

June 20, 2024

Attorney General Dave Yost  
30 E. Broad St., 14<sup>th</sup> floor  
Columbus, OH 43215

Dear Attorney General Yost,

I am writing to express my concerns and objections regarding the current version of House Bill 472 and Senate Bill 274, which are presently in committee. I believe this bill in its present form in each house undermines the will of Ohio voters and subverts basic civil rights of Ohio voters.

It is your responsibility to reject these ineffectual reforms and to respond to the concerns of your constituents, who want and expect that elections be held transparently. The only way that this can be assured is through hand counting of counterfeit-proof, serialized paper ballots. There is more than enough time to enact emergency legislation to provide a real and transparent solution for Ohio voters. As “emergency” legislation was passed to enable the DNC to certify their candidate for President for 2024 in an untimely and unlawful manner, you have more than enough time to enact legislation to rule out the use of electronic voting systems in this state.

I do not believe that the truly pressing concerns over cybersecurity and certification of electronic voting systems are being properly addressed in HB 472 and SB 274. This is unacceptable, and I am calling on you in your official capacity to uphold Ohio state and constitutional laws when you consider your position on whatever version of this bill is presented for you when it comes to the floor for a vote. A detailed discussion of concerns relating to certification and cybersecurity compliance are detailed in the attached Open Letter to Attorney General Yost, sent to his office on behalf of multiple Ohio voters in late February 2024. In addition, it is my understanding that the Open Letter has been sent the vast majority of county Boards of Elections in this state, some of whom forwarded it to Secretary of State LaRose in March 2024. Despite no one refuting the actual concerns raised in the Open Letter, not one political subdivision or state office holder (i.e., AG Yost and Secretary of State LaRose) have taken any action with regard to these specific concerns. It is incumbent upon you to take appropriate action.

The Open Letter highlights the Ohio Secretary of State’s Everest Report from 2007, which concluded that “[t]he security of the studied election systems is crippled by flaws in its design and implementation. Therefore, after an extensive analysis, the teams unanimously believe that such flaws mandate fundamental and broad reengineering before the technical protections can approach the goal of guaranteeing trustworthy elections.” In addition, the Open Letter discusses that, as early as 2004, Ohio was placed on notice by whistleblower testimony that it was possible to manipulate source code in tabulating machines and to manipulate results without such manipulation being easily detectable (and some code could self-delete upon execution). That problem remains a concern to this day. Dr. Alex Halderman similarly concluded in *Curling v. Raffensburger* (per Judge Totenberg) that, even with the “updated” machines in Georgia:

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and contests have no such assurance. And even the most robust risk-limiting audit can only assess an election outcome; it cannot evaluate whether individual votes counted as intended. . . .

Additionally, in March 2024, the Barry County (Michigan) Sheriff, Dar Leaf, raised “national security concerns” based on his investigation. He submitted supporting documents to the U.S. House of Representatives through Representative Jim Jordan. Sheriff Dar Leaf has made documents from his investigation publicly available. We call upon you to take careful heed of the growing amount of evidence bringing the security of these systems under greater scrutiny.

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The Open Letter clearly points out that returning to counterfeit-proof, serialized paper ballots counted by hand is the only acceptable way to restore trust in what is now a very broken and unnecessarily litigious system.

As discussed in the Open Letter, the above concerns are nothing new. However, the core concerns discussed here and in more detail in the Open Letter have not been addressed and are still not addressed in HB 472 and SB 274. Each persists in maintaining a highly flawed and non-transparent certification system for voting systems and provides a token gesture of an additional layer of unknown and unaccountable third-party technical experts. However, the proposed solution would actually bring less transparency when the opposite is needed. It should be self-evident that the answer to breaking down non-transparent and unaccountable bureaucratic structures is not to add even more layers of bureaucracy or, worse still, to outsource such serious responsibility outside the government to persons who cannot be held democratically accountable.

This proposed “solution” of bringing in unaccountable “experts” brings even less transparency to the certification and compliance process and undermines accountability and public trust in the election process. This is alarming and unacceptable. Ohio voters have a right to observe the actual counting of the vote, and machines, which tally scanned ballots through an unaccountable and non-transparently programmed and maintained “black box,” deprive Ohio voters of this right. I am holding you responsible for ensuring that Ohio voters are heard and that their votes can be observed to be counted, as contemplated in Ohio law. It is your responsibility to ensure that Ohio elections are administered consistent with the U.S. and Ohio Constitutions.

