

STATE OF MICHIGAN
SENATE COMMITTEE ON OVERSIGHT

HEARING ON VOTING SOFTWARE AND EQUIPMENT
Testimony of John Poulos, CEO, Dominion Voting Systems

PRESIDING

Chairman Ed McBroom

MEMBERS PRESENT

Senator Lucido · Senator Tice · Senator McDonald · Senator Irwin

WITNESS

John Poulos, Chief Executive Officer, Dominion Voting Systems

WITNESS COUNSEL

Mr. Brower, Company Attorney

FORMAT

Remote Testimony (Video Conference)

SOURCE

Audio/Video Subtitle Transcription – Michigan Senate Oversight Committee

EDITORIAL NOTE

Transcript reformatted from subtitle file for readability. All wording has been preserved verbatim. Paragraph structure has been imposed to aid readability. First letters of paragraphs have been capitalized; no other changes have been made.

(The following is a verbatim transcription of the proceedings. All original wording has been preserved exactly.)

CALL TO ORDER

The senate committee on oversight will come to order good afternoon madam clerk mr chairman please call the role chairman mcbroom here senator lucito senator tice senator mcdonald senator irwin mr chairman there are five members present you have a quorum thank you very much madam clerk will members and guests please join me in reciting the pledge of allegiance to the flag of the united states of america and to the republic for which it stands one nation under god indivisible with liberty and justice for

CHAIRMAN'S OPENING REMARKS

All all right members thank you so much for your kind attendance today i've been doing a bunch of work to put on this meeting and thought that it was critical that we take the opportunity to hear from some of the companies that provide voting software and equipment mr john polis from dominion voting systems was kind enough to agree to come in

The other two companies that have been serving michigan did not agree to come in at this point and perhaps that will change in the future but at this point they were unwilling um members it's my intention today that or my expectation really that mr polis and your questions will probably take us longer than an hour and so

At one hour or approximately there we'll take a 15-minute break for everybody to stretch their legs and catch their breath and regroup after that and if it ends up taking a little longer um then that will build in another break um so that everybody can take those necessary times to clear your head um so

At this point i think we're ready to hear from mr polis john can you hear me i can you hear me yes we can and i and with you you have mr brower who i assume is your attorney our company's attorney yes that's correct very good good morning mr chairman good morning mr brower thank you john at

OPENING STATEMENT — JOHN POULOS, CEO, DOMINION VOTING SYSTEMS

This time would you raise your right hand do you swear to tell the truth or affirm to tell the truth the whole truth and nothing but the truth so help you god i do thank you very much um mr polis uh please go ahead with your opening statement thank

you very much good afternoon chair mcBroom and distinguished members of the committee i appreciate the chance to be here today my name is John Poulos and

I am the chief executive officer of Dominion Voting Systems Dominion is a U.S. company headquartered in Denver Colorado i founded my company in Canada more than 18 years ago by 2010 our business had grown in the United States and we moved our headquarters to Denver Colorado and voluntarily worked with the committee on foreign investment in

The United States to ensure they knew who i was by 2018 the majority of our business our customers and employees were in the United States and i sold the company to US investors this has all been publicly disclosed to Congress in sworn affidavits Dominion proudly provides voting systems and services to jurisdictions across 28 states and Puerto Rico i agree with the importance of the issues being raised today by the chair and ranking member regarding election integrity at

Dominion we take great pride in the limited role we play in elections and we want to assure voters that they can have confidence in the accuracy and reliability of their voting systems we go to work every day cognizant of this important responsibility unfortunately Dominion has recently been thrust into the national spotlight as part of a dangerous and reckless disinformation campaign aimed at sowing doubt and confusion over the 2020 presidential election a lot of things have been said about Dominion systems and i'm going to address as

Many of them as i can as well as answer your specific questions but the most important thing to understand about Dominion is this we do not run elections our role is limited to providing a local election offices with the machines they need to run elections after election officials have determined who is eligible to vote we provide the machinery for voters to mark their ballot and

For election officials to accurately tally those ballots election officials report those tallies publicly and store the original paperballot securely those ballots are preserved so that election officials can double check from the tallies in our machines at any time again all the tabulator does is count the votes from the paper ballots that have been created and securely cast by the voters the number reported by the machine can always be compared to a hand count of those original paper ballots people can speculate about votes being switched

Or secret algorithms or glitches but if any of that were true the paper ballots wouldn't match the machine count we are very serious about providing our customers state and local governments machines that accurately count ballots and at the end of the day accounts from our machines match the physical ballots that are stored those people making baseless claims surely know that they are lies but many honest americans see them proliferated on social media and

They believe them these lies have consequences death threats have been leveled against state and local officials my company's employees and even against my family the largest threat however has been on the assault and the confidence in america's democratic process it is critical to set the record straight today on several of the most persistent lies first

There were no switched or deleted votes involving dominion machines all 2020 election audits and recounts conducted thus far of dominion technology have validated the accuracy and reliability of the results there are no algorithm that enabled fractional voting the election assistance commission a bipartisan federal agency provides for the accreditation of independent non-federal laboratories that are evaluated and recommended by the national institute of standards and technology to test and qualify voting systems pursuant to have a section 231 subsection b1 among other things these test labs perform complete

Source code reviews on every federally certified tabulation system states rep replicate this process for their own certifications numerous election is security experts from both sides of the aisle including the u.s department of homeland security the u.s election assistance commission and secretaries of state from across the country and from both parties have affirmed that there are no evidence and

Voting machines were not corrupted to alter this election specifically the u s cyber security and infrastructure security agency stated quote there is no evidence that any voting system deleted or lost votes changed votes or was in any way compromised our company works with all u.s political parties and our customer base and government outreach practices support this non-partisan approach in fact we submit extensive company disclosures to federal and state authorities as terms of product testing system certification and ownership information dominion is a private american company that

Provides voting systems in 28 states regardless on whether they are blue or red states dominion voting systems did not now nor has it ever used solarwinds orion platform which was the subject of the dhs emergency directive dated december 13 2020.

Dominion is not and has never been a front for communists it has no ties to hugo chavez the late dictator of venezuela we have never been involved in venezuelan elections its machines have never been used in venezuela the company also does not have any ties to china whatsoever including no ties including investment or source code transfer there are no ownership ties to any political parties nor to foreign governments dominion has no ties to the pelosi family feinstein family clinton family or george soros additionally

Dominion does not have any servers in germany or spain no votes are sent overseas let me be clear ballots aren't sent anywhere not overseas not over state lines and not even over county lines all votes are counted by local bipartisan u.s election officials in the united states the u.s army has debunked claims of secret military raids overseas additionally

Voting systems are by design meant to be used as closed systems that are not networked meaning that they are not connected to the internet it is technologically impossible to see votes being counted in real time or to flip them the comments about our company being started in venezuela with cuban money with the intent to steal elections are beyond bizarre and are complete lies my company started in

My basement which happened to be in toronto and our only intention was to help blind people vote on paper ballots our very first public demonstration was in 2003 for a city on the other side of the ambassador bridge and my partner and i made a weekend of it and watched the lion game both turned into disappointing losses no cuba no china no venezuela dominion does not have any ties to smartmatic dominion and smartmatic are two separate companies we do not use or license smartmatic software the

Extent of our relationship is this in 2009 smartmatic licensed the use of a dominion voting machine for use in the philippines that agreement is long over and they no longer have the ability to use any of our intellectual property and we certainly do not use any of their intellectual property or source code the other event about our

history that many are wrongfully conflating as proof of a relationship between dominion and smartmatic involves the assets that dominion purchased from sequoia voting systems in two thousand and ten

Let me be clear on this we didn't purchase anything from smartmatic sequoia's voting history went back over a hundred years in various different names and had dozens of different owners through those years including for a brief time smartmatic who i believe owned sequoia between 2005 and 2007 when they fully divested in 2007 it is my understanding that they documented to syphias that the fact that they had no ongoing control in sequoia at

No point did we at dominion acquire smartmatic source code or ip nor do any of our customers use any of their intellectual property in our systems i will not be commenting today on employees whether full-time part-time or single-day contractors or past employees and that is simply due to safety concerns you can ask me what you'd like about what

We do or about myself but not our employees dominion employees are facing harassment and threats against personal safety due to the false allegations of recent weeks we are working around the clock to address issues with law enforcement and take every measure we can to ensure the safety of our employees but i will say this no dominion employee has given me any reason to suspect that they have or would do anything to try to alter an election outcome but what's even more important for you to know

Is that it would not be possible for them to do so these falsehoods i've just listed are only a sampling of the most egregious lies the disinformation campaign being waged against dominion defies facts or logic to date no one has produced credible evidence of vote fraud or vote switching on dominion systems because these

These things simply have not occurred i would now like to explain further dominion's roles in election it is important to know that dominion is never able to affect the outcome of an election dominion does not handle voter registration poll books or signature verification we don't supply software or equipment for these services we don't provide vote by mail services and

We don't control or secure voters paper ballots we have we have no role in verifying the eligibility of voters these are the jobs of bipartisan poll workers and local

election officials long before election day before we sell our equipment our voting systems undergo an accreditation process run by the eac the process involves compliance with all voluntary voter system guidelines including standards for secure software design such as software independence dominion systems must be tested by an independent federally accredited laboratory and

Dominion must disclose its ownership system source code reviews and all component hardware sourcing information onto the eac in addition to federal certification dominion submits to additional rounds of testing and disclosures in order to get certified in the 28 states in which we operate once we sell our equipment to local officials the machines are under their control in many circumstances source code is delivered by hand by state certification officials officials keep rigorous chain of custody logs this is how election officials ensure that equipment is not tampered

With what's more our systems require a paper ballot that is always in the custody of the local election officials need while we do ensure trained technicians are available on election day should local election officials need support resolving issues at no point are local election officials not in control of voting machines if any michigander is looking for confidence in

The vote counts beyond looking to the chain of custody and the certification checks and balances they can always look to the hand count audits and recounts now let me talk about michigan specifically michigan law requires voting systems to be approved by the michigan board of state canvassers and certified by an independent testing authority tabulation systems including dominions must pass a rigorous testing and certification process to meet the state's robust standards before

They can be used ahead of the election local officials conduct logic inaccuracy testing with bipartisan observers present ensuring tabulation equipment and the specific election data files perform properly and accurately the precinct voting process administered by local election officials varies from state to state and can vary county from county to county i would like to provide a general outline of how the process works after testing and sealing vote tabulators vote units are delivered to the polling location election morning bipartisan poll officials perform the following tasks they

