for 1</p> <p><input checked="" type="radio"/> Kelly Enright (Republican)</p> <p><input type="radio"/> write-in:</p>
<p>Governor / Lieutenant Governor Vote for 1</p> <p><input type="radio"/> Tony Evers / Sara Rodriguez (Democratic)</p> <p><input checked="" type="radio"/> Tim Michels / Roger Roth (Republican)</p> <p><input type="radio"/> Joan Ellis Beglinger / No Candidate (Independent)</p> <p>write-in: (Governor)</p> <p>write-in: (Lieutenant Governor)</p>	<p>Congressional</p> <p>United States Senator Vote for 1</p> <p><input type="radio"/> Mandela Barnes (Democratic)</p> <p><input checked="" type="radio"/> Ron Johnson (Republican)</p> <p><input type="radio"/> write-in:</p>	<p>Representative in Congress District 5 Vote for 1</p> <p><input checked="" type="radio"/> Glenn Grothman (Republican)</p> <p><input type="radio"/> write-in:</p>
Typ:01 Seq:0058 Spl:01		
Continue voting at top of next column.	Continue voting at top of next column.	Continue voting on back of ballot.
Page 1 of 2-sided ballot. Ballot continues on other side. ⇨		

Referendum		Official Ballot Partisan Office and Referendum November 8, 2022 for Dodge County City of Beaver Dam Wards 1, 2, 4, 16 Aldermanic Districts 1, 3 & 12
<p>To vote in favor of a question, fill in the oval next to "Yes," like this: ●</p> <p>To vote against a question, fill in the oval next to "No," like this: ○</p>		
Technical College		<p>Ballot issued by</p> <p>_____</p> <p>Initials of election inspectors</p> <p>Absentee ballot issued by</p> <p><i>OC</i></p> <p>Initials of Municipal Clerk or Deputy Clerk</p> <p>If issued by SVDs, both must initial</p> <p>Certification of Voter Assistance</p> <p>I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. §6.82 to receive assistance.</p> <p>Signature of assessor</p> <p>_____</p> <p>For Official Use Only</p> <p>Inspectors: Identify ballots required to be remade:</p> <p><input type="checkbox"/> Overvoted</p> <p><input type="checkbox"/> Damaged</p> <p><input type="checkbox"/> Other</p> <p>If this is the Original Ballot, write the serial number here: _____</p> <p>If this is the Duplicate Ballot, write the serial number here: _____</p> <p>Initials of inspectors who remade ballot</p>
<p>Question: Shall the Moraine Park Technical College District, Wisconsin be authorized to issue pursuant to Chapter 67 of the Wisconsin Statutes, general obligation bonds or promissory notes in an amount not to exceed \$55,000,000 for the public purpose of paying the cost of capital expenditures for the purchase or construction of buildings, building additions, remodeling and improvements, site improvements, the acquisition of sites, and the purchase of fixed and other equipment at District locations, including, but not limited to, advanced manufacturing facilities at the Fond du Lac and West Bend Campuses, a health and human services facility at the Fond du Lac Campus, and a regional fire training facility?</p> <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>		
Typ:01 Seq:0058 Spl:01		
Page 2 of 2-sided ballot. Ballot begins on other side. ⇨		

32. This is a screen shot of the corresponding Cast Vote Record, of how the tabulator interpreted the ballot:

The screenshot displays a 'Cast Vote Record' for 22,241 votes. It lists various election contests and the results for each. The contests are listed on the left, and the corresponding vote counts and names of candidates are listed on the right. Each result is marked as 'Counted'.