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Sincerely,

Enclosure

June 20, 2024

Secretary of State Frank LaRose  
180 Civic Center Dr.  
Columbus, OH 43215

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Sincerely,

Enclosure

June 20, 2024

Senator J. D. Vance  
1240 East 9<sup>th</sup> St., Suite 3061  
Cleveland, OH 44199

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Enclosure

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Senator Sherrod Brown  
801 West Superior Ave  
Suite 1400  
Cleveland, OH 44113

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Given the complexity of the problem and the relative ease with which a legislative solution of moving away from electronic voting systems can be achieved, the Open Letter demands that emergency legislation be enacted to move to hand counting of paper ballots prior to the 2024 election. There is still time to pass legislation in time for the Secretary of State to act in compliance with a legislative mandate to conduct elections using counterfeit-proof, serialized paper ballots and to mandate hand counts of these ballots to avoid the issues raised in the Open Letter. In fact, in Special Session HB No. 2 of this year, you passed an emergency act to allow the Democrat Party additional time to certify their nominee for president on the Ohio ballot, and, astonishingly enough, it was effectuated by simply stating: "Notwithstanding any provision in the Ohio Revised Code to the contrary ...." The General Assembly has demonstrated just how easy it can be to pass emergency measures when it has the will to do so. There is no reason why the same cannot be done for counterfeit-proof, serialized paper ballots which must be counted by hand for November 2024.

Given the above concerns and those raised in the Open Letter, I urge you to reject the current provisions of HB 472 and SB 274 and to be open to the common-sense and transparent reforms the people in your district expect. If the goal truly is to increase transparency and trust in election results, then no other solution can remotely approach the transparency achieved with hand counted paper ballots. I also believe that more robust accountability is needed from local election officials to their constituents, who appear to be overly dependent on the position taken by Secretary LaRose.

I appreciate your attention to these critical issues and look forward to your response on how we can work together to ensure a secure and inclusive electoral process in Ohio.

Sincerely,

Enclosure

June 20, 2024

Representative Bride Rose Sweeney  
State Representative House District 16  
Vern Riffe Center, Floor 10  
77 South High St  
Columbus, OH 43215

Dear Representative Sweeney,

I am writing to express my concerns and objections regarding the current version of House Bill 472 and Senate Bill 274, which are presently in committee. I believe this bill in its present form in each house undermines the will of Ohio voters and subverts basic civil rights of Ohio voters.

It is your responsibility to reject these ineffectual reforms and to respond to the concerns of your constituents, who want and expect that elections be held transparently. The only way that this can be assured is through hand counting of counterfeit-proof, serialized paper ballots. There is more than enough time to enact emergency legislation to provide a real and transparent solution for Ohio voters. As “emergency” legislation was passed to enable the DNC to certify their candidate for President for 2024 in an untimely and unlawful manner, you have more than enough time to enact legislation to rule out the use of electronic voting systems in this state.

I do not believe that the truly pressing concerns over cybersecurity and certification of electronic voting systems are being properly addressed in HB 472 and SB 274. This is unacceptable, and I am calling on you in your official capacity to uphold Ohio state and constitutional laws when you consider your position on whatever version of this bill is presented for you when it comes to the floor for a vote. A detailed discussion of concerns relating to certification and cybersecurity compliance are detailed in the attached Open Letter to Attorney General Yost, sent to his office on behalf of multiple Ohio voters in late February 2024. In addition, it is my understanding that the Open Letter has been sent the vast majority of county Boards of Elections in this state, some of whom forwarded it to Secretary of State LaRose in March 2024. Despite no one refuting the actual concerns raised in the Open Letter, not one political subdivision or state office holder (i.e., AG Yost and Secretary of State LaRose) have taken any action with regard to these specific concerns. It is incumbent upon you to take appropriate action.

The Open Letter highlights the Ohio Secretary of State’s Everest Report from 2007, which concluded that “[t]he security of the studied election systems is crippled by flaws in its design and implementation. Therefore, after an extensive analysis, the teams unanimously believe that such flaws mandate fundamental and broad reengineering before the technical protections can approach the goal of guaranteeing trustworthy elections.” In addition, the Open Letter discusses that, as early as 2004, Ohio was placed on notice by whistleblower testimony that it was possible to manipulate source code in tabulating machines and to manipulate results without such manipulation being easily detectable (and some code could self-delete upon execution). That problem remains a concern to this day. Dr. Alex Halderman similarly concluded in *Curling v. Raffensburger* (per Judge Totenberg) that, even with the “updated” machines in Georgia:

Despite the addition of a paper trail, ICX malware can still change individual votes and most election outcomes without detection . . . Although outcome-changing fraud conducted in this manner could be detected by a risk-limiting audit, Georgia requires a

risk-limiting audit of only one contest every two years, so the vast majority of elections and contests have no such assurance. And even the most robust risk-limiting audit can only assess an election outcome; it cannot evaluate whether individual votes counted as intended. . . .

Additionally, in March 2024, the Barry County (Michigan) Sheriff, Dar Leaf, raised “national security concerns” based on his investigation. He submitted supporting documents to the U.S. House of Representatives through Representative Jim Jordan. Sheriff Dar Leaf has made documents from his investigation publicly available. We call upon you to take careful heed of the growing amount of evidence bringing the security of these systems under greater scrutiny.

Elon Musk commented as recently as June 15, 2024, that “We should eliminate electronic voting machines. The risk of being hacked by humans or AI, while small, is still too high.”