Unlock and unseal the ballot box that sits beneath the tabulator to verify there are no paper ballots in the ballot box poll officials then seal that ballot box poll officials verify the physical seals in the tabulators and the bmds against the list provided by the jurisdiction's election administrators tabulators and bmds are then powered on using an encrypted security key and password the poll officials electronically open the polls a zero proof report is printed often with multiple copies for posting at

The location and to hand out for bipartisan poll watches this confirms that no ballots have been cast on the units throughout the day after voting begins voters check in with poll officials in order to verify their registration on electronic or paper poll book this process does not involve any dominion system voters make their choices on their ballot either through hand marking or via an electronic bmd device which simply generates a voter a made paper ballot voters then review their paper ballots and carefully look at

Their choices and insert those paper ballots into the tabulator which sits atop the physically secured and sealed ballot box at the close of voting poll officials perform the following tasks using an encrypted security key and password poll officials electronically close the polls a results tape is printed with multiple copies for posting at

The polling location and to hand out the poll watchers this confirms the turnout and the vote totals for all of the ballots that have been inserted into the tabulators by voters for the bmd there are no results since it's simply a mechanism for voters including voters with disabilities to make ballot choices and create a paper ballot for

The few jurisdictions less than one percent of our customer base an external cellular modem is required in our case we specifically designed the modem to be external to allow all poll watchers to easily and readily know whether it is connected in the counties where it is required the modem is connected to the tabulator after

The poles are closed after the seals are removed to transmit unofficial summary results to the jurisdiction central location upon completion of that transmission the external modem is removed the ballot box is then unsealed and unlocked and the paper ballots are removed from the ballot box and manually accounted for by poll

officials including reconciliation with the poll book voter numbers the seal is removed from the dork and removable memory device the removable memory device together with a copy of the results tape and

The paper ballots are sealed in a transport container that transport container is transported securely by poll officials sometimes accompanied by sheriffs to the jurisdiction's central location as a reminder none of these actions are performed by dominion employees election administrators at the jurisdiction central location will accumulate the electronic results regardless of whether they have been unofficially transmitted through modem or not from the tabulators removable memory devices accumulation occurs on a closed network computer system election night unofficial reports will be generated by the

Election officials and canvas process begins to reconcile all election data and in particular ballot counts and the voter registration poll book numbers indicating how many voters were processed and how many ballots were counted after canvas the jurisdiction certifies the election to the state again throughout this period the actual paper ballots created by voters are locked and stored under the complete control of local election officials and are available at

Any time to check against machine tallies after the election officials run an even more thorough set of procedures to verify the accuracy of the vote counts including risk limiting audits and random recounts conducted by hand within the public view above all the most important check on our machines is the paper ballot michigan has paper ballot records for every vote cast on a dominion machine the proof of our machine's accuracy is in

These paper ballots if there was any manipulation of the system the paper bouts simply would not match the machine totals moreover if unauthorized votes were somehow added to the count those numbers would not match the canvassing numbers despite michigan's rigorous election security protocols disinformation persists this has been nowhere more apparent than in antrim county where this week a severely flawed report was released by a biased non-independent organization alleging election switching it is categorically false and technically incomprehensible let alone possible but

At its broadest the report alleges that votes were switched using dominion's digital adjudication system and rank choice voting i have difficulty knowing even where to begin on this michigan does not use ranked choice voting a simple review of antrim's ballots easily confirms this more importantly an independent review by an eac certified test lab any of them could easily verify this secondly none of antrum's tabulators were connected to the internet antrim county does not have modems they do not use modems finally

The adjudication claims are entirely false let me take a minute to explain this bizarre claim first off adjudication only occurs on absentee ballots and only in states that require it a voter making a mistake on an absentee ballot is an age-old problem a common mistake is when a voter fills in the wrong oval and then tries to correct it by filling in another oval and drawing an x or a scribble through the

First this is what election experts call an overvote in some states it's it's considered exactly that and no vote is counted however in some states like michigan bipartisan review committees are asked to review these ballots for common mistakes such as the one i just described to see if they agree on voter intent all decisions are made by local officials and

A bipartisan committee in some counties election officials do this using a digital adjudication system whereas other counties conduct this process manually by creating new ballots when needed with digital adjudication the original ballot is never changed and a full audit trail shows the original image shows who the bipartisan adjudicators were and what they agreed on and ultimately captures any changes that they made per state or local law in antrim county ballots were reconciled manually what

The report is alleging is impossible because antrim county does not license nor do they use digital adjudication furthermore digital adjudication doesn't even work without the use of ballot images antrim county did not record absentee ballot images any u.s eac accredited voting systems testing laboratory can easily and independently verify whether adjudication is or was used at

Any time as michigan's director of elections stated in a court filing in response to this report quote the report makes a series of unsupported conclusions ascribes motives of fraud and obfuscation to processes that are easily explained as routine

election procedures or error corrections and suggests without explanation that elements of election software not used in

OPENING STATEMENT (CONTINUED) – ANTRIM COUNTY

Michigan are somehow responsible for tabulation or reporting errors that are either non-existent or easily explained end quote i should note that isolated incidences of human error do occur in elections and this is what happened in andrew mccounty on election day and this indeed is the reason we're now talking about antrim county and

It has to do with a series of human errors specifically an october change to the election required a new election project to be created as part of this process every tabulator had to be updated with the new election project the first human error occurred when election officials didn't update all of the tabulator memory cards the

Second human error occurred when election officials forgot to conduct the public logic inaccuracy testing on the final election project both of these errors were compounded when the programmer of this election took specific steps to ensure that the original ballots from the september project were all that were already printed could be used in

The tabulators not affected by the addition of the school board race if all of the tabulators had been updated as per procedure there wouldn't have been any error in the unofficial reporting if public logic inaccuracy testing had taken place the error would have been caught when it should have been caught prior to the

Election if steps weren't specifically taken to salvage the already printed ballots the system would not have allowed election officials to upload memory cards and the reporting error never would have occurred human mistakes happen especially in busy election years when election officials work tirelessly through weekends and holidays for months on end which is even more difficult in small counties where there is a lack of dedicated election staff this year in particular with the difficulties compounded by the pandemic this is exactly why canvas procedures exist which of

Course where this error was quickly identified and corrected because our systems in michigan use paper ballots the accuracy of the tabulation machines can be

proven by hand counts and audits as the michigan secretary of state office has already announced this week the bureau of elections in antrim county will conduct a hand count of all ballots cast in

OPENING STATEMENT (CONTINUED) – CLOSING REMARKS

The presidential election this will verify that our system counted votes accurately those making unfounded allegations against dominion are selective in their expressed concern for example they ignore that in several key battleground states the president got more votes on dominion systems than in other jurisdictions some of the requested recount sites such as philadelphia and milwaukee were not even dominion customers at

All i will close by reminding everyone that all dominion machines in battleground states produce voter verifiable paper ballots and records for review these paper ballots for every vote cast are preserved and secured by the local election officials and are overseen by representatives from both parties if there was any manipulation of the system the paper ballots would not match the machine totals moreover

If unauthorized votes were somehow added to the count those numbers would not match the canvassing numbers as one example the recent hand count in georgia of 5 million votes matched our voting machines tallied perfectly showing that our machines counted accurately i was asked recently what i thought about the georgia hand count and

My reaction is always one of enthusiasm a hand count is the most certain way of proving that our systems work we welcome recounts because they prove the value of our systems this indisputable fact is a key redundancy of our voting process that will undoubtedly continue to serve as the basis for truth and transparency in

END OF OPENING STATEMENT

The 2020 election and beyond i appreciate the opportunity to testify at this official hearing under oath about our company and how we worked in the 2020 elections we have yet to see our critics make their allegations under oath as i'm doing here today

or to bring any real independent fact-based evidence forward thank you again and i'm now happy to take your questions thank you mr polis i'd i'd like to start with some questions regarding the antrim situation if

I may and i'd like to have a better understanding of how exactly the air occurred and so oh and what i want to specifically drive at is your um statement about how if the logic and is it air logic and air test logic inaccuracy test logic and accuracy test if that had been run that this would have been caught and so is it correct to state that the error that occurred in

The unofficial results didn't occur at the tabulators but occurred when the information was taken to the centralized location and uploaded off of the memory cards that were in the tabulators is that correct thank you chairman so the first thing that i will say uh is my information is um we did not dominion did not support antrim county we did not program their election we don't have a copy of their database we don't have any copies of what happened there but

What i do know i i will walk through so from my understanding the county originally signed off finalized and tested their programming um and i and i believe that they did a public logic accuracy test but i believe they did it in september after the original programming once that was completed my my best guess at

This time is that they sent their ballots off to be printed at some point in october they were required to add a contest on ballots that i believe affected three of their 18 tabulators i believe it was a school board contest new programming was provided to the county along with instructions to update all 18 of their tabulators this is where the

First human error occurred antrim is a small county as you know in the upper peninsula and election officials forgot to update all of their 18 tabulators memory cards this type of human error is mitigated when the counties can afford to arrange for on-site support for example but as my understanding was there wasn't any on-site technical support in andrew county this type of human error i should point out of election program programming happens from time to time uh and it's the entire purpose of why we have

Public logic and accuracy testing because this process uh which is a requirement in states including michigan um the the test entails zeroing every tabulator uh that's

going to be used in an election uh officials in front of the in front of public uh view feed a known test deck of ballots into the tabulator once they're done that they close the poll they print the results tape they upload the results into the database and then they ensure the results that were that are being reported are in

Fact the expected results um it's it's it's it's specifically designed to be used in a public form so at the conclusion of this process uh once it's verified the tabulators then are re-zeroed sealed and made ready for election deployment so performing that step would have caught the first human mistake but this step was unfortunately missed which is the

Second error if that those two are not even enough because those two errors which happened one after another um were compounded by the way the election update was programmed during the october programming update the contracting firm used by antrim took care to program the new tabulation files to allow antrum to salvage the original ballots that were already printed except for

The ballots affecting uh the new school board race which i believe were three tabulators this is the only reason why any memory card that was mistakenly not updated could be uploaded for the unofficial tally thank you what i'm trying to get at specifically mr polis is the how do we verify whether the mistake is made in

The programming at the tabulator versus at where the memory cards are taken to and so because and tell me during the logic and accuracy is that done i mean i know you run the stack of ballots through and then you print a slip up on the tabulator to make sure that it accurately counted the ballots but is there

A time then when the results are taken from the tabulator to the central location to make sure that that transmittance of the data is also done accurately too uh best practice involves reviewing the the results that are uploaded via the memory cards and comparing them to the results tape that are printed at immediately upon polls close and again multiple copies posted publicly in

The polling location and distributed to any poll watchers and you verify that the results tape matches what has been uploaded in this particular case the first two errors happened and because the system was told to accept memory cards from either one of those two projects it allowed an upload from the september programming uh even though is expecting a memory card from the october

programming okay and does the

The software that those um cards are taken to at the central location or if the data is transmitted via modem the software at the other end that's receiving those data points is that your software or is that someone else's software yes the software that resides at the central location is our software okay and then is it possible for

That data to also be transmitted to other uh types of programming such as excel spreadsheets so that system is designed as a standalone system but those results obviously have to be transmitted to a central location at the state level and it to the media so there are several ways that poll election officials can generate results uh and reports uh one of them is excel one is through pdf etc so

That the unofficial results can be exported to the state to the media et cetera thank you other members of the committee want to ask questions i i've i'll share the microphone here okay vice chair lucito please thank you mr chairman thank you mr paulus you're the are you still ceo of dominion i am and

Dominion stands for what is this just a name you gave it or is there any uh which doesn't stand for anything it's just the name okay dominion voting services has been around 18 years 2002 you opened up in toronto canada uh we were formally incorporated in january 2003 in toronto canada you stood there

For a couple years and then moved the operations to denver colorado we moved our headquarters to denver in 2010.

