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The Paper Ballot Initiative Newsletter
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**VIA ELECTRONIC MAIL AND HAND
DELIVERY**

TO:
Election Director
Address

Email:

Re: *Public Records Request under SECTION 30-4-10 et seq.*

Dear Ms. Andino and South Carolina State Election Commissioners:

Under the South Carolina Freedom of Information Act, Section 30-4-10 et seq., I am making a formal request for an opportunity to inspect or obtain copies of the following records:

1. An electronic copy of all Ballot Image Files generated by the ES&S D200 scanners used by Pickens, Greenville, Spartanburg and Anderson Counties to count the vote from the June 9th 2020 Primary Election, in the form or forms in which it is ordinarily maintained including any and all metadata associated with those files.
2. An electronic copy of the Cast Vote Record List for the vote from the June 9th 2020 Primary Election for Pickens, Greenville, Spartanburg and Anderson Counties, in the form or forms in which it is ordinarily maintained including any and all metadata associated with those files and including the file name for each corresponding Ballot Image File.
3. An electronic copy of All Ballot Image Files generated by the ES&S DS200 scanners used by Pickens, Greenville, Spartanburg and Anderson Counties to count the vote in the upcoming November 3, 2020 general election, in the form or forms in which it is ordinarily maintained including any and all metadata associated with those files.
4. An electronic copy of the Cast Vote Record (CVR) for the November 3, 2020 General Election for Pickens, Greenville, Spartanburg and Anderson Counties
5. in the form or forms in which it is ordinarily maintained including any and all metadata associated with those files and including the file name for each corresponding Ballot Image File.
6. An electronic copy of the sections of the ES&S operating manuals that describe the settings that the new equipment has the capacity and redundant memory to process and store Digital Ballot Images. This may be found in the ES&S guides under "Election Definition", "Export Data". No request for proprietary code is requested, just access to inspect what election directors may see when configuring the election to Save All Digital Ballot Images.

I am seeking to knowledge about the manner in which the State Election Commission undertakes its duty to count the vote for the June 9th, 2020 Primary Election and the November 3rd, 2020 General Election. Specifically, I am seeing to understand the manner in which the ES&S DS200 and DS850 scanners interpret the ballot image files.

Further, it is my understanding that the CVR can be programmed so that the record for each cast vote links to – or at least so that it identifies the file name for – the corresponding image file. Furthermore, it is my understanding that serial numbers can be printed onto each ballot prior to scanning and referenced in the CVR so as to facilitate chain of custody record between the ballot, the ballot image and the counted vote.

I understand that capability may not be enabled properly in every county for the upcoming General Election. It appears from reading ES&S Administrator's Guides and ES&S Requests for Proposals in South Carolina, Georgia and other states that the equipment settings functions that control the DS200 scanners have now been moved into the Election Definition Module of the ES&S ElectionWare Version 6.0.2.0. which is why I would like to inspect the sections of the ES&S operating manuals that describe the settings that the new equipment has the capacity and redundant memory to process and store.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$200. However, I would also like to request a vaiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of Digital Ballot Images and its promotion as an efficient tabulation and adjudication method in our new electronic voting system. As the Editor of the *Paper Ballot Initiative Newsletter*, I have presented at the public library as well as to the Greenville County and Spartanburg Boards of Elections on National Security issues as related to the potential for cyber attacks on our elections. Digital Ballot Images can facilitate efficient public counting of upcoming elections as well as it helping election directors and boards to search for records and conduct faster and better adjudication.

Digital Ballot Images are clearly within the chain of custody of processing ballots. There is no differentiation between why one record may be kept and another deleted from the chain of custody. They are all part of the public record

Retaining all digital ballot images is a function that the ES&S Scanners are certified to perform by the United States Election Assistance Commission and is a feature promoted by the vendor in RFPs.

Accordingly, without conceding that it is not required, I respectfully request that for the November 3rd, 2020 election, the ES&S 200 scanners as well as the DS850 or DS450 scanners, if any are in use, be enabled to print serial numbers on ballots prior to scanning and for the CVR to link to (or at least reference the file name) the corresponding image file.

The South Carolina Freedom of Information Act requires a response time within 15 business days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies of the ability to inspect the requested records.

Please don't hesitate to call me if you have any questions.

Sincerely

Suzanne Hart

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