

Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786
May 7, 2021

To: George Cleveland

Subject: Extracting Public Information from Karen Bell, NCSBE.

Two significant events have occurred since I sent my first email to you on 5/5/2021.

- First, and most important, Karen Bell got off the dime and assigned my public request to a Pat Gannon, someone that generates spin for the NCSBE. I received an official response to my original Request for Public Information directed to Karen Bell on 4/24/2021 through Pat Gannon. I will include it in this letter.
- This topic with the modems in the ES&S DS200 voting machines is gaining traction, as the story was splattered all over The Daily Haymaker. <https://dailyhaymaker.com/redactions-elections-obfuscation/>

To refresh, I had asked in my original request to Karen Bell on 4/24/2021, two simple things:

- Did you know prior to the article cited in Mr. Delancy's post if you even knew that ES&S had designed as part of the DS200 line of products secret modem capability?, and
- When did you contact ES&S to confirm if Telit modems were present in your equipment?

Additionally, I requested she do the following:

- Can you direct Robert Inman and our local board of directors to have Jeremy Fish do a walk-through with me?

Subsequent to my sending you my first email on 5/5/2021, I received the following email from Karen Bell.

Subject: RE: [External] Fwd: Request for Information, re: ES&S DS200 Telit Modem Component.
Date: Wed, 5 May 2021 20:22:54 +0000
From: Bell, Karen B <Karen.Bell@ncsbe.gov>
To: Monroe Miller <monroemillerjr@bellsouth.net>, George Cleveland <George.Cleveland@ncleg.gov>
CC: Jay N. DeLancy <jay@voterintegrityproject.com>, Robert Inman <robert.inman@haywoodcountync.gov>, Gannon, Patrick <Patrick.Gannon@ncsbe.gov>

Mr. Miller,

I previously provided your request to our Public Information Officer, Pat Gannon, who is copied on this email. We receive numerous requests and work through them in the order received and the extent of what is being requested. You may also consider submitting your request through this link, which provides a confirmation when you submit a request and updates: <https://ncsbe-nc.nextrequest.com/> .

Karen Brinson Bell
Executive Director, NCSBE
(919) 814-0700

Great! I'm going to be passed on to some hopper and asked to communicate with a public relations officer that typically generates spin. I was notified the next day that my request had been put into the hopper. At least that part of the process seems to work.

Subject: Your first record request #21-47 has been opened.
Date: Thu, 06 May 2021 15:03:23 +0000
From: North Carolina State Board of Elections <support@nextrequest.com>
Reply-To: ncsbe-nc_21-47-requester-notes@inbound.nextrequest.com
To: monroemillerjr@bellsouth.net

Your first North Carolina State Board of Elections record request (request number #21-47) has been submitted. It is currently unpublished and is not available for the general public to view.

Hi,

We have received your public records request, and we thank you for your interest in North Carolina elections.

State Board of Elections staff will respond to your request as promptly as possible. Please let us know if you have any questions.

Thanks,

State Board staff

View Request 21-47
<http://ncsbe-nc.nextrequest.com/requests/21-47>

As the requester, you can always see the status of your request by signing into the North Carolina State Board of Elections Public Records portal [here](#).

If you haven't already activated your account, [click here](#) to get started. Once your account is activated, your request will be visible at the following link: Request #21-47.

I received a response in the afternoon, later that day with the following message, evidently created by Pat Gannon:

Subject: [External Message Added] North Carolina State Board of Elections public records request #21-47
Date: Thu, 06 May 2021 20:30:29 +0000
From: North Carolina State Board of Elections <support@nextrequest.com>
Reply-To: ncsbe-nc_21-47-requester-notes@inbound.nextrequest.com
To: monroemillerjr@bellsouth.net

A message was sent to you regarding record request #21-47:

Mr. Miller,

To our knowledge, there is no "secret modem capability." As we stated in the letter to Rep. Cleveland:

"This component is not resident on the DS200, but rather a separate module that is only installed in DS200s in those jurisdictions where the State permits their use. As stated earlier, this component is not used, nor certified, in North Carolina, and therefore not present in machines here."

We knew that NC law prevents the use of modems in election systems and that no NC county has used a modem in at least several years. We knew that any system with modems is not certified for use in North Carolina. When new equipment is delivered to counties, we conduct acceptance tests to ensure the equipment delivered is the same equipment that is certified in NC and was ordered by the county. We have no evidence that any ES&S machine in North Carolina contains a modem or a Telit chip.

I contacted ES&S on April 13 to inquire about the Telit chip article from Mr. Delancy as we started to get questions about it.

The State Board is working on an explainer video that tracks a NC ballot from the voter to the public reporting of results. As soon as that video is complete (it likely will be at least several months), we will release it to the public. It should answer your questions.