You're currently doing business in 28 states that you operate here in the united states correct in those 28 states approximately well let me go to this let's just deal with michigan right now you have about you have a contract for each and every one of these units that you place in service in

These counties in which the votes are taken um i not i'm not familiar at the top of my head but i believe we have a contract with the state and then we very well may have separate contracts with counties but i believe our original contract was with uh the state entity so the state of michigan gave you a contract to go ahead and use and i'm using your words now

What you said is we supply machines we do not run elections is that correct that's correct those were your words and the tabulator does the count for the votes is that correct that's correct and that can be checked by counting hand counting the paper ballots is that correct that's correct so the software that you claim and

The supplying the machines and this is very technical and i need to get this so that we can clear up any ambiguity did you train individuals on what they're supposed to do when you put these machines or the software in service uh i was not that was not involved but that's typically what

We do we train county uh officials on how to use software is there a manual that somebody who has like let's say um authority over the individuals that are working for them in the in the clerk's office can reference when there's a need to to see how the training goes from for my but to the best of my knowledge all of our manuals and uh user guides are have were submitted to the state um on the original state contract and part of that process and distributed

From the state to the counties and i know that in many situations the counties will generate their own user guides and manuals based on our materials so that i'm clear when you enter into an agreement with the state of michigan to supply your equipment your machines and your software there has to be some kind of way to make sure that they're running the machinery correctly in

The software correctly would that be fair uh that's that's correct all right do you charge a fee in the contract and i don't really want to know how much you you know it's not in my business but do you charge a fee for that training uh if it was if there was a fee it would have been part of the original upfront purchase how long ago i'm sorry go ahead i didn't give you a chance to finish no and on a county-by-county basis um counties are

Free um to make their own determination sometimes they get they get supplemental training either from state officials sometimes they get supplemental training as the need presents itself to the counties that's not really something i'm expert on i understand and i only want to limit your testimony to what you know if you don't know i'd like you to mr chairman through the chair i would like you to give us a at least to have your lawyer who's there present with you today write down what

It is that we're looking for so that we can supplement your testimony and get the information from your office is that a problem oh of course thank you so because what i'm looking at is i buy something i want to know how to use it properly so that i don't have it malfunction and or misfire or whatever the

The case may be and i'm not real familiar with a tabulator nor the software that runs the same but if these machines that are supplied to the counties to go ahead and make or or to the communities that are doing these tabulations of the votes that software is unique to that machine it's proprietary right uh the software that resides on our tabulators is proprietary and

That is that is that once we certify at the federal level that's when we lose control of the software it is transmitted from uh the independent um certification agencies to the counties and then it transfers into the county's chain of custody is the memory cards that you put into the machinery is that locked down that the memory card can't be manipulated and or distorted right so so

If i if i wanted to get the memory card out of the machine would that get if if we had to remove a memory card from the machine could that be possible sure you'd have to break the seal during the election i'm assuming you're asking during the election uh during the election correct yeah so um so

As i stated when you when when the machines are delivered to a polling location they are the compartments by which the memory cards are are inserted into the machine are both locked and sealed we actually have three memory cards and one of them is designed to be removed at the end of election day so

There is a definitive audit on the source code of the machine oh sorry not the source code but part of the log on the tabulator uh when the mach when the tabulator door is open and when the cards are removed and it is designed that it does not come out of the machine until the poles are closed the seal is broken by the local pole workers and

The locks are unlocked so so that we got a correct record there's three memory cards one is designed to be removed the other two i'm assuming based on what you're saying but i don't want to assume anything are not to be removed so one of them is designed not to be removed and

That is internal and two of them are removable and one of them is designed not to be removed just in case somebody makes any allegation on the card that was removed even though it's securely transferred by the local election workers oftentimes accompanied by a sheriff there's even and by the way they're encrypted and signed um but even on the allegation you could compare it to the

Second memory card that is a redundant copy that is designed to be uh continue to be locked and sealed in the tabulator if i tell you that somebody removed a memory card where they shouldn't have would you have backup software or alarm systems that would go off to report that type of behavior in

Your proprietary machine and software so if an allegation was made that one of the memory cards was removed and let's just for the sake of your example say that none of the poll officials noticed it uh or the bipartisan poll watchers noticed it or any voter noticed it um there would be a record of it um and uh we also have the other card uh that's in

In the machine um and they would be off and the machine will not let you continue uh if one of them has been removed do you have any verily a validation or way to validate whether a card memory card was removed from these machines have you started your validation i know that there was three i was reading some stuff and

It says that you do something before the election process either your company or the clerk doing during the election process or something done regarding and then after the election process have you guys started uh your company started to do an after election audit as to what happened and look into what these allegations because you so eloquently gave your testimony and

I appreciate that trying to clear up any inconsistencies or ambiguity tell me have you started now at this point and have you completed your after the election process right um so i will point back to what i mentioned in my opening statement we do not run elections we are not accountable for running elections and

As such we do not run the test before the election or we do not run the test after election so every state has its own local rules and quite often there will be a public logic inaccuracy test done before the election many jurisdictions will repeat that test after after canvas is completed and

They will do a logic inaccuracy test post-election and then some some jurisdictions take it a step further and do exactly what you are talking about but they don't contract with us to do it the whole idea is that we shouldn't be the ones doing it the federal system that was put in place after

The 2000 presidential election with the creation of the eac as a bipartisan commission uh that does their own accreditation of separate third-party labs that are accredited the whole purpose of that is that no voter or stakeholder has to blindly trust any technology provider so the test that you are asking uh is part of the local officials process and best done uh by an eac accredited lab i will say uh we have several customers especially in light of the basis allegations that have been levied our way

In the recent weeks that have contracted a variety of of these eac accredited independent test labs to do exactly as you say and their checks are there's various number of checks that they perform and i'm certainly no expert at what they do but the way i think of it is they are verifying that the software that was run in

The election was unchanged that it is in fact the same certified software they can run a variety of forensic tools to ensure that what you're describing if it did happen they would know what happened and they do that all independent of us how do i know as a voter mr polis that i didn't have any irregularity of the software being manipulated how can i be sure of that right it's a great question so uh the fact that somebody has made an allegation uh is cause enough

Um in my opinion uh to do a hand count audit and recount and that has been requested um in in a number of our jurisdictions um and at the end of the day you have to remember that the ballot box was secure and empty at the beginning of the day and at the end of the day there was a number of ballots that each voter deposited into that sealed and locked ballot box those voters and

Their eligibility were verified by the local poll workers under the watch of the local poll workers and bipartisan poll watchers and those ballots haven't gone anywhere they've been under secure control of the poll workers so even the allegation in an environment of like we're seeing right now which is unprecedented um it's in

My opinion it's exactly why the michigan secretary of state's office is working with antrim county to perform that hand count did you provide any training films and i

know that you said training manuals booklets i think you call them any training films that would physically give a video to or a a link to um um a training film so

That the individuals would learn properly how to utilize your machine and your software uh sir we provide a variety of training tools uh i'm the contract the original contract in the state of michigan i believe was in 2017 we regularly uh rely on a host of different training techniques um and design it uh in collaboration uh with the with with a with the end customer it be it the county or state so

That would have been what secretary of state jocelyn benson that would have been the one you would have contracted with um she was the secretary of state in 2017.

I i i don't recall who i think it's 2017 is that was she no sorry to interrupt you mr vice chair but joslyn benson's turn began in 19.

19 yes okay 2019 the chair cleared it up could you tell me about the process though um because you're still acting as a ceo even though you just indicated i think in your testimony the majority of the company was sold yes in 2018 okay and uh this was your company that you from birth basically i'm going to say that you you're the one that did you design the song no not my not my birth senator uh companies for

It oh could you tell me did you design the software that went for this or do you have i mean was it you or was it somebody else that designed the software how to manipulate the meaning the vote count and tally to make sure that there was consistency and to make sure that there was credibility well let me just be clear we don't manipulate anything all our software does is takes it we

If you look at a tabulator from your home county um actually i'm not sure if you're using dominion in andrew county let's say our tabulator software looks at the paper ballot and we integrate the number of black pixels in the oval corresponding to a candidate's name and that is designed in a way that the machine is interpreting voter intent the same way that a human being would and so it's uh designed to be very objective there's no manipulation of any kind um and yes i

Do have knowledge of the source code um that developed that the warranty and i use the word warranty i don't know other another word maybe you can help me about post elections to to ensure the security and the trust of the election is there some kind of warranty that goes with that for

The state when they purchase this unit and software that it's going to act in a manner consistent with you uh your your your statements as we as well as how you have the intended use of the unit i have to we'll have to get back to you upon looking at the state contract if somebody didn't properly download software would that change a result and i'm going to every single item i can think of to see how these allegations how these affidavits that we've taken from so

Many people through across the state i want to validate what they saw what they looked at what they heard as opposed to what really happened so if you weren't there and i think there was representatives of dominion at like this tcf center was there not is that standard and a customary in the industry of your machinery being placed in