Contest	Vote For	Count	Candidate	Status
State Sen Dist 13 (280)	1	401	John Jagler	Counted
Rep Assem Dist 39 (290)	1	407	Mark L. Born	Counted
Sheriff Dodge Co (310)	1	417	Dale J. Schmidt	Counted
Circuit Court Clerk Dodge Co (320)	1	421	Kelly Enright	Counted
Ref Instructions with (330)	0			
Referendum MPTC (333)	1	335	Yes	Counted
Gov/Lt. Gov (245)	1	369	Michels / Roth	Counted
Attorney Gen (250)	1	375	Eric Toney	Counted
Sec State (255)	1	379	Amy Lynn Loudenbeck	Counted
State Treas. (260)	1	387	John S. Leiber	Counted
US State Sen (265)	1	393	Ron Johnson	Counted
Rep Congress Dist 6 (275)	1	399	Glenn Grothman	Counted

33. This direct warning from ES&S in regard to folding of ballots is of serious concern, since most of the County Auditors are not properly evaluating their systems to determine if this is an issue or not.

2.6.6 Folding Ballots

A folding machine should be used to expedite the process of folding ballots. In addition, roller pressures should be reduced to about 2 – 3X thickness of ballot stock.

Caution



- Do not fold across timing marks, ovals, write-in spaces (marked or unmarked), or arrows, as this may cause tabulation errors.
- Fold as few times as possible.
- When removing from envelopes, place all ballots in the same orientation for proper back-bending.

2.6.7 Perforating and Numbering Ballot Stubs

A ballot stub is a non-readable portion of the ballot that election workers remove at the polling place for auditing purposes. Stubs usually contain at least one identification number (such as a precinct identification number or sequence code number) and a sequentially printed number that matches the number on the ballot, used to audit ballots that have been cast. Ballots should be perforated for easy separation.

<https://votingsystems.cdn.sos.ca.gov/vendors/ess/evs6042/ess-6042-proc.pdf>

34. We have observed the issue of the folds in Dodge County, WI on Cast Vote Record and Ballot ID 34,195. We can see that the tabulator in this case interpreted the fold as a vote and invalidated the vote that the voter had cast and considered it to be an overvote, to where the voter intent was lost and the vote for that race did not count.

Governor / Lieutenant Governor Vote for 1	State Treasurer Vote for 1	<input type="radio"/> write-in:
<input type="radio"/> Tony Evers / Sara Rodriguez (Democratic)	<input type="radio"/> Aaron Richardson (Democratic)	County
<input checked="" type="radio"/> Tim Michels / Roger Roth (Republican)	<input checked="" type="radio"/> John S. Leiber (Republican)	Sherriff Vote for 1
<input type="radio"/> Joan Ellis Beglinger / No Candidate (Independent)	<input type="radio"/> Andrew Zuelke (Constitution)	<input checked="" type="radio"/> Dale J. Schmidt (Republican)
write-in: (Governor)	<input type="radio"/> write-in:	<input type="radio"/> write-in:
write-in: (Lieutenant Governor)	Congressional	Clark County Clerk Vote for 1
	<input type="radio"/> Mandela Barnes (Democratic)	<input checked="" type="radio"/> Kelly Enright (Republican)
	<input checked="" type="radio"/> Ron Johnson (Republican)	<input type="radio"/> write-in:
	<input type="radio"/> write-in:	

Official Ballot
Partisan Office
November 8, 2022

Notice to voters: If you are voting on Election Day, your ballot must be initialed by two (2) election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials (see end of ballot for initials).