For now, here's a basic description of what happens when you insert your ballot into a tabulator:

Election results data are generated in the ballot tabulators at each voting location in every county during early voting and on Election Day. When a voter casts a ballot in a tabulator, that voter's selections are recorded on a media card in the tabulator. These cards, which come from certified, tested and secured voting equipment overseen by bipartisan election officials, are securely delivered with proper chain of custody to the county board of elections office. There, the results are loaded into the voting system election management software, which is not connected to the internet, to aggregate county results. The county files are then loaded onto a new, unused flash drive for upload to the state Election Reporting System (ERS), where they are made available to the public on the State Board's website here: [NC SBE Contest Results](#).

Official election results are verified by the State Board of Elections at state canvass after a series of post-election audits and, if necessary, recounts.

Please let me know what additional questions you have.

Patrick Gannon (patrick.gannon@ncsbe.gov)

There is only one (1) aspect of this response that actually deals with the original Request for Public Information that I sent to Karen Bell, which was:

- When did you contact ES&S to confirm if Telit modems were present in your equipment?

I gather from Pat Gannon's response that Karen Bell did not make the call to ES&S, rather the NCSBE public information officer made the call.

No other aspects of my original Request for Public Information had been answered.

The Daily Haymaker.

The first time Karen Bell's letter in response to your original inquiry to her dated 4/13/2021 saw the light of day was in a response to my Request for Public Information sent to me by Robert Inman, the local Haywood County Board of Elections.

<https://www.haywoodtp.net/pubII/210414InmanResponseToRequestForInformation.pdf>

Following the links in the Daily Haymaker, your letter and her response have been dissected. If you haven't seen it, I will reproduce here as best I can.

<https://voterintegrityproject.com/sbe-denials/>

Text highlighted in **red** appear to be generated by th Voter Integrity Project.

April 19, 2021 (Raleigh) Our report last Tuesday about modem chips being embedded in Michigan's ES&S DS200 tabulation machines and our linking it to the DS200's being used in around 80 NC counties, has drawn the ire of the North Carolina State Board of Elections, along with a copy of the response they provided to Representative George Cleveland.

The exchange began after Rep Cleveland saw last Tuesday's post about modem chips being embedded in the ES&S DS200 tabulators. He then forwarded our report and asked his question above our story.

Rep Cleveland told Ms. Bell, "The below is disturbing to say the least. It appears that our ES&S machines were possibly subject to manipulation through a modem connection. It also appears that the only way to alleviate distrust and suspicion of the 2020 vote it to have a hand- eye recount to ascertain with some certainty that the vote was correct. Suggestions please."

The Empire Strikes Back

Bell's response is below, with our critique commentary interspersed in bold red. All hyperlinks are in blue.

From: Bell, Karen B
Sent: Thursday, April 15, 2021 6:26 PM
To: Rep. George Cleveland

RE: [External] FW: Modems Discovered in NC Election Machines

Good evening Rep. Cleveland,
Picture of Rep Cleveland

State Representative George Cleveland

Thank you for the opportunity to respond to the blog post, "Modems Discovered in NC Election Machines." We believe additional, accurate information will be beneficial for your full understanding of this topic.

The modems referenced in the article cited in Mr. DeLancy's blog post – the Telit chip – are not present in any ES&S DS200 machine in North Carolina. We have confirmed this with ES&S. In fact, in North Carolina, there is not a single modem of any type in any DS200 tabulator, according to ES&S.

Wow! That's great news!

Now . . . how can we verify that claim?

The way you citing ES&S sales literature reminds us of a rumor we've heard: On election night last November, could you publicly confirm that no current or former ES&S employees ever had direct access to machines at either the State or the County level?

The Voter Integrity Project blog post references the optional cellular connection enabling hardware that is certified for use by the state of Michigan and supports DS200 transmission of results following the close of polls on election nights. ES&S's third-party supplier for this optional hardware component is Multi-Tech Systems, Inc.

According to the court's Exhibit 6, the "optional" Telit chip is embedded into the ES&S DS200 motherboard. Is ES&S saying they sell an optional motherboard? Or do they just "disable" the chip in places like North Carolina?

This component is not resident on the DS200, but rather a separate module that is only installed in DS200s in those jurisdictions where the State permits their use. As stated earlier, this component is not used, nor certified, in North Carolina, and therefore not present in machines here.

What safeguards would prevent the wrong circuit boards from being delivered to NC jurisdictions? Also, what's the cost differential for machines with (and without) that option enabled?

The blog post attempts to tie Michigan's system with North Carolina's, which is not a valid comparison. Each state has separate certification standards and often different versions of hardware and software. To our knowledge, Mr. DeLancy did not attempt to contact the State Board before publishing his blog post.

If you haven't figured this out yet, let me be clear: Since you have zero outside-agency oversight; and since you did everything you could to get rid of the witness requirement for the 2020; and since your rogue behavior last year managed to anger nearly half of the state Legislature, your words are meaningless to us. That's why I didn't ask Pat for your spin.