The service to have people from dominion there the night of the election uh so you senator you mentioned a few things first of all in terms of the affidavits and any pertaining to the accuracy of the tabulation i am not aware of any that have been found to be credible certainly none that i've seen and

I don't know of any uh judge that have found any of those allegations credible with specific regards to whether or not it's normal to have uh on-site technical support from tech the tabulation companies um it it it depends uh it's at the sole discretion of the county and in the case of the tcf center we did have on-site technical support there

They are not part of running the election and they are expressly there to answer any questions uh from the election officials whose job it is to run the election was there a separate contract that was considered with consideration that was utilized as a result of coming to that election at tcf here in

The state of michigan i'm not aware of it off the top of my head that's something we can get back to you on is is it like you i said not normal is it customary let's use that word not normal was there any other uh counties in the state other than wayne that had assistance through dominion being there meaning do you recall based on michigan has been spotlighted and shown throughout

The country do you recall of any other county of the 83 companies in the state i don't know i don't think so okay so the only one that you do recall is that there was support staff there from dominion correct in wayne county correct and the only i

think so as i said i

I don't know senator um but that sounds right do you recall how many people that came from dominion to assist in answering questions from election officials in wayne county no i don't you know what i mean is this customarily done have you seen this in your 18 years i think where people people go they do right yes okay did you have any in wisconsin or pennsylvania mich uh georgia or texas uh sorry one at

A time uh georgia yes uh pennsylvania yes um wisconsin i don't know uh texas i don't know uh what was it did you mention another one michigan but you gave us an answer okay and right now is there a written report that was received from the individuals that were at the tcf center on behalf of dominion and working on behalf of wayne county no not that i'm aware of did they report back to anybody in

The company to give information as to what these allegations were and i don't know so in conclusion somewhat how do you validate what has been tabulated if there's no system in place that you can run or if there's no software that validates it other than hand count is there any other way to avoid a hand count from the software and

The hardware that you put in service to validate this is the vote this is true accurate representation of the vote um well first off there is a very well documented system and it starts at the eac level before long before any system is sold with third-party testing and accreditation in this testing center these independent labs that are trained on election process they go through every single line of source code line by line they test every facet of every feature of the machine uh under a lot

Of different permutations and combinations of elections um in addition to that before that system is it can be sold for example in the state of michigan it gets certified after a federal certification once again by the uh state authorities in michigan uh so to say that there's not a weld document there's a very well documented system that is extremely accurate i appreciate accuracy wait a minute i guess i'm asking something else even though they have like they do like automobiles they go through a check test

Like they check everything check the boxes but if we want like access control only authorized individuals are running the machine and i understand what you said we don't run elections encrypted end to end so that no one can manipulate the data and end points that hold the data that those endpoints weren't breached could you be

specific on what systems do you have on your software that can ensure that access control encryption end-to-end and endpoints that hold the data were not breached uh fair question so

The as part of the federal certification guidelines there is very well and rigorous rigorously documented security requirements of the media where votes are recorded and translated the i think you're to your question in terms of a uh a check after a car rolls off the assembly line so um our source code remains unchanged uh and

That is exactly what post-election activities should verify after every election uh they they check that the hash code is exactly the same as the certification patch code and and that gives the local officials the the knowledge that the source code was exactly the source code that was certified and tested the check of the actual election because the programming and

This is not in the source code of the system but this is now how you program an election with because the candidates change uh the contest change from election to election uh this is what's done uh at every election this is what the logic inaccuracy testing done in a public form allows you to verify uh that it's that it's correct and complete the rank choice voting is it the clerk that flips it or dominion

When they do the ranked choice voting there's no flipping of any votes at any time on any system ranked choice voting is something completely different that was not used in michigan okay then the last one then is the post-election activity should be verified that was your statement what post-election activity should be verified in

Our state uh i uh my personal recommendation yes and which i've seen work in other states is an authorized independent test authority accredited by the eac uh should be doing exactly what you are looking for and verifying that the system was exactly used in a certified manner did you make that recommendation to anyone here in

The state at this time the state the state is the one that came up with it in the first place years ago uh and i think that they've used it probably i i'd have to double check on the first time it was used but it's not this is a common practice okay thank you mr chairman i'll probably have some follow-up after

I know that the other senators have questions thank you vice chair lucito and i just want to have a quick follow-up to one of the vice chair's questions and then we'll take a little break if that's all right with you mr polis of course um the vice chair was just mentioning the any rank choice voting and you've mentioned a couple of times in

Your opening and now that that's not an option um that antrim county had but but it is part of your programming right it is something that the software itself offers as an option that's used in some place ranked choice voting is a requirement in some jurisdictions it was not used anywhere in michigan and

This is something that an independent test authority can easily verify as as can any uh election official you you need look no further than just the paper ballots but there is a whole audit that an independent test authority can use uh to look and just and answer that definitively is it possible for

That option to be simply turned on accidentally even or intentionally but you know even accidentally is it possible that antrim could turn that on no the answer is no and and even if they could do that which they can't it would not go undetected and as i said an independent test authority credited by the esc could easily determine that for you could you and

I don't want to do a lot of these all day where we get into the real technical weeds but on this one could you share with us why that is why you believe that's impossible what what are the technical specifications that make that impossible for it to accidentally be turned on well you'd you don't need to look any further than the actual paper ballot so

If you knew what a ranked choice voting ballot look like you could see that there's uh different columns for each candidate where voters can select their first preference and then the second and third and so on as i said it's not certified for use in michigan it's not allowed for use in michigan it's not something that election officials can just turn on and even if

They could it's easily detectable okay at this point then members i'd like us to take a 10 minute recess and we'll come back mr polis thank you 10 minutes great thank you the senate committee will return to order i thank you members um mr polis uh thanks for patience um i guess i'd like to just come back to my last question about

this ranked how do we call it ranked voting rank ranked choice ranked choice voting yes thank you so

What i'm really trying to find out from you is the the functional inhibitions in the software you say that it's not that they can't access it but what does that mean i mean do they see a button on the screen but it's grayed out so it doesn't work what would it take to turn it on i mean is that saying you guys turn on when you when you sell the software to michigan how is that how is it inhibited from being accidentally or purposefully turned on

Well that's correct senator so um it is not installed um uh when we went when the election officials took possession of their system whenever that was back in 2017-18 um they would have had to separately install a module that would be part of the record that again as i've said any independent testing authority could verify this so you don't necessarily have to take my word or even a poll official word for

It one of the claims that i think um i've seen that may be related to this is the uh the allegation of fractions in our reporting software um as i said in my opening statement there is no fractional voting that's just not a feature of our system and any uh audit of our database would show this we don't allocate fractions and certainly don't do any switching or deletion of these votes so

When the ranked voting occurs in the states that do allow that is there a fractional vote count that comes out in those situations or is it still whole numbers now the so the report that i happened to see in um it was i think another hearing in your state and it was attributed to our system i

I can tell you that's false and i haven't seen any report of where that report came from it looked like it was just created on powerpoint i can tell you that that it does not come from any report on our system and that's something any one of your counties that use our system could verify for you in

The states that do use rank choice voting it is a separately installed module with separate trading and the telltale sign of whether or not it's on is you look at the ballots so beside sender senator mcbroom's name on a ballot there might be um if it's a vote for five there might be four different columns so

I could vote for you as my first choice or my second choice third or fourth choice the rules on this vary in the in the jurisdictions that use them but again it is not allowed for use in michigan it has nothing to do with michigan it wasn't used for michigan and that's something something that can be easily and independently verified so on with the fractional voting issue since you bring this up and

I i would have one of the other committee members hadn't this i've seen a page that appears to be a screenshot that demonstrates fractional votes and at the bottom of it it says dominion software is there any screen in your software that would allow that to happen and if not where did this come from absolutely not it does not come from our software our reports typically don't have from dominion software on the bottom of our reports our reports can be obtained through the secretary of state's

Office or counties that use our systems um and as to the uh all important question of where that uh screenshot came from to me it looked like it was an actual uh powerpoint report um your guess is as good as mine all i can tell you is it did not come from our system i'm gonna go back slightly and it's not that i won't come back to fractional voting but i'm gonna mull over what you said and perhaps will come back from a different angle but

The you were mentioning how in the post election these your software the machinery is audited by the eac or potentially by a third party correct you know the federal process specifically requires it to be thoroughly tested including source code review accuracy test volume test environmental test it's very comprehensive the manual is thousands of pages of requirements why doesn't dominion do some of its own auditing of the systems at

The completion of the election afterwards i mean do you come to any of the counties take back machinery or software and reevaluate how it performed yourself that's a great question senator the whole system is designed so that no voter needs to blindly trust any individual company that doesn't need to blindly trust any individual technology or any individual poll worker so

The role of auditing and testing prior and after the system is best not done by the company that provides the actual technology in the first place it is best done by the election officials whose accountability is to run the elections under their total control and best done by independently accredited experts from a bipartisan

federal committee that reviews uh everything from confidence on the technical and The procedural side as it pertains to elections and so that's why we don't audit our own software now to the question of do we test our software absolutely we test our software very very thoroughly but that happens completely independent of any customer jurisdiction or the certification lab this is generally something that we do very extensively prior to submission to the federal government for federal certification how would your company know than if

There were um issues with the interface ability with customer satisfaction in regards to the performance of the software what do you do to receive feedback on how well the program works and how well it interfaces uh well it's an iterative exercise uh through continued conversations uh collaborative in nature with our customers that use our software systems and now turning my attention and i'm sorry to kind of bounce around here a little bit on you no no worries when

When we look at the antrum report that's recently come out there's specifically uh notes regarding the absence of logging within the steps of the adjudicated ballots you went through for us what the adjudicated ballot is and what that entails but where you mentioned there's both an automated and a non-automated system for uh for adjudication which one is it that antrim county had and where are these logs that the report that came yesterday says are missing there's no automated process for adjudication the two different systems are

One that is manual in nature that requires local bipartisan adjudication committees to remake new paper ballots based on mistakes that they agree on that a voter who is uh who is voting absentee have made and the second is the same process but instead of remaking a paper ballot they can they they make a their selection and

They their determination electronically that is attached to the original image and so antrim county used the manual process they do not license the digital adjudication software and we know for a fact that they could not have used it because they did not record absentee ballot images which is a prerequisite to use a digital adjudication so

In my pr in my township and i'm i'm part of a small township and by the way just for the record because i'll get in trouble later if i don't correct you andrew county is state not in the u.p just it's close to the u.p but it's downstate um fair enough as as

you might have surmised senator i've uh we have not been i have not been to andrew county um it's on my it's on my to-do list it's a beautiful county it's a beautiful place