General Instructions	Statewide	Congressional
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help (absentee voters: contact your municipal clerk).</p> <p>To vote for a name on the ballot, fill in the oval next to the name like this: ●</p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this: ●</p>	<input type="radio"/> Josh Kauf (Democratic)	<input type="radio"/> Mike Van Someren (Democratic)
	<input checked="" type="radio"/> Eric Toney (Republican)	<input checked="" type="radio"/> Scott Fitzgerald (Republican)
<p>When voting for Governor and Lieutenant Governor, you have one of two choices:</p> <ul style="list-style-type: none"> • Vote for candidates on one ticket, or • Write in names of persons on both write-in lines. <p>A write-in vote for only a Lieutenant Governor candidate will not be counted.</p>	<input type="radio"/> Doug La Follette (Democratic)	<input checked="" type="radio"/> John Jagier (Republican)
	<input checked="" type="radio"/> Amy Lynn Loudenbeck (Republican)	<input type="radio"/> write-in:
<p>Governor / Lieutenant Governor Vote for 1</p> <input type="radio"/> Tony Evers / Sara Rodriguez (Democratic)	<input type="radio"/> Neil Harmon (Libertarian)	<input type="radio"/> write-in:
	<input type="radio"/> Sharyl R. McFarland (Wisconsin Green Party)	<input type="radio"/> Maureen McCarville (Democratic)
<p>State Treasurer Vote for 1</p> <input type="radio"/> Aaron Richardson (Democratic)	<input type="radio"/> write-in:	<input checked="" type="radio"/> William Penterman (Republican)
	<input checked="" type="radio"/> John S. Leiber (Republican)	<input type="radio"/> write-in:
<p>County Vote for 1</p> <input checked="" type="radio"/> Tim Michels / Roger Roth (Republican)	<input type="radio"/> Andrew Zuelke (Constitution)	<input type="radio"/> write-in:
	<input type="radio"/> write-in:	<input type="radio"/> write-in:
<p>Congressional</p> <input type="radio"/> write-in:	<input type="radio"/> write-in:	<input checked="" type="radio"/> Kelly Enright (Republican)
	<input type="radio"/> write-in:	<input type="radio"/> write-in:
<input type="radio"/> write-in: (Governor)	<input checked="" type="radio"/> Ron Johnson (Republican)	<input type="radio"/> write-in:
<input type="radio"/> write-in: (Lieutenant Governor)	<input type="radio"/> write-in:	<input type="radio"/> write-in:

Typ:01 Sec:0071 Spl:01

Continue voting at top of next column. Continue voting at top of next column.

Page 1 of 2-sided ballot. Ballot continues on other side. ⇌

Cast Vote Record: 34,195

Poll Place: Watertown W1&2
 Precinct: C Watertown W1&2
 Ballot Style: C Watertown W1&2 [Sheet Number 1]
 Party: Nonpartisan
 Tabulator CVR: 45e21200b3ab0caa
 Machine Serial: DS200 - 0317350792
 Blank Ballot: NO
 Reporting Group: Election Day

Contests:

Gov/Lt. Gov (245)

Vote For: 1

Michels / Roth (369)	Overvoted	
Write-in (247)	Overvoted	(Marked)

Attorney Gen (250)

Vote For: 1

Eric Toney (375)	Counted	
------------------	---------	--

Sec State (255)