So, instead throwing shade at my organization and instead of parroting the claims of ES&S, how do you suggest we confirm your assertion that no election-result tabulators in the entire state have modems?

As you know, today, North Carolina law specifically prohibits the use of modems at any time and any feature that allows for modem connection must be disabled. See § 163-165.7 (j):

(j) No voting system used in any election in this State shall be connected to a network, and any feature allowing connection to a network shall be disabled. Prohibited network connections include the Internet, intranet, fax, telephone line, networks established via modem, or any other wired or wireless connection.

Thank goodness there's a law against!

Wait . . . isn't speeding also against the law?

Other inaccuracies in the article include a relationship between ES&S and the election held in Antrim County, Mich., on November 3, 2020. That jurisdiction used a voting system provided by Dominion Voting Systems. As the court filing noted, the ES&S was a certified machine in the state of Michigan, but Antrim County used the Dominion system.

The only plausible relevance this fact plays in your response was to attack our credibility. OK, Missy. We get it.

As to any suggestion to conduct a full, hand-eye recount, we believe that would be unnecessary, costly, time-consuming and a huge burden to NC counties.

As election officials panic in Maricopa County, Arizona, we realize how badly hand-eye recounts scare election officials. Who knows what a hand-eye recount might uncover? Can you at least admit that there really isn't any other way to verify the accuracy of your work?

Oh and here's a fun fact that most legislators never realized: During Presidential election years, current NC law allows hand-eye verification audits of a tiny sample of only the Presidential results. So, suppose a few insiders from Wake, Durham or Mecklenburg county elections offices or even from ES&S were corrupt enough to manipulate votes for a recount-proof victory. How would the public ever find out about it?

Most NC elections were certified on November 24, 2020, after a series of post-election audits, including a required sample hand-eye audit of at least two precincts in each county for the presidential contest, which confirmed the machine counts.

We've previously addressed your agency's cute little "audits, but what bothers me is your eroding credibility. Our state already survived that sketchy Durham County surprise in 2016 and the entire nation's confidence was tested with the 2020 elections. So beyond slogans, how can you help restore public trust in our electoral administration?

Also, a full machine recount and a partial hand-eye recount were conducted in the NC Supreme Court Chief Justice race, which confirmed the results in that contest. The partial hand-eye recount, which recounted the chief justice's contest in 3% of voting sites in the state, cost around \$60,000. A hand-eye recount of every contest on the over 5.5 million ballots in the state would be exponentially more costly.

About the cost . . . there are some affordable ways to conduct audits and there are some costly ways. The costly ways usually involve paying lots of overtime salary to election employees and only letting them handle the ballots. The affordable ways are citizen-driven methods, as seen in other states. For example, New Hampshire conducts dozens of hand-eye recounts every election cycle and their law was devised in a way that minimizes the costs. Texas uses fully scalable citizen-based absentee ballot adjudication committees. That process could easily be adapted for hand-eye recounts such that a few employees just monitor the action and keep both sides honest. Could you help lawmakers develop some less costly ways to do recounts?

We have no evidence that any voting system used in North Carolina in 2020 was manipulated or otherwise malfunctioned to the extent that results might have been affected. Federal agencies have reported that: "We have no indications that any foreign actor attempted to interfere in the 2020 US elections by altering any technical aspect of the voting process, including voter registration, ballot casting, vote tabulation, or reporting results. [...] Some foreign actors, such as Iran and Russia, spread false or inflated claims about alleged compromises of voting systems to undermine public confidence in election processes and results."

No evidence and no foreign indications, huh? That reminds me. What did y'all ever do with the solid evidence of vote fraud we gave you and New York last year? Remember? It involved somewhere around 200 people who all either voted in both NC and NY during the 2018 election or somebody else voted for them in one of the states? What did you do with that evidence? What have you done to ensure interstate double voting wasn't even more widespread this time around? That's evidence you have. We can't speculate about evidence that nobody else gave you.

We have full confidence in 2020 general election results.

Bless your heart. Of course you do, Missy! Since we pay your rather handsome salary you better have confidence! Help me understand something. Is your job both to conduct elections and to investigate electoral malfeasance, even when it could be an inside job?

Thank you,

Karen

My pleasure!

So, in conclusion, something must have triggered Karen Bell into immediate action upon my sending you the e-mail on 5/5/2021. Thank you.

Secondly, I am an electrical engineer, and have designed various equipment throughout my lifetime. So here is an idea. Why don't we all get together at the Haywood County Board of Elections office and disassemble one of the damned machines. Based on the description of the Telit modem provided by attorney Deperno

<https://www.haywoodtp.net/pubII/210414Exhibit6JimPenroseReport.pdf>

I should be easily be able to spot any such modem.

Let me know what you think.

Thank you,

Monroe A. Miller, Jr.