Robert F. Kennedy Jr. stated that: “U.S. Citizens need to know that every one of their votes were counted, and that their elections cannot be hacked. We need them to return to paper ballots to avoid electronic interference with elections.”

Donald J. Trump called for the use of paper ballots in his speech on February 17, 2024, and commented that paper ballots cost 9% of what it costs to use machines!

The Open Letter clearly points out that returning to counterfeit-proof, serialized paper ballots counted by hand is the only acceptable way to restore trust in what is now a very broken and unnecessarily litigious system.

As discussed in the Open Letter, the above concerns are nothing new. However, the core concerns discussed here and in more detail in the Open Letter have not been addressed and are still not addressed in HB 472 and SB 274. Each persists in maintaining a highly flawed and non-transparent certification system for voting systems and provides a token gesture of an additional layer of unknown and unaccountable third-party technical experts. However, the proposed solution would actually bring less transparency when the opposite is needed. It should be self-evident that the answer to breaking down non-transparent and unaccountable bureaucratic structures is not to add even more layers of bureaucracy or, worse still, to outsource such serious responsibility outside the government to persons who cannot be held democratically accountable.

This proposed “solution” of bringing in unaccountable “experts” brings even less transparency to the certification and compliance process and undermines accountability and public trust in the election process. This is alarming and unacceptable. Ohio voters have a right to observe the actual counting of the vote, and machines, which tally scanned ballots through an unaccountable and non-transparently programmed and maintained “black box,” deprive Ohio voters of this right. I am holding you responsible for ensuring that Ohio voters are heard and that their votes can be observed to be counted, as contemplated in Ohio law. It is your responsibility to ensure that Ohio elections are administered consistent with the U.S. and Ohio Constitutions.

In addition, I have concerns over HB 472’s provisions that allow county governments to choose between using paper ballots and voting machines. Specifically, the bill enables counties to decide whether to hand-count paper ballots instead of using machines. This decision can be made by the county board of elections, or the county commissioners, but it does not explicitly mention how voters themselves could choose paper ballots. Instead, the approach appears to be to give local authorities the flexibility to opt for hand-counting as a contingency measure, particularly in response to potential cybersecurity threats. This flexibility may provide a backup plan in case of cyberattacks that could compromise electronic voting systems – which belies the fact that paper ballots do not share these vulnerabilities! Therefore, while HB 472 supports the use of paper ballots, it does so primarily through decisions made by county officials rather than direct voter-initiated referendums. While SB 274 does allow for a voter-led petitioning process, it does not provide voters an option for this crucial election cycle. It is not clear what deadline voters would have to submit a petition – and by the time any legislation passes, there would not be

sufficient time for voters to organize. In sum, neither approach is acceptable to protect voters in the 2024 election cycle.

The present problem with placing the responsibility for returning to paper ballots in the hands of local governments is that they have not been responsive to concerns raised by Ohio voters. Many county governments received the Open Letter, and I am not aware of any interest on the part of a local government in this State (or the State Attorney General or Secretary of State) to take concrete steps to investigate or address the concerns raised in it. Such disinterest in the concerns raised indicates at the very least a failure to acknowledge the role and responsibility of local and State government officials to administer elections in compliance with Ohio law and the Ohio Constitution. I believe there has been a catastrophic failure in this regard. Consequently, neither HB 472 nor SB 274 address the very real concern that local (or State) governments may not respond to concerns raised by voters about these cybersecurity and certification issues or otherwise act in a manner consistent with their legal obligations as public office holders.

Given the complexity of the problem and the relative ease with which a legislative solution of moving away from electronic voting systems can be achieved, the Open Letter demands that emergency legislation be enacted to move to hand counting of paper ballots prior to the 2024 election. There is still time to pass legislation in time for the Secretary of State to act in compliance with a legislative mandate to conduct elections using counterfeit-proof, serialized paper ballots and to mandate hand counts of these ballots to avoid the issues raised in the Open Letter. In fact, in Special Session HB No. 2 of this year, you passed an emergency act to allow the Democrat Party additional time to certify their nominee for president on the Ohio ballot, and, astonishingly enough, it was effectuated by simply stating: "Notwithstanding any provision in the Ohio Revised Code to the contrary ...." The General Assembly has demonstrated just how easy it can be to pass emergency measures when it has the will to do so. There is no reason why the same cannot be done for counterfeit-proof, serialized paper ballots which must be counted by hand for November 2024.

Given the above concerns and those raised in the Open Letter, I urge you to reject the current provisions of HB 472 and SB 274 and to be open to the common-sense and transparent reforms the people in your district expect. If the goal truly is to increase transparency and trust in election results, then no other solution can remotely approach the transparency achieved with hand counted paper ballots. I also believe that more robust accountability is needed from local election officials to their constituents, who appear to be overly dependent on the position taken by Secretary LaRose.

I appreciate your attention to these critical issues and look forward to your response on how we can work together to ensure a secure and inclusive electoral process in Ohio.

Sincerely,

Enclosure