I hope you'll get the chance um regardless um so in my precinct i don't see any computers there at all i mean there's one tabulator and so does that mean then that if they need to do adjudication of ballots there for an absentee ballots they're going to have a manual process then correct that that's correct if

A place has a digital process they would have to have a computer there that interfaced with the tabulator that's correct okay and so are those networked is the computer then network directly to the tabulator on a local area network the systems are designed to be closed networked which means they are connected to each other in

A local area network but they are not designed to be connected to the outside world through either an internet connection or any other uh external connect connectivity device is there something though that would prohibit that from occurring uh i'm sorry is there something that would prohibit uh connectivity to occur is that the question yeah i mean if

The locals were to have that computer connected to the world wide web and also network to the tabulator is there a vulnerability is there something in the software that would shut things down at that point would it continue to operate what is the security protocol at that point well first and foremost the physical security that is under complete control of the

Election official is paramount and there's no adjudication that ever happens at a polling place and one of the audits that an independent test authority accredited by the eac can perform is a test to look at whether or not that computer was connected to the internet which of course it's designed not to i thought that you might have just said that adjudication doesn't take place at

The polling place but i'm not sure is that what you meant to say because i mean isn't that where if there's a ballot with an overvote isn't that adjudication going to take place there at the polling place okay fair enough so i did say that so let's take a couple steps back make sure we're on the same page please um in

A county uh like antrim uh or your county uh where they are using a a manual adjudication process adjudication does not happen at the polling location adjudication happens only as it pertains to absentee ballots that are received at whatever location that county may be processing the absentee ballots that come in so the county runs their independent process in verifying the absentee pros ballots that come in um verifying voter eligibility for whatever rules they have and then the ballots are then processed usually into my knowledge exclusively

At a centralized location that is physically controlled by in every respect by the local election officials so in a county such as antrim the adjudication would have been done by hand any paper balance that needed to be adjudicated would have been done by remaking taking a problem ballot if there was agreement by the adjudication board and creating taking a brand new blank ballot and making the marks that the panel agreed to they would put the

The actual ballot somewhere else for keeping and then the ballot that they made would be the one that would be scanned in the case of antrum and i strongly suspect your home county as well that scanning would have happened through a pulling a polling place tabulator but not at a polling place so

In the case of antrim what i just learned the other day was out of the 18 tabulators that they had two of them i believe uh were dedicated for absentee ballot scanning through accounting board okay so and and i will add at this in this lay in this scenario um there is no connectivity no connectivity of any kind we were mixing digital adjudication when

When you're doing digital adjudication but in the scenario that we are talking about now as it pertains to your county or interim county there is no internet connectivity at all okay thank you and but it does open up kind of the can for the other you know major thing that we've talked about where obviously in tcf they were using um digital adjudication well let's come back to that in

A second i just want to clarify one thing so the reason why we don't need adjudication for in-person voting that is if a voter made the same mistake in a in a local uh precinct where they are in person the voter has the the tabulator will prompt the voter about their error and offer the voter a second chance to correct their bout so

In in a hand count in a hand mark paper ballot scenario if the if the voter selects your name and then crosses or fills in the oval besides your name and then crosses it out and fills in an oval below your name in the same contest and it was only a vote for one contest they're the ones that in in-person voting the voter themselves is feeding their ballot in

The tabulator and the tabulator will prompt them of their mistakes so they have a chance to correct it themselves you don't need an adjudication panel because the voter can correct it for themselves the issue arises in absentee voting where the the ballot has been now separated from the voter because it has been sent through the mail and

We are not we are without the adjudication process uh you're not giving that voter the same chance so it's obviously different um but the the states that allow it uh have very strict rules and offer guidance to the bipartisan adjudication panels of what they are and aren't allowed to do per state and local law thank you in

The situations where they choose to use digital adjudication such as at tcf or other mostly larger counties and a computer then is local area network connected to the tabulator what is to you you answered earlier it's up to the locals to provide the security but if they were to allow that computer to be connected to outside networks does that present a vulnerability to the tabulators programming well the system as

I said is designed not to be connected so if they're running certified software on those systems that are not connected to the internet the record of what the adjudication panel is doing gets appended to the original valid image and they are available for audit so these are questions best answered by the election officials that work to secure that location because you can imagine conceptually that's just as dangerous as

Not having control of your of your in-person voting precinct back to the example of your home county if you didn't trust the poll worker and you didn't trust all of the bipartisan watchers um that's that that speaks to the the security of the overall process not to the accuracy of the tabulators as i've said in

My opening statement the true test of a tabulation system such as ours is in the manual recount and an audit that is taking place and that is something that is

always available to do and i guess what i'm trying to come back to because i started off with this question about logging of security and so is would changes would outside manipulation if somebody had these things connected and obviously that's not the case in antrim county but potentially possibly the case in other counties would those security

Logs represent if somebody were to attempt some manipulation well certainly not i don't think so that's really a question for election investigators i'm not aware of anything that has been found to be credible but as i said this really is a question for the officials that control the physical custody of the ballots our machines are responsible for

The accuracy in regards to counting the paper ballots and and that's exactly what they do in the antrim back to antrim and i know we're bouncing around in antrim county the report says that there are is a period of time where there isn't any security logs what is the explanation for that so senator i've only had a cursory review of what

I consider the biased report uh that came up um i've also had a chance to cursor a cursory review i should say um of the secretary of state's response uh which i frankly agree with the response that was issued um recently to that report um as i've mentioned earlier dominion did not program antrim county uh we have no access to their systems uh we are still not in possession of any of the logs uh or any of the databases or any of the

Election material from interim county um and so as i said a lot of the arguments were incomprehensible to me but then again i haven't seen uh any of the the uh files so i can't comment on what it is they're looking for other than i know some of the conclusions were were wrong um and false senator tyse has some questions hello there thank you for being with us today i very much appreciate that thank you for

The opportunity um so there's a lot of confusion i want to start with antrim i know we've been over it and but and i don't mean to beat a dead horse but there's a because there's so much confusion i want to clarify it for people who haven't been there and for who don't understand what

The process was that happened so when a clerk is getting ready to do an election she's bringing in all of the information for all of the things that are going to go on the ballot and there's a lot of things and it's unique all the way down to the precinct because we have precinct delegates so

It goes all the way down to that level and so it's very very specific and so they get all of that information and then they lock the election and that's when the ballots can start to get printed and all the testing can be done and at the point that it was locked there was a realization and you spoke to this correct that um that there was a candidate that they found that was left off you said it was a school board member i thought that she

Had testified that it was a township or no a village trustee but but not sure which it was anyway it was it was very well be correct i'm not sure on exactly what was uh all i know is the programming changed on correct and on ballots that affected three precincts and i thought maybe there was something else like a millage or something else too but nonetheless it would have changed the format of the ballot once they were reprinted it would have looked different even there

Would have been additional information on the ballot that hadn't existed there previously so for that particular precinct it looked different would that have affected outside areas beyond that precinct such that all of it needed to be reprogrammed my understanding was it did is that true so the entire county needed to be reprogrammed for

The tabulators not just the one precinct is that correct uh well i'll try to answer it this way um the when you you're correct in your when you say that the election was locked uh my understanding is that was sometime in september and the ballots um had pdfs generated for final sign-off by county officials and um once that sign-off occurred ballots were printed and

I believe the ballots were then in custody of the county the whatever the change is whether it was a candidate or an addition of a contest to the best of my understanding um the the change as it would be noticed by a voter and i'll i'll say it as simply as i can the

The voting information meaning the contests and the candidates in each contest uh were only different after the change in ballots that affected three precincts um

which which corresponded to three tabulators the the issue uh on how the people that were programming the election as i understand it because it wasn't our company but

I have a good understanding of this um and it's gonna be apparent why they did it this way uh the they updated the election project uh to correctly identify what the extra candidate the extra contest whatever it was but care was taken to make the ballots that were printed and in possession of the county for

The other 15 tabulators care was taken to make them exactly the same and the way this this is a there's a good reason for that this feature exists because a lot of jurisdictions uh have the requirement where there might be a last-minute court order to remove a candidate or to add a candidate and

They simply it's simply impossible to reprogram thousands of machines overnight from 11 p.m to 7 a.m so so this is why the feature exists in this case it was deployed to uh to save the ballot printing um of what was already in possession so the from again best of my understanding they only really had to destroy ballots uh the blank ballots that were uh set to go for three tabulators and

They only reprinted the the the ballots associated with the change now where the error happened was there was there's as i said there was two different human errors that were compounded by the way it was programmed so the first error uh there was there was instructions given as i understand it to re-burn all 18 memory cards for each of the tabulators i

I don't think this was happened this happened um so that was the first mistake she testified that it did not right uh the second uh it's clear that they're i'm assuming i should say i shouldn't say it's clear i'm making the assumption that a public logic inaccuracy test was not performed at that point because had it had been that the change would have been noticed or the error would have been noticed so

Specifically to the best of my knowledge of the 18 machines some were running september project and some are running october project and some of the ballots were september ballots and some of them are october balance so a couple things normally if programmed in a usual way the september memory cards would not have been allowed to be uploaded into our results and tally application and

This is the part of the application after the memory cards uh get securely transmitted often with a sheriff back to the central location and those cards are uploaded and the results are compared to the actual printout from the tabulators so normally the september cards would not have even been allowed to be uploaded but because the change care was taken to make this allowable they were and so um all 18 cards were able to be uploaded into the results of tally module um and um and that's

And that's where there was an error in the unofficial report so as i mentioned that's a very big reason why we do canvas or why election officials do canvas because that's where this was noticed identified and corrected long before results were made official so you've testified to all of this but what you're doing is getting into the excruciating detail and making it extremely difficult to see the bigger picture for

The people who are not not accustomed to the detail of the tabulators what i'm trying to do is to provide a picture for what this looks like from the voters perspective and then from the outcome perspective so without the proper programming and without the proper ballot if i go in and feed that into the tabulator and

It the ballot that goes in is not the ballot that it expects to receive based on programming then i'm going to have an outcome that is not an accurate outcome because the ballot isn't the accurate ballot that that it's supposed to have right so we've added a contest we've shifted stuff around we're using um we're using september instead of october there's something different with respect to it than it is expecting to receive this isn't a dominion thing this is a programming thing and so i'm