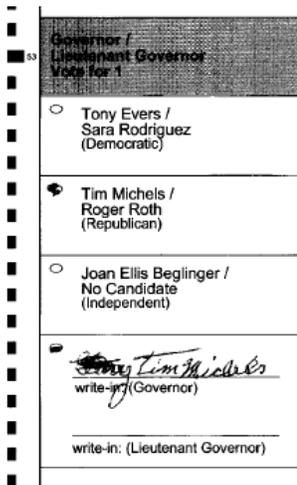
Vote For: 1

Amy Lynn Loudenbeck (379)	Counted	
---------------------------	---------	--

	A	B	C	D	E	F	
1	Cast Vote Record	Precinct	Ballot Style	Gov/Lt. Gov (245)	Attorney Gen (250)	Sec State (255)	S
34177		34177 C Watertown W1&2	C Watertown W1&2	DEM Evers / Rodriguez (C DEM Josh Kaul (CND0004)	DEM Doug La Follette (CND		
34178		34178 C Watertown W1&2	C Watertown W1&2	REP Michels / Roth (CNDI REP Eric Toney (CND0005	REP Amy Lynn Loudenbei		R
34179		34179 C Watertown W1&2	C Watertown W1&2	DEM Evers / Rodriguez (C DEM Josh Kaul (CND0004)	DEM Doug La Follette (CND		
34180		34180 C Watertown W1&2	C Watertown W1&2	REP Michels / Roth (CNDI REP Eric Toney (CND0005	REP Amy Lynn Loudenbei		R
34181		34181 C Watertown W1&2	C Watertown W1&2	DEM Evers / Rodriguez (C DEM Josh Kaul (CND0004)	DEM Doug La Follette (CND		
34182		34182 C Watertown W1&2	C Watertown W1&2	DEM Evers / Rodriguez (C DEM Josh Kaul (CND0004)	DEM Doug La Follette (CND		
34183		34183 C Watertown W1&2	C Watertown W1&2	REP Michels / Roth (CNDI REP Eric Toney (CND0005	REP Amy Lynn Loudenbei		R
34184		34184 C Watertown W1&2	C Watertown W1&2	REP Michels / Roth (CNDI REP Eric Toney (CND0005	REP Amy Lynn Loudenbei		R
34185		34185 C Watertown W1&2	C Watertown W1&2	DEM Evers / Rodriguez (C DEM Josh Kaul (CND0004)	DEM Doug La Follette (CND		
34186		34186 C Watertown W1&2	C Watertown W1&2	REP Michels / Roth (CNDI REP Eric Toney (CND0005	REP Amy Lynn Loudenbei		R
34187		34187 C Watertown W1&2	C Watertown W1&2	DEM Evers / Rodriguez (C DEM Josh Kaul (CND0004)	DEM Doug La Follette (CND		
34188		34188 C Watertown W1&2	C Watertown W1&2	REP Michels / Roth (CNDI REP Eric Toney (CND0005	REP Amy Lynn Loudenbei		R
34189		34189 C Watertown W1&2	C Watertown W1&2	REP Michels / Roth (CNDI REP Eric Toney (CND0005	REP Amy Lynn Loudenbei		R
34190		34190 C Watertown W1&2	C Watertown W1&2	REP Michels / Roth (CNDI REP Eric Toney (CND0005	REP Amy Lynn Loudenbei		R
34191		34191 C Watertown W1&2	C Watertown W1&2	REP Michels / Roth (CNDI REP Eric Toney (CND0005	REP Amy Lynn Loudenbei		R
34192		34192 C Watertown W1&2	C Watertown W1&2	DEM Evers / Rodriguez (C REP Eric Toney (CND0005	REP Amy Lynn Loudenbei		R
34193		34193 C Watertown W1&2	C Watertown W1&2	DEM Evers / Rodriguez (C DEM Josh Kaul (CND0004)	DEM Doug La Follette (CND		
34194		34194 C Watertown W1&2	C Watertown W1&2	DEM Evers / Rodriguez (C DEM Josh Kaul (CND0004)	DEM Doug La Follette (CND		
34195		34195 C Watertown W1&2	C Watertown W1&2	overvote	REP Eric Toney (CND0005	REP Amy Lynn Loudenbei	R
34196		34196 C Watertown W1&2	C Watertown W1&2	DEM Evers / Rodriguez (C DEM Josh Kaul (CND0004)	DEM Doug La Follette (CND		
34197		34197 C Watertown W1&2	C Watertown W1&2	DEM Evers / Rodriguez (C DEM Josh Kaul (CND0004)	DEM Doug La Follette (CND		
34198		34198 C Watertown W1&2	C Watertown W1&2	REP Michels / Roth (CNDI REP Eric Toney (CND0005	REP Amy Lynn Loudenbei		R
34199		34199 C Watertown W1&2	C Watertown W1&2	REP Michels / Roth (CNDI REP Eric Toney (CND0005	REP Amy Lynn Loudenbei		R
34200		34200 C Watertown W1&2	C Watertown W1&2	DEM Evers / Rodriguez (C DEM Josh Kaul (CND0004)	DEM Doug La Follette (CND		
34201		34201 C Watertown W1&2	C Watertown W1&2	DEM Evers / Rodriguez (C DEM Josh Kaul (CND0004)	DEM Doug La Follette (CND		

<https://www.co.dodge.wi.gov/departments/departments-a-d/county-clerk/election-information/election-results/election-results-2022>

35. When using ES&S equipment in both Wisconsin and South Dakota, we do not have a process to deal with Voter intent, when it comes to over votes, both states, invalidate the race where the over vote occurred, and perform no further evaluation of the race, and move on to other races on the ballot for consideration and tabulation. Here are some examples of over votes that were not counted towards the totals:



