

**From:** [Ralph Cushnie](#)  
**To:** [OE.Elections](#)  
**Cc:** [Jade Tanigawa](#); [Lyndon Yoshioka](#)  
**Subject:** [EXTERNAL] RE: Audits/Early Counting  
**Date:** Wednesday, July 27, 2022 6:13:46 AM

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Thank you, Aulii, Does this audit comply with HRS section 16-42? It appears that one audit was done on election day the other was done 11/19/20 , 2 weeks after the election. What was the reason for the time lapse? Was the second audit done on Kauai or Oahu? Are the signatures from Kauai Poll watchers?

An Audit should be able to check the actual paper ballots and compare them to the machine results. I recommend auditing one complete district after each election.

### **Ralph Cushnie**

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**From:** OE.Elections <[elections@hawaii.gov](mailto:elections@hawaii.gov)>  
**Sent:** Tuesday, July 26, 2022 4:23 PM  
**To:** Ralph Cushnie <[ralph@cushniecci.com](mailto:ralph@cushniecci.com)>; OE.Elections <[elections@hawaii.gov](mailto:elections@hawaii.gov)>  
**Cc:** Jade Tanigawa <[jtanigawa@kauai.gov](mailto:jtanigawa@kauai.gov)>; Lyndon Yoshioka <[lyoshioka@kauai.gov](mailto:lyoshioka@kauai.gov)>  
**Subject:** RE: Audits/Early Counting

Dear Mr. Cushnie,

Please see the attached audit certification from the 2020 General Election.

Aloha,  
Aulii Tenn  
Counting Center Operations

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**From:** Ralph Cushnie <[ralph@cushniecci.com](mailto:ralph@cushniecci.com)>  
**Sent:** Monday, July 25, 2022 6:32 AM  
**To:** OE.Elections <[elections@hawaii.gov](mailto:elections@hawaii.gov)>  
**Cc:** Jade Tanigawa <[jtanigawa@kauai.gov](mailto:jtanigawa@kauai.gov)>; Lyndon Yoshioka <[lyoshioka@kauai.gov](mailto:lyoshioka@kauai.gov)>  
**Subject:** [EXTERNAL] RE: Audits/Early Counting

Good morning, Aulii, I need to make a correction. I would like the documentation for the 2020

general election. Especially “ Section 16-42 provides that the voting system be tested to ensure ballots are counted logically and accurately and that a random sample of not less that 10% of precincts be audited” Also please include documentation of the election day audit , and post-election audit.

Please address my specific points on the audit process. An audit should compare the paper ballots to the machine results and it should be random.

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**Ralph Cushnie**

**From:** Ralph Cushnie

**Sent:** Friday, July 22, 2022 4:01 PM

**To:** OE.Elections <[elections@hawaii.gov](mailto:elections@hawaii.gov)>

**Cc:** Jade Tanigawa <[jtanicawa@kauai.gov](mailto:jtanicawa@kauai.gov)>; Lyndon Yoshioka <[lyoshioka@kauai.gov](mailto:lyoshioka@kauai.gov)>

**Subject:** RE: Audits/Early Counting

Aulii, thank you, I will be working on a response to your reply over the weekend. In the meantime, please send me the Documentation for the 2020 primary election audit that you did that complies with Section Hawaii Revised Statutes 16-42 . “This provides that the voting system be tested to ensure ballots are counted logically and accurately and that a random sample of not less that 10% of precincts be audited.” Also please Include the Election Day Audit, Post-Election Audit, documentation.