Trying to um to wrap my brain around what that would look like on the outcome perspective and how that would affect the numbers because i'm feeding in one thing and it's trying to tabulate on on something completely different and i know that your system wouldn't allow this but if i were to to take something from precinct eight walk it over to precinct six and feed it in stuff wouldn't be in

The right place it wouldn't have the right questions on the ballot and so as it tried to tabulate it it would it would attribute the wrong numbers to the wrong things assuming it would take it of course um and and then i'd have the wrong numbers in

the wrong place it seems to me in

My non-election brain that that's similar to what happened here if you get step out of the detail and you look at the frame you look at the outcome does is that um i i i think i understand and i apologize for getting into the weeds i'm accused of that quite often actually um but

If you look at it from a 30 000 foot level uh from the best of my understanding we have some pro tabulators that were programmed for september with that were fed september ballots and we have some tabulators that were programmed for october with october ballots as long as the october ballots were read by the october memory cards and

The september cards were read we're reading our september ballots the result taped from the tabulator would be correct to the ex and i believe um this is exactly what happened uh to the extent that there was one location and one tabulator that was using a september memory card with october ballots and it had this extra person or contest that is there

There wouldn't be any changes to the top of the ballot contests um but there there very well may be a change uh to the affected race and to my knowledge that's precisely why the secretary of state's office together with antrim county officials are working to do a hundred percent audit on the presidential race to confirm that the results on the tape actually match 100 percent the results of the paper ballots which of course had been securely stored under the custody of the local election officials so

That is not my understanding of how that whole process worked and it doesn't um the numbers that we saw should not have been affected at the top of the ticket for stuff that was going on at the bottom of the ticket now what i had in my head for how that happened is you you just completely come back with something different than what

I expected to hear so can you explain to me how how the top of the ticket numbers would have been affected by bottom of the ticket changes with what you just told me okay so we have two sets of results we have the result tapes that are printed at the poll at the end of the

Election at polls close and that is a thermal tape that has uh the results in the tally and the number of ballots that correspond to the number of ballots in the ballot box um we're good on that so we call those tabulator results from the printout then we have the centralized computer that is designed to amalgamate and and tally the results from all of the 18 tabulators together in

A way that can be reported easily from the county to let's say the secretary of state's office or the media so what what i just said is in particular regards to the tabulator results these this is the printout that happened there was multiple printouts at the close of polling a close of poll at

The end of election day one was public uh posted publicly in whatever building each tabulator was in multiple copies would have been handed out or and uh we have those results and as long as september ballots were fed into machines that had memory cards programmed from the september project those results will be 100 accurate and

As long as the tabulators that featured the cards from the october programming had october ballots fed through them those tapes would be a hundred percent accurate when those cards then got driven in in a central location and they were inserted into a desktop computer or tally server that the county has in their sole possession and control the september cards should not have even been allowed to download the results if

It was programmed in a regular way the only way and this is where this is what confounded the two human error issues because the programming was allowed to accept on the back end on the on the tally computer that tally computer was instructed to read cards from the september project and the october project and

That is where the reporting error from the night of the election through to the next morning at some point that is where the results were very off because that database was expecting structures in different ways than they actually were given on those memory cards and that's that that is what confounded the problem so

The results were never um validated they were never certified and that is exactly the process of canvas and why they were caught the day after is that does that help in the explanation or that does so the tabulators provided that they were accurately programmed for the particular ballots that were being fed into them regardless of

whether they were september or october are fine it's not until the point of time that we're we're bringing together all of the information from all of the separate tabulators into an

Individual um uh where we're con conglomerating all of the information it's not until that point in time where we were mixing then the october and september uh election uh plans uh you call them projects um where it becomes an issue and that at some point there was an override uh from the sep where september was forced in

As well as the october that should not have been allowed and that's what created the problem okay thank you and i will add that we are confident that the top of the ticket so the presidential race uh was not affected on the the tabulated results the tapes from the 18 tabulators but of course this is going to be the recount will will be the ultimate judge of that so yes thank that's thank you that's good i just wanted to clarify a few things so eac is

Something that we've been referencing a lot that's the election assistance commission a lot of people would have no idea what that is correct when you are talking about uh whether or not the clerk would choose to download different aspects of the software that's available like ranked choice i know we've been beating the dead horse but

Let me keep going here for a second i don't have a ton of confidence based on the history that's been happening that all of the correct software choice choices were made and perhaps some inappropriate software downloads happened is that possible or or do you not even think that that's possible no i don't think that's possible this is not some feature that can be accidentally turned on it is it is a distinct module that starts with the

Election definition um and that leads to the way the ballot looks so this is not some feature that can accidentally be turned on okay so that also helps me with some of the issues that i was wondering because i i was thinking that when the clerk realized her issue and they were no longer there was no longer anybody there would she have manually had to adjudicate the ballots because everybody had already left but you're saying no they could have gone in fact just with the tabular

Tabulator tapes and counted them that way but now they're going back and doing a manual to compare the tabulator tapes and the numbers to the manual ballots um

you've confused me on that one were we are we specifically talking about antrim county yes just interim so again the any adjudication would have happened only on the absentee ballots that were mailed in well so

As i it was my perspective that because this election had happened and then she realized her error after that when these ballots had already been fed in that something else would have had to happen but you corrected me on that so thank you yeah again antrim county did not and could not uh have used digital adjudication and

The manual adjudication would have been done prior to her closing the polls on the two tabulators that ultimately printed out a results tape okay thank you and i want to i want to shift a little bit um i want to clarify something you keep talking about the bipartisan watchers for things that are ongoing they're not always available in

All areas in all places and in some places they're easier to find than others and so part of the issues that we're dealing with as an oversight committee is they weren't always available in in order to make sure that everything was done in the forthright manner that you describe and and that's not your problem but

That is it doesn't always happen that way and we we want to make sure that it does do you uh so you have uh equipment that are that that's the tabulators do you guys also provide the high speed tabulators yes we do all right they don't have do they have a a box that the ballots go into also or are they accessible to you at both the beginning and

The end of the scan well they're never accessible to dominion staff i'm sorry to the person handling them right they are accessible they're well they're always accessible so um any high-speed scanner the way it works uh to get a high throughput speed um usually has a u-shape uh scan head to minimize the frequency of jams especially with ballots that have been folded um and passed through the mail twice and handled by a number of different individuals so

The ballots there there is an incoming trade and an outgoing trade okay that makes a lot of sense to me i may have some further questions later let's see uh oh i did want to ask if we could get uh from you because you you referenced the contracts and you're not sure where what

We have contracts with i don't want the details of your contracts that's between you and whomever you contract with but i would like to know with whom you have contracts for our state so i know you do with the state of michigan obviously interim county uh but if we could get that information that would be helpful yeah so

I i don't think we have a contract with andrew county but we will certainly get that for you senator it could be their counties are contracting with the state in order to have access to that too that's possible and then you said the on-site technical support is part of the contract generally when

It happens uh i wouldn't say generally uh it's definitely not out of the norm um and um it's just a in a lot of places it's a regular um part of our process okay thank you very much for your time and patience with me i appreciate it no thank you thank you senator tights senator mcdonald thank you chairman thank you for being here um i'm going to go back to some of the technical questions if you don't mind can you tell us what programming language is

Used and if it includes any database system uh not like not off the top of my head but that's something certainly i can get for you i would appreciate that um can you walk us through the business logic of what happens when a ballot is processed for example if a database record is created or they are simply updating a counter in

The case of our polling uh our our precinct tabulator every time a ballot is fed through the machine there's a number of checks that the software goes through to identify the ballot being a legitimate ballot and a ballot from this election and then it goes through the processing of the ballot and then everything of course is logged and saved so to your knowledge is it possible for somebody to change a record value either locally or remotely no to my knowledge it's not and even if

It were they certainly wouldn't be able to do it undetected someone leave like a log entry if it was possible would it leave any trail it would leave a trail uh there would be a mismatch from the other card uh and there's several checks and balances in the machine that can identify whether or not such a thing uh happened which of course i don't think it can okay thank you and

This has become a big issue do you have any knowledge about the solar winds breach are you familiar with at all because all i know is that we don't use uh the uh

solarwinds orion um package that was the subject of the dhs report from the 13th i guess yesterday is it possible for somebody to insert a usb drive that could have manipulated the database or data or software is that possible to your knowledge in

In which in our tabulators no i don't think it's possible and again even if even even at the central um computer even if it was it would be detected i just have two more questions that's okay um sure small towns in wayne county adjudicated in detroit or at the local precinct and if so how is the data transferred i don't know the answer to that okay last question um how do you electronically match voter to identity so

The voter can vote so we can catch it so they can't vote more than once uh well that's really a question that it's really a question for the election officials whose job it is to verify eligibility it's not something we do okay yeah i just thought i'd check that okay um i may have more questions but

For now thank you thank you so much thank you thank you senator um mr polis i'm going to go back to a question that i've hit from a couple of different angles before but i just want to be really clear that we're talking on the same wavelength here if whether it's at a tcf or a facility that uses digital adjudication where they have a tabulator connected in

A closed network to a computer if by accident or intent that computer is not secured properly and is also connected to a network a wider network is it possible for someone to maliciously and unknown and unknowing without us knowing it hack into the tabulator and alter the results no i don't think that's possible but again even if

It were it would be detectable can you share with us how it would be detectable what what are the assurances that we can have to to that um well what i would recommend would be an independent test authority um to do the analysis um from everything on looking at all of the structures and

The audit logs of that computer and perform the battery of tests that they do and i know that they offer this as post election services uh to to election officials in all across the country and verify definitively whether or not such a thing happened does the software that is it your design within the software that dominion designs to keep security logs that would flag unauthorized alteration of the code yes absolutely and and there's also ways for

Election officials to check that and with every ballot scan that we do when it's when we're talking about digital adjudication we actually have a audit mark appended uh to aversion to to the same ballot image that can show to any concern citizen any voter a clear understanding of what the ballot uh was that was scanned and

What how the tabulator interpreted that what's the um trying to how would how would we underst uh would there be some sort of flagging that would happen though that would cause poll workers to look would the would an error message come up would the machinery stop working or would this only be caught if somebody were to perform an audit well the machine machinery would stop working and you would be you could always check by going through the audit marked images of the ballots that were scanned

And what and that's that's above that's that's not even before we get into an independent verification from an ita now the security of that computer that is hooked even to that local network or the digital adjudication the security protocols that are put in place on there are does your company set a standard and and provide instructions to the local workers on all of the security settings that that computer should have is that saying that comes from the state of michigan does it come preset where do