Ballot ID 37898

Referendum
To vote in favor of a question, fill in the oval next to "Yes," like this: ●
To vote against a question, fill in the oval next to "No," like this: ○
Technical College
Question: Shall the Moraine Park Technical College District, Wisconsin be authorized to issue pursuant to Chapter 67 of the Wisconsin Statutes, general obligation bonds or promissory notes in an amount not to exceed \$55,000,000 for the public purpose of paying the cost of capital expenditures for the purchase or construction of buildings, building additions, remodeling and improvements, site improvements, the acquisition of sites, and the purchase of fixed and other equipment at District locations, including, but not limited to, advanced manufacturing facilities at the Fond du Lac and West Bend Campuses, a health and human services facility at the Fond du Lac Campus, and a regional fire training facility?
<input checked="" type="radio"/> Yes
<input type="radio"/> No

Ballot ID 32268

Governor / Lieutenant Governor Vote for 1
<input type="radio"/> Tony Evers / Sara Rodriguez (Democratic)
<input checked="" type="radio"/> Tim Michels / Roger Roth (Republican)
<input type="radio"/> Joan Ellis Beglinger / No Candidate (Independent)
<i>Tim Michels</i> write-in: (Governor)
write-in: (Lieutenant Governor)

Ballot ID 14978

Statewide
<input checked="" type="radio"/> Josh Kaul (Democratic)
<input type="radio"/> Eric Toney (Republican)
<input type="radio"/> write-in:

Ballot ID 11035

36. To be fair, voter intent at times is impossible to determine, and voters have the responsibility to ensure the best possible outcomes, education by election officials should be improved to avoid these situations.

Secretary of State Vote for 1	
<input checked="" type="radio"/>	Doug La Follette (Democratic)
<input checked="" type="radio"/>	Amy Lynn Loudenbeck (Republican)
<input checked="" type="radio"/>	Neil Harmon (Libertarian)
<input checked="" type="radio"/>	Sharyl R. McFarland (Wisconsin Green Party)
<input type="radio"/>	write-in:

Ballot ID 39041

Governor / Lieutenant Governor Vote for 1	
<input type="radio"/>	Tony Evers / Sara Rodriguez (Democratic)
<input checked="" type="radio"/>	Tim Michels / Roger Roth (Republican)
<input checked="" type="radio"/>	Joan Ellis Beglinger / No Candidate (Independent)
<input type="radio"/>	write-in: (Governor)
<input type="radio"/>	write-in: (Lieutenant Governor)

Ballot ID 29260

Statewide	
Attorney General Vote for 1	
<input checked="" type="radio"/>	Josh Kaul (Democratic)
<input checked="" type="radio"/>	Eric Toney (Republican)
<input type="radio"/>	write-in:
Secretary of State Vote for 1	

Ballot ID 24900

37. Evaluating the Cast Vote Records helps election officials and the public understand issues that can cause problems with the systems, and to better educate both officials and the public on how to prevent those issues. The main advantage of the Cast Vote Records and ballot images is that it provides transparency into our elections, and gives us the documented evidence in how we can improve our elections through education of both the voters and election officials. We have also observed that voters should not use sharpies, as they bleed through the ballots. Voter intent is lost, when using the machines and voters who make a mistake need to understand that even a small mark in the wrong oval, can invalidate a vote for an office, since it could be considered an over vote. Training is available from ES&S, as we see from request for information in the State of Georgia, it makes logical sense that training can be obtained by election officials from South Dakota.

