

Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786
May 23, 2021

Subject: More Email Dialog with Pat Gannon, Public Information Director at NCSBE.

The following is a very short email dialog with **Pat Gannon**, Public Information Director (a.k.a. Spinmeister) at the North Carolina State Board of Elections. The general topic is the Telit secret modem embedded in the ES&S DS200 voting machines.

Here we go...

Subject: Re: Request for Public Information.

Date: Fri, 21 May 2021 08:55:20 -0400

From: Monroe Miller

To: Patrick Gannon <Patrick.Gannon@ncsbe.gov>

CC: Karen Bell <Karen.Bell@ncsbe.gov>, Kelly Tornow <Kelly.Tornow@ncsbe.gov>, Katelyn Love <Katelyn.Love@ncsbe.gov>, George Cleveland <George.Cleveland@ncleg.gov>, Keith Kidwell <Keith.Kidwell@ncleg.net>, Jay N. DeLancy <jay@voterintegrityproject.com>, Robert Inman <robert.inman@haywoodcountync.gov>, June Ray <jray@haywoodbuilders.com>, Rusty McLean <rlmclean3@aol.com>, Howard Sorrells <sorrepen@gmail.com>, Danny Davis <davidanny@bellsouth.net>, Jeremy D. Fish <jeremy.fish@haywoodcountync.gov>, Ann Boyd <Ann.Boyd@haywoodcountync.gov>, Elizabeth Norris <endn@dost.us>

[?]

By the way, see: [Email Dialog with Pat Gannon, Public Information Director at NCSBE. 5/17/2021. 5/21/2021...](#)

Monroe A. Miller, Jr.

[Editor's Notes: Pat Gannon used my previous email to him as a templet. He then inserted text, in red, when he replied.]

Subject: RE: [External] Re: Request for Public Information.

Date: Fri, 21 May 2021 20:14:21 +0000

From: Gannon, Patrick <Patrick.Gannon@ncsbe.gov>

To: Monroe Miller

CC: Bell, Karen B <Karen.Bell@ncsbe.gov>, Tornow, Kelly <Kelly.Tornow@ncsbe.gov>, Love, Katelyn <Katelyn.Love@ncsbe.gov>, George Cleveland <George.Cleveland@ncleg.gov>, Keith Kidwell <Keith.Kidwell@ncleg.net>, Jay N. DeLancy <jay@voterintegrityproject.com>, Robert Inman <robert.inman@haywoodcountync.gov>, June Ray <jray@haywoodbuilders.com>, rlmclean3@aol.com <rlmclean3@aol.com>, Howard Sorrells <sorrelpen@gmail.com>, Danny Davis <davisdanny@bellsouth.net>, Jeremy D. Fish <jeremy.fish@haywoodcountync.gov>, Ann Boyd <Ann.Boyd@haywoodcountync.gov>, Elizabeth Norris <endn@dost.us>

Mr. Gannon,

I don't see any reference which backs up your statement as to why "the State Board does not permit members of the public to disassemble or otherwise manipulate certified voting equipment".¹ All you sent me was 08 NCAC 04.0306, which addresses voting systems at the county level, not the State Board level.

08 NCAC 04 .0306 DUTIES OF CUSTODIANS OF VOTING SYSTEMS (a) The chair of the county board of elections shall be responsible for the safekeeping, storage, maintenance and care of the voting system. The voting system shall be stored in a location such that access is restricted to county board of elections staff and the system cannot be tampered with when not in use on election day. The county board of elections may appoint as many persons as determined necessary for the maintenance, storage and care of the voting system and for the preparation and testing of the voting system and delivery to the voting precincts preceding a primary or an election. Persons employed for this purpose shall be compensated for their services as authorized by the county board of elections. (b) On election day when the system is used for voting purposes and until the chair of the county board collects the system, the voting system shall be under the supervision and control of the chief judge unless the county board of elections authorizes another elections official to have supervision and control. History Note: Authority G.S. 163-23; 163-165.7; Temporary Adoption Eff. April 15, 2002; Eff. August 1, 2004; Readopted Eff. June 1, 2019

It would appear that all I received from you was a bunch of spin.

Mr. Miller,

What you've copied above is an administrative rule, adopted by the State Board of Elections and approved by the Rules Review Commission, which is appointed by the legislature. For all intents and purposes, it has the force of law. Under state law, the State Board has general supervisory authority over all elections in this state. As the rule states, the county boards of elections are responsible for the care of their respective voting systems and must comply with this rule.

I, and many of the other employees at the State Board, have worked at this agency during Republican and Democratic administrations. The answers I provide to you are based on discussions with and advice of our IT staff, legal staff, voting systems staff, executive director and possibly others. These are the foremost experts on these topics in North Carolina. The answers I provide are facts based on the knowledge of these individuals, not spin.

Please send me a reference, i.e., NCGS, Title code, minutes of the State Board meetings, anything, that backs up your statement, other than 08 NCAC 04.0306.

By the way, I never got a response from you after George Cleveland asked that I resent my original Request for Public Information to you - " If your information request was not fulfilled in Mr. Gannon's reply please inquire of him as to the remaining questions."

(Addressed to Karen Bell) 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? **As I said in my previous response: To our knowledge, there is no "secret modem capability." And yes, we knew that some versions of DS200 machines had modem capabilities. 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.

(Addressed to Karen Bell) Can you direct Robert Inman and our local board of directors to have Jeremy Fish do a walk-through with me? **No. He is employed by his county board of elections. As I stated in my previous response: 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.

Below are links to documents that demonstrate some of the many ways we secure elections in North Carolina. The State Board of Elections routinely adds information about election security to our website, NCSBE.gov.