Those security standards and settings get placed or who does them uh well all of the settings uh that are allowable for use um as part of a federal certification are are specifically specified in that certification and in addition uh layering on top of that uh they have to be allowed by the state of michigan

During their process um ultimately the physical security of the entire system including possession of the paper ballots themselves and the scanners that do the high-speed scanning of absentee ballots are all under the control of the local election official what do you what can you tell us about the um various documentaries news reports and other things both right now contemporary ones that i've seen from even ten years ago that show university professors and professional hackers demonstrating how quickly they're able to compromise uh election tabulators yeah it's

A great question uh chair mcgroom um if you're referring to for example uh the one that i'm familiar with is i think the seven minute hack the researcher the professor

from i believe princeton university that originally published this video or if it's a video an article he's one of i think 50 or so signatories on a letter that specifically addressed this election and how they are completely different systems so

I have seen some of these videos that you're referencing they reference legacy systems that were developed and installed prior to the eac's vbsg 2005 standards and they certainly were designed and deployed prior to a lot of the rigorous standards that we see across the states specifically california certification new york certification um and ultimately um i

I you know i keep saying this paper paper paper um these the seven minute hack um the databases um on the old access or whatever system that they were using back in 2000 um didn't feature voter verifiable paper ballots at the end of the day you have to ask yourself where the the ballots is securely stored and

We you always have a copy of them um and they're they're distributed at your local counties under lock and key and sealed um that is uh at the end of the day how you can trust your election one of the things that's you know particularly troubling from just a pure easy transparent process in michigan's voting is the imbalance of poll books and

I understand that you know that imbalance is not necessarily because of software or equipment but is usually attributed to the poll workers and the handling of the ballots but is that imbalance something that dominion looks into and in this work and would you say autopsy does dominion look at the imbalance of poll books and and discuss with your customers whether any of that has to do with the tabulators and

The software uh chair mcgroom that's really a question for the election investigators uh both at the county at the state level um so again i'm not aware of anything that has been found to be credible and as i mentioned in my opening statement we really are part of the process is very limited to providing tabulation technology so

That poll workers can use that technology to accurately count paper ballots which is what they do senator ty says she has a to the point question there please just with respect to the poll books i believe the entirety of our electronic poll books were designed by michigan for michigan and are unique to michigan

They have nothing to do with minion okay thank you senator i'd like us to take uh uh if you want to take a few quick questions then we'll take a break and then i think that'll be we'll be able to wrap up okay thank you senator lucito thank you so much mr chairman and uh this is interesting i'm having a good time with this it's hard to understand it but does dominion have any way to remotely access any of the information on any of the equipment

Or have remote access within the machines themselves no so there is no modem at all in these machines the only modem is the one that i described um that is has a very very particular function on the precinct um and we do not have access to it and nor can we modem into that machine does anybody have access to the best of your knowledge no okay but

It has a you what is it they call those uh usb port on the machine i saw it myself right what's the usb port i'm not sure which machine you're referring to i'm not sure either i didn't get a serial number but there is usb ports on machines that you build correct uh no i don't mean to be facetious senator what did the machine look like was it a touchscreen yes okay yes there is and so

That touchscreen is a ballot marking device it does not tabulate boats so it's just a pen it's an expensive fancy pen that allows uh for voters of any abilities any physical ability language ability to privately and independently create a paper ballot that can be cast by them privately and independently so if there was no wireless re modems included or deployed in

Dominion machines or equipment um could someone let's say a hacker that's the best way i can say this connect a modem to to do something that should not be done which is affect the vote uh well senator if we're talking about a polling place in michigan uh we're likely talking about two pieces of equipment that come from dominion one is that touch screen that i

It sounds like that you you've seen that does have a usb key that's obviously locked and sealed and then there's another machine that is a paper scanner that sits atop a secure physically secure ballot box as i said the ballot marking device does not tabulate boats it is nothing more than a electronic pen if you will a voter interfaces with that ballot marking device but

At the end of it walks away with a piece of paper that has a clear written um summary of who that voter voted for and that is the chance that the voter has to physically hold their ballot and to review their selections prior to casting it so uh it to my knowledge a hacker if

If they if they tried to put any kind of an external device on that vmd um it would it would fall upon the security of both the lock and the seal so a we'd know about it um and b it's it's it's part of a polling location um that has physical security of the poll workers and

The poll watchers how would you know about it you just said we would know about it because that was going to be one of my questions yeah well first of all do you have some kind of sensations is there a signal that says air is there a signal that says there's i'm sorry that didn't happen with with the machinery did it it didn't stop the machine and said don't accept the vote it kept accepting votes no i don't think anyone has no one is alleging that

Somebody broke in okay no no we're not saying no don't give me no we didn't say heck we didn't say the word hack but there was an error in and it was of human error according to the clerk which let me get through these few questions um if you can't remotely access it dominion

What were these two employees or three employees or how many employees doing at the tcf center what were they doing there from your company uh so i i think you started the question asking about antrim county we did not have any no i want to withdraw i would draw the questions for times consideration in

Your time and i appreciate you coming be specific what were they doing in wayne county at the tcf center that they were employed by wayne county that's what you said right they weren't employed by the secretary of state were they no the uh okay so we're not talking about antrim county anymore we're only talking about tcf center right uh and

The three we had two um to my knowledge we had two dominion employees and one one day contractor um so they're discharging their duty as directed by election officials so specifically cleaning machines answering technical questions uh from election officials um but it's always done at the direction of the election official uh there are strict instructions um that are those employees are not running the

Election so they should never be confused with running the election i didn't i think it could be as simple as cleaning one one of the most common things is cleaning the glass read head of a high speed scanner because as you might imagine when you're scanning tens of thousands of pieces of paper it actually is a pretty dirty process and flex from the paper accumulate in

The scanning bed of the scanner that needs to be cleaned properly would there be any reason for these two individuals as you've indicated to employ any third parties to be there also to employ any third parties do you mean uh contractors well one of them contractors agents anybody else uh so we contracted with one contractor who i believe testified to your house hearing so you have you have viewed these hearings online uh i have not seen all of the hearings i've seen snippets i've obviously seen

The testimony from the contractor um that we hired for a day who was that one what was the name of the contract are you hired for the day so we have it for the record uh melissa corone i believe okay and that was the only one that the two other contractors or the one import two other employees from dominion hired uh miss corona is that correct i believe her name was miss caron so of the three people that were there sir uh two of them were

Employees of dominion and one of them we hired as a one-day contractor okay and these three individuals i'm gonna ask was there training involved with the two employees that went to the tcf center and was there an outline of delegation of duties in which they had when they went to the tcf center meaning did they go with this is what

The scope of work is this is what you're going to be paid and this is what you're going to carry out on behalf of dominion right so specifically the contractor was hired from the temp agency and she was for us one of several thousand one day contractors her role was really limited to a type one type of technician who provides she would have been told how to clean the glass read heads or at least she should have been but really the main job is flagging down

If there's any questions in technical nature that election officials have to flag down one of the two uh dominion engineers who were there who could answer the question was there any tallies or any evaluations that went back to the company by

these two employees from the tcf center outlining what if any issues were raised at

The tcf center like an evaluation i don't know sir i couldn't hear you i said i i don't know sir who would be the one that would be charged with that duty if you don't know so we could get something back as far as feedback go what they claim happen at the tcf center because we heard a lot of testimony a lot of testimony uh i can certainly gather that for you thank you mr chairman at

This time there was only other one question it was doing with jamming of the machine does the tabulators if at machine jams go ahead and recalculate if the vote was already counted um are you referring to the central scanners that were at the tcf center i am we heard testimony that they have to go through batches and

If the batches are not deleted when they scan and it gets jammed up the system then will run a ballot two and three times or ten times through this was the testimony mr paulus that we heard i'm asking you because you build a machine if the machine itself is jamming and it doesn't then tabulate or it jams it up and somebody pulls a ballot out how do you know in

The machine if it already calculated that ballot yeah i i did see the testimony and from my recollection if there were ballots that were scanned multiple times the audit would be off uh from the voter registration and the poll book records as part of the canvas process why don't we stop right there mr chairman i want to pick up that end about the poll being off so

That we can see the process it sounds good to me we'll take one last break come back and and finish up thank you mr polis the committee is recessed for 10 minutes thank you okay the senate on senate committee on oversight will return to order thank you members for your return and uh let's continue and hopefully this will be kind of our last segment and then we do have we'll finish this committee adjourn and then recon will bring the committee back to order on another meeting

That's in another different location so if you're wondering what the second posting is about that's for our joint meeting with the house briefly to adopt some additional subpoenas so that's why it's set up that way okay um mr polis um continue to have my thanks for your participation today um could you share with us when

It comes to the software do you design it to operate on a windows platform or unix i mean what what operating system do counties have on the computers that they're putting putting your software on uh depending on the system we use we i know we operate on uh different platforms including uh linux and windows okay and

The tabulators themselves do they don't have an operating system in them is it oh they do the tabulator well there's various tabulators but i believe the uh tabulators that are used in michigan at the polling location our linux uh operating system okay i'll have to confirm that but i'm i'm fairly confident on that okay and

A slight shift of gear here to another question um you're of course doing software updates and providing version updates to the state correct um when we so i think i'm not sure what you're getting at we we do not we are not able to update software um like you would a normal computer at

Your home any update that we provide any change to any line of source code any piece of hardware has to go through federal certification first and once it is approved for use then we can provide the update and that update is usually done by the election officials themselves so and that's fine i appreciate that detail what i'm wondering is i'd actually give you an example so okay thank you you have a desktop you have a server uh that's air gap that sits in

Your county's low um central location even though microsoft uh might want an update even though um antivirus might need an update we there is no updates are done that unless they first go through uh federal certification oh even for the virus software and other materials like that that's correct okay so there's absolutely nothing in

Our system in the entire environment has to be uh come from the uh as certified as such but as your and and where i wanted to go and these are this is all valuable information so i appreciate that where i wanted to go with the question why i'm asking you you're developing and designing software updates correct new versions yes so prior to you sending those to the eac for certification what does dominion do to check and test the security the vulnerability of the software before

It sends it out for certification ah okay i see so we do our own extensive testing that really mirrors a lot of the testing that is done at the eac level except that we do it internally to ourselves sometimes that is done directly with our own employees

sometimes we contract with external labs to do vulnerability testing for example or various types of security reviews on our systems those third-party labs that you would contract with are they certified by the eac as well how do you control