Enhancing the State of Georgia Election Process

<p>In these Electionware modules, the participant will gain the following knowledge, skills, and abilities:</p> <ul style="list-style-type: none">• Define – Build, maintain, and store all election-related information (i.e., precincts, districts, offices, candidates, referenda) in one database.• Design – Create an election ballot in both electronic and paper format.• Deliver – Program the election tabulation hardware with election-specific information.• Results – Generate and display customized election reports in paper or electronic formats, as well as view and manage ballot images captured from ES&S tabulation hardware.• Manage – Manage user account and security access for the Electionware software.	<ul style="list-style-type: none">• Coding staff <p>Number of Participants:</p> <ul style="list-style-type: none">• 1 - 10
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Electionware Course	
Course Length – 4½ Days	
This course of training will provide election personnel general knowledge of the ES&S Electionware election management system. The participant will be able to design ballots, program election hardware and produce general election reports for a basic election.	Pre-Requisite(s): <ul style="list-style-type: none"> • None Audience:



Electionware (Results Only) Course	
Course Length – 1 Day (Results Only)	
This course of training will provide election personnel general knowledge of ES&S Electionware software. The participant will be able to produce general election reports for a basic election. In these Electionware modules, the participant will gain the following knowledge, skills, and abilities: <ul style="list-style-type: none"> • Define - Open and restore elections. • Results - Generate and display customized election reports in paper or electronic formats, as well as view and manage ballot images captured from ES&S tabulation hardware. • Manage - Manage user account and security access for the Electionware software. • Media Burn 	Pre-Requisite(s): <ul style="list-style-type: none"> • None Audience: <ul style="list-style-type: none"> • Coding staff Number of Participants: <ul style="list-style-type: none"> • 1 - 10

ES&S CONTINUING EDUCATION & SUPPORT

The ES&S method aims at fully preparing election staff to ensure autonomy in election operations while using our equipment. We understand long-term needs may require a combination of continuing education courses and/or on-site support. These continuing education and site support needs from our experienced training team can be coordinated and tailored to meet Georgia's unique requirements.

https://sos.ga.gov/sites/default/files/2022-03/ess_rfi_-_final_-_redacted.pdf

38. I am also aware of how to determine if the Cast Vote Records and Ballot Images are on or off for a DS200, in test mode they can be turned off, but during an election, they are on, and voters who insert the ballots as well as election officials know this when the public counters are incrementing.

Scan Ballot

Use the Scan Ballot option to perform a ballot test for the DS200 and the ballot diverter if you are using a ballot diverter. The results will appear in the **Reports** menu option, located below the **Scan Ballot** menu option.



Note: If the election is set up to save no ballot images, the DS200 will not save any ballot images or cast vote records and the public and protected counters will not increment. This is a feature specifically used for hardware testing and should not be used to validate the tabulator's mark detection accuracy during L&A.

<https://www.auditelectionsusa.org/documentation-and-manuals-for-ess-ds850s-and-ds200s/>

39. Other records that the public should have access to are the Systems Readiness Reports from the ES&S DS450 and SD 850 as well as Mark Code or Digital Readings report. You can see this is a way to evaluate how sensitive the systems are set to read the ballots, and how well voters are filling out the ballots. Here is an example of what the last two reports look like:

3. Press **Done** when you are finished printing reports.

Example of Mark Code Report

Page 1 of 2
Ballot Number: 0007000001
Rows: 36
Columns: 3
IMR Filter Values: 25, 20

Side	1	2	3
1	-	-	-
2	V99	V99	V99
3	I-1	I-1	I-1
4	V99	V99	V99
5	I-1	I-1	I-1
6	V99	V99	V99
7	I-1	I-1	I-1
8	V99	V99	V99
9	I-1	I-1	I-1
10	V99	V99	V99
11	I-1	I-1	I-1
12	V99	V99	V99
13	I-1	I-1	I-1
14	V99	V99	V99
15	I-1	I-1	I-1
16	V99	V99	V99
17	I-1	I-1	I-1
18	V99	V99	V99
19	I-1	I-1	I-1
20	V99	V99	V99
21	I-1	I-1	I-1
22	V99	V99	V99
23	I-1	I-1	I-1
24	V99	V99	V99
25	I-1	I-1	I-1
26	V99	V99	V99
27	I-1	I-1	I-1
28	V99	V99	V99

Contact ES&S
Support with any questions about this report or any other items that are on this report.

