

# Module 14



## Hard Core Evidence: Adopt Part of an Election Watch the Chain of Custody

If you don't know who is handling election machinery and data, there is absolutely no way you can know whether your election has been either fair or accurate.

### Guide for Watching Chain of Custody

**Goals:** See if you can map out where each of the key parts of the voting system are during the life cycle of the election. Identify who has access at each point and what records are kept.

#### Chain of custody applies to:

- Ballots
- Voting machines
- Memory cards
- Voting system peripherals, like voter cards and voter authentication devices
- Election data (the path of the votes from the time they are cast until they are counted and printed)

**Before the election:** Ask questions and do public records requests. Here are some good things to find out:

- Where is each key element of the election manufactured?
- Who had custody when transporting it to your jurisdiction?

- Who had access before it was stored?
- Where was it stored and who had access to its storage and how was this recorded?
- Who pulled it out of storage, and when, and was the public allowed to watch and document?
- What accounting is there for purchases of ballots, memory cards, voting system peripherals, voting machines and computers?
- What contractors have had access to parts of the system?
- Forget about who has permission to access, *who has keys*? How are keys and access logged? Are there video cameras?
- What company prints the ballots? Are there overages? Are the extra ballots at the printing house ever accounted for? Who has access to them?
- Who mails the absentee ballots?
- When absentee ballots are mailed back in, does the U.S. Post Office keep a count of those received? Where is the paperwork on that?
- Where do the mailed-in absentee ballots go after the post office? Directly to the elections office or to a middleman?
- What is the chain of custody at each stage of absentee ballot processing?
- Is any voting equipment (or supplies) sent home for sleepovers with poll workers?
- What transportation companies are in charge of delivering items to the polling place? From the polling place?

**Special chain of custody events to watch:**

- Preparing voting machines for election and/or testing: Go to the warehouse and watch as they pull them off the shelves and put memory cards into them. Watch what's going on with the memory cards/cartridges and the machines.
- Who are the people who are handling the machines and cards? Permanent employees? Temps? Have they been background-checked?

**During the election:**

- Are any memory cards or voting machines swapped during the election?
- Did technicians work on voting machines during the election?

### **After the polls close**

- Are the machine precinct counts posted at the polling place before putting them into the central counting machine?
- On Election night, observe the handling of the ballots boxes (memory cards / cartridges). Could they be swapped? Watch to see if they are ever handled by political party operatives or vendors.
- In many jurisdictions, election supplies and ballot boxes (memory cards / cartridges) are taken to a drop-off point, called by various names. You will find that almost no one watches what happens at the drop-off centers. Get a list of the drop-off sites and go observe on election night. Can you track chain of custody for memory cards, supplies, machines, peripherals? (Here is a videotape taken at a drop-off point. Could you spot a memory card swap here? <http://www.bbvdocs.org/videos/inthedark.mpg> )
- Yellow cabs, political observers or truck drivers transporting ballot boxes (memory cards / cartridges) from the polling place to the elections division on election night
- Are observers allowed to see all of the rooms where ballot box (memory card, cartridge) processing is taking place?
- Are observers allowed to watch check-in of cartridges; memory cards?
- Did technicians work on the central tabulator during the vote count?
- Were there any problems with modems or data transmission on election night?

### **During the week after the election:**

- Where are the ballots kept?
- Who has access to the ballot vault, at what hours, and how is access logged or recorded?
- During recounts, who has access to programming the machines for recount?
- Who has access to ballots?

# Your Own Additions to the Chain of Custody Module

You can share your ideas by sending to [crew@blackboxvoting.org](mailto:crew@blackboxvoting.org)



What worked well?

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What new ideas did you come up with?

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Was there anything that didn't work very well?

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