



MISSION OF AUDIT-AZ: *We are a nonpartisan organization whose mission is to restore public ownership and oversight of elections, work to ensure the fundamental right of every American citizen to vote, and to have each vote counted as intended in a secure, transparent, impartial, and independently audited election process.*

Chairman John Maynard Santa Cruz [Board of Supervisors](#)
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Wednesday, July 9, 2014

Dear Chairman John Maynard, Melinda Meek and Suzanne Sainz:

I have been asked and retained to be a professional observer and train others observers for the Primary and General Election 2014 by several candidates, members of political parties, and by concerned citizens.

Attached to this document you'll find our Arizona Public Records request as per the Law, A.R.S. § 39-121

We are pleased to inform you that we are forming "Santa Cruz Election Integrity Committee" (SCEIC). This committee actions are non-partum, this work is more to do with the race track conditions than the horse races. Our Mission: To restore public ownership and oversight of elections as per the Arizona constitution. We work to protect the "purity of elections" "run by the people" ensure the fundamental right of every American citizen to vote, and to have each vote counted as intended in a secure, transparent, impartial, and independently audited election process.

As an observer, I have a list of questions related to Best Practices: Chain of Custody, Our Citizen Oversight access rights and Ballot Accounting. Under ARS 16-621 Proceedings at the counting center "Excerpt from section A". *...and shall be conducted in accordance with the approved instructions and procedures manual provided for in section 16-452 under the observation of representatives of each political party and the public. The proceedings at the counting center may also be observed by up to three additional people representing a candidate for nonpartisan office, or representing a political committee in support of or in opposition to a ballot measure, proposition or question....*

We at AUDIT-AZ have learned that secure chain of custody of election materials; robust ballot accounting and equipment are prerequisites for good election and post-election audits. The following conditions must be met. We hope that you all would agree that:

- (a). There are strict written accounting procedures for paper records to prevent the addition, subtraction, substitution, or alteration of paper records.
- (b). To safeguard the ballots and audit records from loss and tampering, paper records and electronic equipment are fully secured at all times when a breach could adversely affect the integrity of the records including from the time the votes are cast until all audit or recount activity is completed and election results are finalized.
- (c). The audit begins as soon as possible after the random selection of audit units, which commences as soon as possible after the initial tallies recorded by the voting system are reported. (In some circumstances the audit may be conducted in phases as discussed in Best Practice.
- (d). There is a reconciliation to ensure that all votes from all audit units are correctly tabulated in the election totals.

By utilizing the existing election laws utilizing "ARS Title 16 – **Elections and Electors** and utilizing the Arizona Secretary of State Election Procedure Manual Revised 2014. *Download the [entire manual here](#) or link to specific pdf pages below in the manual. As political party, candidates, and as electors, we invoke our rights to the following positions*

and ask be notified in writing before these boards meet. Each of these boards shall consist of at least two members, and shall be registered voters of the parties on the ballots cast. Each board's responsibilities shall be as provided in [SOS manual](#):

- Party & Citizens Observers * snag board
- L & A testing * duplication board
- receiving board * inspection board
- write-in board * accuracy certification board
- data processing board * audit board

The Persons noted below are designated as Observers for the counting of the early ballots, the General Elections ballots of August 28 and until all votes are counted. Also these persons have authority under ARS 16-571 to visit precincts.

John R Brakey, Sergio Adalberto Arellano-Oros, Eddie Rosas Jr., and others to be trained and named later.

The said election equipment is old, elections are not perfect, things will go wrong and we at AUDITAZ understand that. Others and I work tirelessly in Arizona with the hope that the all parties would come together on just the basic issue of integrity for election transparency and having real verifiable elections as a safeguard. However we do have a problem with the concept of "Security by Obscurity". That concept turned out to be a joke, that only kept the electors from knowing the truth, on how easy it is to commit election fraud and sadly done with impunity –(exemption from punishment, penalty, or harm) that could be committed by one person, a vendor, programmer, a virus lunched thru the Memory cards and more. See *California SoS Top to bottom report on Diebold AccuVote voting System.*: <http://www.sos.ca.gov/voting-systems/oversight/ttbr/diebold-source-public-jul29.pdf>

The first Chairman of the Federal Election Assistance Commission Rev. DeForest Soaries, appointed by George W. Bush as the first chair of the commission created by the federal Help America Vote Act (HAVA) otherwise known as the "Hack America Vote Act" in the wake of the 2000 Presidential Election Debacle stated in Oct of 2006: "We know more today about how to build a machine to take pictures of rocks on Mars than we know about how to build a machine to safeguard the American right to vote." Read what else Rev. DeForest Soaries has to say: <http://www.bradblog.com/?p=3491#comments>

It is a fact, that all AccuVote Memory cards have been build to cheat, by having Illegal INTERPRETED CODE installed "This is code that is readable by humans and modifiable by humans. This is kind of code that is often used by scientists and engineers ...because it is easily modifiable, and should be used only in an experimental environment. It should never be used in any device or system that requires security and [it] is explicitly prohibited by the 2002 Federal Election code." To see how illegally INTERPRETED CODE works see this video that shows how the precincts' memory cards can be pre-stuffed with votes and still produce a zero tape before the 1st ballot is ever counted: <http://youtu.be/tYbC9KtGxSq>

Additional Diebold AccuVote voting machines can be hacked by remote control: Exclusive: A laboratory shows how an e-voting machine used by a third of all voters can be easily manipulated. <http://www.salon.com/2011/09/27/votinghack/>