Election Security overview: <https://www.ncsbe.gov/about-elections/election-security>

**10 Facts About Election Security in North Carolina:
<https://www.ncsbe.gov/about-elections/election-security/10-facts-about-election-security-north-carolina>**

**How to Know Your Vote Counted in North Carolina:
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Vast Majority of NC Votes Tallied and Reported on Election Night:

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State Board of Elections' Investigation Division:

<https://www.ncsbe.gov/about-elections/election-security/investigations-division>

Post-Election Procedures and Audits:

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Cybersecurity: <https://www.ncsbe.gov/about-elections/election-security/cybersecurity>

Combating Misinformation: [Combating Misinformation | NCSBE](#)

Voter Intimidation Prohibited by Law in North Carolina:

<https://www.ncsbe.gov/news/press-releases/2020/10/09/voter-intimidation-prohibited-law-north-carolina>

U.S. Cybersecurity & Infrastructure Security Agency Rumor Control website:

<https://www.cisa.gov/rumorcontrol>

Thanks,

Pat

Patrick Gannon

Public Information Director

O: (919) 814-0765

M: (984) 204-0767

[**Editor's Note:** This is the same email as above, but Mr. Gannon is trying to train me to use their anonymous Request System. His responses here are in **bold.**]

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

North Carolina State Board of Elections Public Records
A message was sent to you regarding record request #21-47:

I sent these by email as well, but please see responses below in bold.

Mr. Gannon,

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Post-Election Procedures and Audits:

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Cybersecurity: <https://www.ncsbe.gov/about-elections/election-security/cybersecurity>

Combating Misinformation: Combating Misinformation | NCSBE

Voter Intimidation Prohibited by Law in North Carolina:

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U.S. Cybersecurity & Infrastructure Security Agency Rumor Control website:

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Thanks,

Pat

View Request 21-47

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

POWERED BY NEXTREQUEST

The All in One Records Requests Platform

Questions about your request? Reply to this email or sign in to contact staff at North Carolina State Board of Elections.

Technical support: See our help page

Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

North Carolina State Board of Elections Public Records
Record request #21-47 has been closed. The closure reason supplied was:

All records have been released, and your request has been fulfilled.

View Request 21-47

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

[Editor's Note: Text in red is from Pat Gannon's prior email.]

Subject: Request for Public Information.

Date: Sat, 22 May 2021 10:47:40 -0400

From: Monroe Miller

To: Patrick Gannon <Patrick.Gannon@ncsbe.gov>

CC: Karen Bell <Karen.Bell@ncsbe.gov>, Kelly Tornow <Kelly.Tornow@ncsbe.gov>, Katelyn Love <Katelyn.Love@ncsbe.gov>, George Cleveland <George.Cleveland@ncleg.gov>, Keith Kidwell <Keith.Kidwell@ncleg.net>, Jay N. DeLancy <jay@voterintegrityproject.com>, Robert Inman <robert.inman@haywoodcountync.gov>, June Ray <jray@haywoodbuilders.com>, Rusty McLean <rlmclean3@aol.com>, Howard Sorrells <sorrelpen@gmail.com>, Elizabeth Norris <endn@dost.us>, Danny Davis <davidsdanny@bellsouth.net>, Jeremy D. Fish <jeremy.fish@haywoodcountync.gov>, Ann Boyd <Ann.Boyd@haywoodcountync.gov>

Mr. Gannon,

Thank you for your response yesterday. I gleaned some new information from my multiple Requests for Public Information, which were interesting, but not too informative.

(Addressed to Karen Bell) 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? Her response, presumably filtered through you was: " **And yes, we knew that some versions of DS200 machines had modem capabilities.**" Well, how long before Mr. Delancy's post did she know about it?

The second item of interest was your voluntarily providing the procedure of what happens when I insert my ballot into a tabulator. You indicated: "**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.

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Well, this was part of my original Request for Public Information to Robert Inman here in Haywood County. There are 100 Counties in North Carolina, with each county operating an autonomous Board of Elections, directed by appointed Board of Directors members. I wanted to hear what they actually did, not what the State Board, you, told them what should have been done. I wanted to hear that directly from them, to see if things matched - you know.

When I made a Public Comment before the Haywood County Board of Elections, requesting detailed information as to how my vote eventually wound up at the NCSBE, I was advised by Danny Davis that they would seek guidance from you, NCSBE, Review the audio recording I made of that meeting. [.MP3 audio recording. Board of Elections Board meeting. My Public Comment. 4/13/2021...](#)

Now, you appear to be telling me it is up to the local board to make the determination. This is going round-and-round, a Catch-22, where no one appears to be taking any responsibility - not you (NCSBE) or Danny Davis. I still can't get Robert Inman to send me simple copies of Board meeting minutes relating to discussions regarding ES&S, a matter which should appear on the agenda of their June Board of Directors meeting. Robert Inman appears to be running his own little banana republic, indicating to me he can't release minutes until they are signed by all board members, not approved at any subsequent board meeting. He is squealing like a pig, where all he has to do is reach into his Board Meeting notebook (or computer) scan and send me the documents.

Thank you for sending me all of the information links, but as far as I could tell, there were no NCGS, Title code, NCSBE board minutes or anything else prohibiting taking a look inside these DS200 voting machines. There were mostly Press Releases, presumably generated by you.

I would think you all would want this to go away. The best way to do this is to let's all get together, pop one of these machines open, and call it a day. Someone from ES&S can re-certify the machine after we are done.

Let me know...

Monroe A. Miller, Jr.