M - Marginal
V - Vote
I - Ignore

Example: -1
no mark

Example: 99 is dark enough to be considered a mark.

Example of Digital Readings Report

Page 1 of 2
Ballot Number: 0007000001
Rows: 36
Columns: 3
IMR Filter Values: 25, 200

Side	1	2	3
1	-	-	-
2	494	494	494
3	0	0	0
4	494	494	494
5	0	0	0
6	494	494	494
7	0	0	0
8	494	494	494
9	0	0	0
10	494	494	494
11	0	0	0
12	494	494	494
13	0	0	0
14	494	494	494
15	0	0	0
16	494	494	494
17	0	0	0
18	494	494	494
19	0	0	0
20	494	494	494
21	0	0	0
22	494	494	494
23	0	0	0
24	494	494	494
25	0	0	0
26	494	494	494
27	0	0	0
28	494	494	494

Contact ES&S
Support with any questions about this report or any other items that are on this report.

Number of black pixels found in the oval. ("0" is an empty oval)

40. Federal Laws have special designations for what is protected under the Freedom of Information Act, there are no carve outs for, or protections for unencrypted election logs, images or reports, in fact the nine exemptions are as follows:

- a. classified information for national defense or foreign policy
- b. internal personnel rules and practices
- c. information that is exempt under other laws
- d. trade secrets and confidential business information

- e. inter-agency or intra-agency memoranda or letters that are protected by legal privileges
 - f. personnel and medical files
 - g. law enforcement records or information
 - h. information concerning bank supervision
 - i. geological and geophysical information
41. There is no federal law, state statute or a temporary classification that has decided that any cast vote record, log files, report is somehow classified. And we see that in the SD Codified law 1-27-1 and 1+-27-1.1

1-27-1. Public records open to inspection and copying.

Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in § 1-27-1.1, are hereby fully empowered and authorized to examine such public record, and make memoranda and abstracts therefrom during the hours the respective offices are open for the ordinary transaction of business and, unless federal copyright law otherwise provides, obtain copies of public records in accordance with this chapter.

Each government entity or elected or appointed government official shall, during normal business hours, make available to the public for inspection and copying in the manner set forth in this chapter all public records held by that entity or official.

Source: SDC 1939, § 48.0701; SL 1977, ch 16, § 2; SL 1982, ch 30, § 1; SL 1987, ch 24; SL 1991, ch 13; SL 1992, ch 10; SL 1994, ch 21; SL 2003, ch 272 (Ex. Ord. 03-1), § 82; SL 2004, ch 17, § 2; SL 2009, ch 10, § 1.

1-27-1.1. Public records defined.

Unless any other statute, ordinance, or rule expressly provides that particular information or records may not be made public, public records include all records and documents, regardless of physical form, of or belonging to this state, any county, municipality, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form remains a public record when maintained in any other form. For the purposes of §§ 1-27-1 to 1-27-1.15, inclusive, a tax-supported district includes any business improvement district created pursuant to chapter 9-55.

<https://sdlegislature.gov/Statutes/1-27>

42. The inoculation to all conspiracy theories is transparency. The public paid for these machines, through tax dollars, is becoming over the intent of the US Election Assistance Commission nor the legislature of the State of South Dakota to throw away the spirit of the count shall be public, in fact they required transaction logs, ballot images, and cast vote records, so that the election officials and the public could have proper oversight of the elections as part of their standard when they developed the Voluntary Voting Systems Guidelines 1.0, and we see a further strengthening of those requirements in the new 2.0 standards just passed last year, that will slowly becoming into effect over the next 12 months. Since the ballot images and cast vote records are not excluded by the Federal Law, or excluded in South Dakota codified law, these records are public and should be released, by the 4 counties that currently have the means to provide them, and the other counties should consider ways to have proper oversight of their elections and election equipment, by purchasing the software themselves or working with the SOS office to centralize the reporting functions.

A handwritten signature in black ink, appearing to read "Rick Weible". The signature is written in a cursive style with a large initial "R".

Rick Weible

6/23/2023

803 Elk Street

Elkton, SD 57026