Sincerely

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**Ralph Cushnie**

Board of Registration Kauai and Niihau

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**From:** OE.Elections <[elections@hawaii.gov](mailto:elections@hawaii.gov)>

**Sent:** Friday, July 22, 2022 2:32 PM

**To:** Ralph Cushnie <[ralph@cushniecci.com](mailto:ralph@cushniecci.com)>

**Cc:** Jade Tanigawa <[jtanicawa@kauai.gov](mailto:jtanicawa@kauai.gov)>; Lyndon Yoshioka <[lyoshioka@kauai.gov](mailto:lyoshioka@kauai.gov)>; OE.Elections <[elections@hawaii.gov](mailto:elections@hawaii.gov)>

**Subject:** RE: Audits/Early Counting

Aloha Mr. Cushnie,

We received your email from the County of Kauai Elections Division as the State Office of Elections is responsible for the counting of ballots. We appreciate your comments and interest in the counting process. We want to note that the processes serve as checks and balances to ensure that all ballots are counted and counted correctly as well as the security and integrity of the election.

We also want to highlight, Hawaii Revised Statutes, Section 16-42 provides that the voting system be tested to ensure ballots are counted logically and accurately and that a random sample of not less that 10% of precincts be audited. These processes work together to first confirm the voting equipment is working correctly and then confirm the election results.

Mahalo for your participation in the electoral process.

Aulii Tenn  
Counting Center Operations

State of Hawaii  
Office of Elections  
(808) 453-VOTE (8683)  
[elections.hawaii.gov](https://elections.hawaii.gov)

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**From:** Lyndon Yoshioka  
**Sent:** Wednesday, July 20, 2022 9:02 PM  
**To:** Ralph Cushnie <[ralph@cushniecci.com](mailto:ralph@cushniecci.com)>  
**Cc:** Jade Tanigawa <[jtanigawa@kauai.gov](mailto:jtanigawa@kauai.gov)>  
**Subject:** RE: Audits/Early Counting

Received.

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**From:** Ralph Cushnie <[ralph@cushniecci.com](mailto:ralph@cushniecci.com)>  
**Sent:** Tuesday, July 19, 2022 6:22 AM  
**To:** Lyndon Yoshioka <[lyoshioka@kauai.gov](mailto:lyoshioka@kauai.gov)>; Jade Tanigawa <[jtanigawa@kauai.gov](mailto:jtanigawa@kauai.gov)>  
**Subject:** Audits/Early Counting

**CAUTION:** This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Lyndon, Jade, I have read through the election manual and have the following observations:

Audits:

Background:

CISA has recently put out a report that vulnerabilities exist in election machines.

Traditionally audits are done on the terms of the auditor. The elections manual carefully dictates the terms of election audit. Therefore, the auditee is dictating the terms of the audit to the auditor.

The Election Day audit is done for the first batch of ballots run through the scanners. This is specially planned and is not random. It is possible without County Officials being aware to have different code in the machines after the first batch is run. Also, if machines are online, they can be hacked into. The post-election audit is done on ballot images. The ballot images are not compared to the actual paper ballot. Machines can change ballot images. Neither audit verifies that the votes(paper

ballots) were counted correctly. On a national level primary elections were contested from both parties and hand counts of the paper ballots revealed different results from the machine count. Parameters of the machine can be changed or programmed differently without local election officials knowing. It is our understanding that the election machines are proprietary and that a private contractor controls the machines themselves. It is our understanding that County officials turn them on and off and can operate different key functions. County officials do not have control of the machine programming.

Solution:

In order to maintain the Public's trust in Elections: Random and comprehensive audit should be done immediately after the election. The audit terms should be made by the auditors. (Representatives of parties involved in the election). No partial or % audits.

Recommendation:

Audit 1 full District.

Kauai has three districts with individual unique ballots. Randomly chose one district (by Auditors) Compare paper ballots (hand count all races) to official machine tally results immediately following all elections..

Early Counting:

Background: Mail in ballots are run through the machine up to a week prior to election day.  
Results of early tabulation are not released to the public.

Discussion: If ballots are run through the voting machines early someone knows the results. This can give some candidates an unfair advantage over others.

Recommendation: No ballots should be run through scanners until election day.

**Ralph Cushnie**

Board of Registration Kauai and Niihau