From:	Ken Cuccinelli Email Address
Sent:	Friday, December 18, 2020 2:54 PM
To:	Donoghue, Richard (ODAG)
Cc:	Early, Emily
Subject:	Follow up
Attachments:	MI Report Summary.pdf

Rich,

Brandon is doing three briefings today, among other things, so rather than wait for him to resurface, I thought we should get this back to you.

Please note that this is based only on publicly available information and is effectively a high level summary of the concerns with the report as requested   it is not a full white paper.

I hope it is useful, though as it relates to the particular county, the hand recount would seem to have addressed matters in that jurisdiction.

Sincerely,
Ken Cuccinelli

Voters in Antrim County, Michigan, voted on paper ballots. Those records were reviewed yesterday and recounted by hand. This verification, independent of the software and hardware systems in question, returned results that indicates the consistency of the systems, with a 12 vote difference from the previous final tally.

The Allied Security Operations Group Antrim Michigan Forensics Report was issued prior to yesterday's hand recount. The report draws conclusions based upon descriptions of software that it is our understanding Antrim County does not own, and for versions of the software we understand to be incompatible with the version of the voting system Antrim County owns.

- The Dominion Voting System's (DVS) Democracy Suite (D-Suite) 5.5 that is used in Antrim County, Michigan was certified by the United States (U.S.) Election Assistance Commission (EAC) on September 14, 2018.[2] The D-Suite 5.5 voting system is comprised of multiple software, hardware, and firmware components. The back-end computer server system, known as the Election Management System (EMS), is a suite of multiple independent software applications. Antrim County only uses a subset of those software applications.

- It is our understanding that Antrim County does not use the ballot adjudication application software addressed in the report, and does not have compatible systems, mainly the ImageCast Central tabulator and thus has no forensic logs of such systems. The lack of such logs is raised in the report, but given that Antrim County does not use the adjudication application, there would be no logs of such use.

- When hand-marked paper ballots are scanned by a machine, the machine will alert election officials to things like write-in voting, damaged ballots, overvotes, undervotes, and stray marks. The evidence provided in the report that shows screenshots of logs and file settings describe situations where the machine performed the intended processes based on the configuration settings. Counting programmed machine alerts that are for common occurrences in an election does not demonstrate error on the part of the machine, yet the report appears to treat such occurrences as errors for their compilation purposes.

- Discussion of the possibility that Ranked Choice Voting may have been enabled is not applicable given the systems in use in Antrim County. It is our understanding that Dominion Voting System's (DVS) Democracy Suite (D-Suite) 5.5 does not have Ranked Choice Voting capability the screenshot provided is for D-Suite 5.11.[3]

Discussion in the report is inconsistent with the current voting system certification process in the US Election Assistance Commission's Voluntary Voting System Guidelines.[4] Finally, we would leave to the Department of Justice evaluation of the references to the Help America Votes Act.

Hendrickson, Clara and Paul Egan, "Antrim County hand tally affirms certified election results." Detroit Free Press. Dec. 17, 2020. "Previous final tally" references the fact that there were acknowledged errors in earlier counts explained as being related to how the machines were used, not errors by the machines themselves.

[2] https://www.eac.gov/sites/default/files/voting_system/files/DSuite55_CertConf_Scope%28FINAL%29.pdf (last accessed on December 15, 2020)

[3] *Ibid*

[4] https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.0_Volume_1.PDF (last accessed on December 15, 2020)

From:	Donoghue, Richard (ODAG)
Sent:	Friday, December 18, 2020 3:05 PM
To:	Ken Cuccinelli Email Address
Subject:	RE: Follow up

I agree about the hand count in Antrim. Understand the limited scope of this and will be sure the AG knows that. Thanks very much.

Fro Ken Cuccinelli Email Address
Sent: Friday, December 18, 2020 2:54 PM
To: Donoghue, Richard (ODAG) <ricdonoghue@jmd.usdoj.gov>
Cc: Early, Emily (b) (6)   >
Subject: Follow up

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Sincerely,
Ken Cuccinelli

From:	Donoghue, Richard (ODAG)
Sent:	Friday, December 18, 2020 3:11 PM
To:	Watson, Theresa (OAG)
Subject:	FW: Follow up
Attachments:	MI Report Summary.pdf

Theresa,

Please forward this attachment to the AG.

Thanks,

Rich

Fro Ken Cuccinelli Email Address

Sent: Friday, December 18, 2020 2:54 PM
To: Donoghue, Richard (ODAG) <ricdonoghue@jmd.usdoj.gov>
Cc: Early, Emily (b) (6)   >
Subject: Follow up

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