Finally, our best collection of evidence and detailed explanations of what is going on in Pima County and in Arizona's Election process is found in our "statement of facts" by AUDITAZ's attorney Bill Risner: <http://tinyurl.com/LPFiling>

Several of these issues were covered with Melinda Meek in Oct of 2006 when I was the Special Task Force Leader of the Arizona Democratic Party Election Integrity Committee and made in onsite visit on at least 2 occasion. I hope these conditions have been changed that are in this report: *Santa Cruz/Nogales, AZ Election tabulator Layout Inspection 10.17.06.pdf*: <http://tinyurl.com/l7r2q27>

Respectfully,

John R Brakey

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"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has." Margaret Mead

Santa Cruz Election Integrity Committee (SCEIC)

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Wednesday, July 9, 2014

Pursuant to the Arizona Public Records Law, A.R.S. § 39-121, *et seq.*, and Arizona's Election Oversight By Observers Process, ARS 16-590 and 16-603 we submit this public records request. We begin by making the following notes relevant to the request. ALL requests are for data in electronic form **ONLY**. If the records exist only on paper, please inform us by Email at the contact addresses listed below and please submit any cost requirements via Email as well. Electronic records are always more valuable to us, and cost less for your office to process. If desired, we are willing to purchase a USB flash memory device of 8gig or more in its factory sealed state and deliver it to you for efficient data transfer. We do believe, however, that most of the requested material is modest enough to transfer via Email.

All of these requests are for non-commercial purposes.

- We are not requesting access to any voting system or the ability to change/edit/load any software or data on a voting machine, or the right to operating any voting machine keyboard or mouse own by the county.
- The records we need to inspect and review are present in electronic form on the "central tabulator" computer supplied by Diebold, and possibly a secondary "backup" computer of the same type. The files need to be copied to standard file formats such as "PDF" and "text files" through utilities and processes supplied by Diebold Election Systems Inc. They will then need to be written to a CD-ROM disk on blank media supplied by the county (to eliminate any allegation that a "problem" was introduced on media we supplied). Diebold installs a CD "writer" program called "Nero" for this purpose. No change will be made to any software process through the execution of this inspection and review of records.
- Our representatives may need to be on-site and observe the processing of these files into standard data formats and onto CD, to prevent any possible allegation that the files were modified prior to our receiving them. This "observation" right to public records creation is not a normal part of the public records laws, but is strongly implicit when combined with "party observers to the election and ballot counting process" laws.
- We would encourage the county to have present someone competent in computer security from the county IT department or a qualified consultant.
- ALL requests herein refer to records related to both the 2014 Primary and General elections unless it is obvious otherwise.

With the previous notes in mind, we ask for the following documents:

- 1) Electronic copy of contract with the vendor who programs the Central Count Election computers and the AccuVote memory cards.
- 2) Electronic copy of contract with ballot printing company "Runbeck Inc"
- 3) Electronic copy of Runbeck invoice that shows how many ballots that are being purchased for the 2014 Primary,
- 4) Electronic copy of the long term contract or the intergovernmental agreement with the recorder office listing

their responsibility

- 5) Electronic Copy of the central tabulator computer directories.
- 6) Electronic copies of the "Windows Event Logs" and backup (if present) Diebold "Central Tabulator" computers. These are the machines that run the Diebold "GEMS" central tabulator application. There are normally three per system, titled "System", "Application" and "Security". Please provide these Records in a ".csv" format.
- 7) Electronic copies of the "GEMS audit logs" for the central tabulator data files involved in either the setup or execution of the last 5 elections printed to electronic PDF file.
- 8) A copy of each folder list of all folders from each of the central count computers that contain GEMS database and backup files, showing all databases and backup files as well as any other files contained in those folders, all file types, all dates of creation, all dates last modified, all dates last accessed, and all sizes. These should be produced as text files on a CD or portable disk drive in the presence of Democratic Party observers and under their supervision.
- 9) We request a copy of the "File Allocation Table" on each GEMS server and if not available plain text file with the following command on each server:

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C:\> dir *.* /s > c:\gemslst.txt
```

 (this also goes for D, E, F, and so on if there and both computers.
The filename "gemslst" should be "gemslstmain" and "gemslstbackup" for each file. This does not create a new file, but rather transcribes the file from one format to another.
- 10) We need to check various network settings on these central tabulators this will be done by appointment. This will be a matter of pulling up and displaying Windows operating system settings. We may ask for "printscreen" snapshots of anything questionable, otherwise we will simply take notes, pictures and/or video tape.

For the purposes of this request, the term "Records" is defined in its broadest sense to include all responsive information in whatever form, including, but not limited to, hard copies, audio tapes, video tapes, disks, electronic mail, computer files, other electronic files and compilations of any sort.

Moreover, the term "2014 Primary and General Election" includes, but is not limited to, balloting conducted by mail, at all early voting sites and all election-day polling places.

These documents will not be used for a commercial purpose. If any documents are withheld from production, please provide to us "an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld". See A.R.S. § 39-121.01(D)(2).

Please call to let us know when the records will be ready for our inspection.

Thank you for your prompt attention to this request.

Respectfully,

John R Brakey

John R Brakey, Co founder; Americans United for Democracy Integrity and Transparency in Elections - AUDIT-AZ and Task Force leader for Santa Cruz Election Integrity Committee

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CC

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