

From: [Ralph Cushnie](#)
To: [OE.Elections](#); [Kataoka, Jaime N](#); [Michael C Curtis, REALTOR](#)
Cc: [Jade Tanigawa](#); [Lyndon Yoshioka](#)
Subject: [EXTERNAL] RE: Audits/Early Counting
Date: Wednesday, September 21, 2022 6:20:13 AM

Aulii, per your communication sent July 22 below Highlighting HRS16-42. For the 2022 primary election Please explain to me how the office of elections complied with HRS16-42. Specifically b (3) did your office hand count the original paper ballots and compare them to 2 randomly selected precincts for the island of Kauai?

Jaime, please forward this to the other commissioners. Thank you.

(3) The chief election officer conducts a post-election, pre-certification audit of a **random sample** of not less than ten per cent of the precincts employing the electronic voting system, to verify that the electronic tallies generated by the system in those precincts equal hand tallies of the **paper ballots generated** by the system in those precincts

Ralph Cushnie

From: OE.Elections <elections@hawaii.gov>
Sent: Friday, July 22, 2022 2:32 PM
To: Ralph Cushnie <ralph@cushniecci.com>
Cc: Jade Tanigawa <jtanigawa@kauai.gov>; Lyndon Yoshioka <lyoshioka@kauai.gov>; OE.Elections <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 than 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

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

Received.

From: Ralph Cushnie <ralph@cushniecci.com>
Sent: Tuesday, July 19, 2022 6:22 AM
To: Lyndon Yoshioka <lyoshioka@kauai.gov>; Jade Tanigawa <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