Who's looking at your materials to test it the labs that we use are usually accredited and recommended by federal authorities that are well trained in this area uh in the case of state certifications um california comes to my mind uh they do their own security testing um with their own independent uh authorities that they separately accredited and certify in

The eac's accreditation process are they interested in security and vulnerability issues or are they primarily interested in the uh fidelity of counting votes well i don't wish to speak for the eac but i think it's a very fair guess to say that they're concerned about every aspect of the voting system including security uh and accuracy reliability and operating environment can but

I mean you must get reports back from them after you send your materials to them for accreditation i mean do they yes it's publicly available on their website and with a rubric they use for going through the materials i don't understand the question sir well i mean do they have uh do they have a standard list of benchmarks that they're looking for

When they evaluate the software oh yes there are um i i i'm going to probably get it wrong but it's thousands of pages of guidelines uh through it's called the voluntary voting system guidelines um the latest and greatest is named the vbsg2005 and um there there are literally thousands of lines of pages of requirements and so absolutely and

That document absolutely does um outline testing guidelines and so you send the software off to them for certification and it doesn't meet some particular benchmark that they want i assume they provide that feedback to you and say you have to harden this area up or rewrite this area i mean so you get that kind of feedback from the eac um i'm not sure i presume we do i i'm not really the certification person so i'm not sure of the day-to-day interaction when we're in

A certification campaign okay but i can certainly get that information for you thank you in your opening remarks i believe you mentioned the national institute of standards and technology yes as a reference is this a separate accrediting agency

that you also have to send the software to no it is um the eac uh in

Their process um of accrediting independent testing authorities as a separate process for for doing that um and they rely um on nist uh for a part of that okay so by being accredited by the eac do you then receive you know that you've followed the proper guidelines for the nist uh i really can't speak to that we are not an accredited independent testing authority um by the eac so i'm not an expert on that by any means okay was there

A significant version update or change leading into the 2020 election or are we still operating on the same version from dominion that we operated under in 2018 i'm not sure uh what version um off the top of my head what that you're operating on in michigan um i can certainly find that out for you though great thank you um vice chair lucito has some additional follow-up or no i'm sorry senator tys thank you thank you thank you mr chairman thank you for

Your patience i know we've got you sitting in uh in the hot seat for a long time so thank you very much i appreciate your patience um i i want to cover a few of the rumors that that i'm getting lambasted with and i want to i just want to make sure that we've got them out front and and you can answer them so given the recent disclosures regarding foreign nationals at high levels of everywhere government and everything how do you know that you're protecting your

Source code and that they're not embedded in your organization doing something uh with with your source code well that's something that the eac and throats itas and the state agencies do they do a line by line review of all of our source code and so specifically with regards to one of the rumors uh that certainly i've read and re-read um is that somehow source code has embedded its way into dominion systems that somehow originated in venezuela that is not the case any independent test authority and

There's several of them that have reviewed all our code could verify this and in fact it is my understanding that the secretary of state's office in california has certified both our our software along with uh competitive software from companies like esn s and hart and smartmatic and so perhaps they're the best ones to answer a question to verify that there's no common source code but it's something certainly i can attest to you on for

Dominion systems thank you very much um i also have been told that there were at least uh there were more than two of your direct employees and and and one indirect that there were as many as nine in the tcf center i don't know that that's uh necessarily a problem but that's the information that i have in front of me i'm not going to give any names uh in

In the interest of you know all the issues that you described earlier i certainly would prefer that people remain protected and not threatened uh but i would be interested in in having that information if if there's any uh any mistake and then what their their roles were in the process right what was what were their responsibilities while they were there

I also heard that you received a large sum of money from outside the country just recently uh actually just before the election would you like to speak to that yes i've heard that one too um unfortunately it's not true it's this one's bizarre um and completely unfounded um and i think uh the claim is something like a swiss bank uh through chinese intermediaries uh paid um uh our

The the company that owns dominion but i can tell you that that's not true under oath okay thank you for that and then um your equipment your adjudicators and your tabulators in the tcf do they have ethernet access no they're not connect as i said they're not connected to the internet they're designed to be completely standalone system uh they are connected locally in

A local area network uh designed to be separate from the internet so then they don't have an ethernet set up in order to be a part of the lan or ethernet for any other reason oh i sorry yes they do uh so to connect the computers in a local area network uh they are connected through i believe an rj45 connector okay through a switch that is not connected to the outside world um so

What what processes you do you go through just to make sure i'm assuming that that you're very very careful and making sure that you're maintaining uh the highest level of safety because we you know we you just we're speaking to the hackers convention and all of the things that are going on we just i think heard about our treasury getting hacked uh or and

We know how often the governmental entities are that people are making efforts to do that i'm assuming that as you're working on your systems that there is a point

where there could be access to it before this information gets pushed out and updated into the different states what efforts do you guys do you take to make sure that this is it that this system is as protected as

It could possibly be so that it's not accessible to um to nefarious people well there's several things that we do um we are part of a federal program for a vulnerable of of coordinated vulnerability disclosure we routinely send our equipment to white hat white hat hackers for vulnerability testing we obviously rely and follow eac guidelines very closely we work collaboratively with our customers who do their own vulnerability testing through their own independent test agencies to that end and

I don't recall as talking about a hacker convention maybe that was during the break but we've even expressed interest in participating in a hacker convention as long as it made sense in terms of some semblance of real ballot security um as opposed to just ripping apart machines in a way that's obviously um obviously would be detected we actually if you've heard of the defcon conference that uh this year i believe it was cancelled but uh the one that happened in 2019 uh we had an agreement

With uh mr braun uh we actually sent equipment there and that invitation was revoked unfortunately while we were there but these types of things are not new for us our first vulnerability testing happened in new york uh in 2008 and we've done several since so in the event that you were to see a um a vulnerability or experience a vulnerability do you have a process in place to respond to it i'm hesitant to ask you what

That process would be because i think that might weaken it but uh well it's uh it is a very well documented process in california where it's required um with a i think it's within 20 days we strive to uh report it as soon as we are aware of any vulnerability or report or any problem from an internal standpoint uh we are very collaborative with our customers uh in discussing uh our own internal security testing and vulnerability practices thank you very much i

I would i as always happens i usually end up coming up with 25 questions after we're no longer talking i would love the opportunity uh in the future to send a letter or something or perhaps have you in the future if if those come up thank you very

much for being available to us thank you thank you senator senator mcdonald thank you mr chair i realize we're short on time so i'll be brief i just got a couple questions uh with regard to tcf um we

Have sworn testimony that the machines had physical and wireless networks active we also understand that according to your testimony moments ago the equipment may not have had the latest software anti-virus patches in place in light of this would you consider to be impossible for an on on premise or local network adversary to gain access to one or more machines or computers especially if

They were well-versed in the source code would it be impossible for anything to be manipulated so first let me start off by saying i if there has been any testimony that has been found to be credible um by a judge or by an election official i'm not aware of it um i can i've testified today uh that our systems are designed to be in

A closed area network and that we do not have wireless capability on our systems and so was there does that answer your question um somewhat is it impossible to to breach it yes or no i i certainly think so uh okay but then again even if it was possible it'd certainly be detectable um and

At the end of the day i keep coming back to the paper ballots because there's a good reason for it even if balance if anything like what you're suggesting is possible and i certainly don't think it is um and if there's sworn testimony that something happened i haven't i'm not aware of it if it's been found to be independently credible um but

The ballots the paper ballots would not match the result of the county canvas process and that's so in in terms of the accuracy of uh the tabulation as long as they're you're you're able to complete and certify canvas process um you should you you would be um you would know that your ballots were accurately counted because you've got the ballots still in

Your possession thank you just one more question sir um can you provide the check sums of the voting software when it was certified and can they be compared with what is currently on the voting machines so absolutely you shouldn't get that from us you should get that from certification agencies in the independent test labs and

That is a part of regular post-election um reviews okay thank you thank you sarah mcdonald mr polis uh how are the employees um not so much for well even at dominion how do you go about checking them make sure that they don't have foreign connections i think that was a question that senator tice kind of started on but then went in

A different direction so what is your process for assuring that the there isn't some sort of illicit influence or going on with the programming uh we do very extensive background checks on our employees uh through third parties uh this is part of our uh voluntary disclosure that we have with uh our state partners as

It pertains to our contract employees we employ third-party temp firms and part of their obligations and accountabilities to do background checks criminal checks and the like and what about the background then of those who use as third party vendors for hardware technical know-how are you checking those sources as well well for for

ADDITIONAL QUESTIONS

That type of work we work with eac recommended itas and they maintain security checks background checks on those that they're making recommendations for yes they do completely different complete switch here than in line of questioning the digital images of the ballots is this something that's only taken of absentee ballots or are there digital images taken of the ballots that are done in

In person polling places as well digital images can be recorded on all of our paper scanners and are those um is that done i mean is every ballot kept made an image of it's a county by county decision so in the case of antrim county i can tell you that they were not recorded which is how we know for certain um above

CLOSING STATEMENTS

All of the other checks that adjudication digital adjudication could not have been used there and so for those who do take digital images of the ballots are those what are those files as far as security goes how can how can we be sure they don't become modified later uh well they are digitally encrypted and signed um and securely

stored in two different places and ultimately they would have to match the paper ballots any other members have any additional follow-ups at

ADJOURNMENT

This time well mr polis again we want to thank you for making yourself available to us and um i hope that you will avail yourself if we ask you to come back i would certainly try to assure you it would be a shorter time period if we did have to have you come back and do some additional follow-up and

I would likely want to um you know kind of gather the questions that we might have such as senator tyse mentioned get them written down send them to you and then ask you to come in and do a a brief follow-up with us to answer any questions that we either don't really have fully developed in

Our minds right now or might come to us here in the next day or two i hope that would be acceptable uh chair mcBroom i appreciate the opportunity for having me and giving me an opportunity to correct a lot of the record of of what's been said okay thank you so much thank you mr mr brower as well thank you for

Your attention today too mr chairman thank you and to the committee and if if the chair or the committee does have follow-up questions we'd be happy to consider anything in writing you might want to submit we'll look forward to getting that from you so thank you very much okay thank you gentlemen bye-bye bye members i will see you across the street at bogey tower when

We when the senate oversight committee next convenes which will be shortly so paul is that still correct we're coordinating with the house but yes so please head there somewhat directly yes so uh vice chair lucido moves at the senate oversight committee adjourn hearing no objections we're adjourned you