MEMORANDUM

TO: Anoka County Board of Commissioners and Staff

FROM Anoka County Election Integrity Team (ACEIT)

DATE: September 26, 2023

SUBJECT: The Oath to “Rubber Stamp” Certify the Elections

PRESENTER: Paul Berndt, Citizen of Coon Rapids

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Introduction The ‘Rubber Stamp” **Certification of our Elections**

*From the Coon Rapids City Clerk Letter to me on Monday Oct 24, 2022.* “I am reaching out to request a meeting with you to discuss the legally binding requirements of the election judge oath and the election judge code of conduct as they relate to the requirement for election judges to certify election results by signing the summary statement on election night.”

I was relieved of duty as an Election Judge for Coon Rapids because I wouldn’t agree to “rubber stamp” certify the election results during the next election (November 2022). I was denied access to the CVR images after the elections. These were considered public records at the time.

Analysis

I signed up, was trained and participated as a 2022 primary election judge. At the time, I was naïve to what the voting process had become. I blindly signed the tabulator tapes violating my personal rule on signatures (Validate the information before signing). Gone were the nostalgic memories, being greeted by a local resident, of signing my name in a poll book, getting a ballot and placing it in the ballot box to be counted at the end of the night.

Our current voting process has become a partisan, centralized, outsourced process, hidden from public scrutiny with no transparency. Today Election Judges **Certify** the election results by blindly signing their names on the tapes and closing documents listing out the candidates and the total vote counts for each. This by definition is rubber-stamping, (to approve automatically without proper consideration). Proper consideration would be to have access to the actual ballots or the Cast Vote Recorded ballot images (CVR). The CVR was the original process transparency record put in place when machine counting is used (see National Institute of Standards and Technology (NIST) Special Publication 1500-103). It lists CVR’s for public use and to promote greater transparency of voting records.

Due to new State Laws, **only “Rubber Stampers” need apply to be an election judge.** Anoka County is mandated to use machine counting and CVR images are now considered non-public data. Anoka County Election judges must certify the election results without access to any validating information such as the CVR’s. Anoka County and the State have lost its way in supporting the Election Judges with the proper tools for validation and consideration before signing the legally binding voting certifications. The voting process has become illegitimate when using machine counting.

Conclusions/Recommendations

* Machine counting “only” is no longer a viable process in Minnesota as it can’t be legitimately certified by the Election Judges and it has no remaining transparency to the public.
* The County Commissioners should “not have confidence” in coerced signature certifications without validation/transparency options given to the Election Judge.
* The County Commissioners should elect to have the precincts also hand count to provide Election Judges the consideration needed to allow them to legitimately sign and certify the election results.

Attachments

National Institute of Standards and Technology (NIST) Special Publication 1500-103 (Excerpt only)

**What is CVR? According to NIST: Intended for public.**

From the National Institute of Standards and Technology (NIST) Special Publication 1500-103, **Cast Vote Records** Common Data Format Specification Version 1, March 2020 the following is an excerpt from the **SP 1500-103 V1 specification,** containing the executive summary and UML class documentation.

**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.

The specification includes a UML (Unified Markup Language) model and references XML (eXtensible Markup Language) and JSON (JavaScript Object Notation) schemas that were created from the UML model.

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**

Note: This Memorandum and Report will be emailed to Board Members, County

Administrator, PRT Division Head and Elections Manager.