



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

July 20, 2021

Mr. James M. Stein
Dick, Stein, Schemel, Wine & Frey
119 North Second Street
McConnellsburg, PA 17233

Dear Mr. Stein,

We are in receipt of your letter of June 29, 2021, written on behalf of Patti Hess and the Fulton County Board of Elections. Based on our discussions and correspondence with Fulton County officials, it appears that the contents of ballot boxes, including the voted ballots, and the components of the Dominion Democracy Suite 5.5A that were used during the 2020 November election were subjected to a post-election review by a third-party in violation of Pennsylvania's Election Code.

Pennsylvania's Election Code vests in each bipartisan county board of elections the authority and duty to maintain proper chain of custody of official ballots, balloting materials and voting systems before, during, and after each election. These requirements ensure that any official tabulation, recount, or election contest is conducted transparently in a manner that does not put at risk this critical election infrastructure.

The Department of State takes steps prior to the certification of a voting system to verify that the system successfully completes penetration testing, access control testing and vulnerability testing to ensure that every access point and all software and firmware is protected from tampering. Once a system is certified, the voting system vendor is then permitted to supply the voting system and counties are permitted to procure that system for use in Commonwealth elections, subject to the conditions of the Secretary of the Commonwealth's certification report.

Following delivery of a certified and procured system, the county is supposed to independently perform acceptance testing on the system. Thereafter, the equipment and software are expected to remain under the full control of the county.

As you have confirmed through our correspondence, Fulton County officials allowed Wake TSI, a company with no knowledge or expertise in election technology access to certain key components of its certified system. Fulton County officials permitted Wake TSI employees to access their "election database, results files, and Windows system logs." Further, the county allowed this third-party entity to use some type of "system imaging tool to take complete hard drive images of these computers" and "complete images of two USB thumb drives" used to transfer results files from their voting system computers to the computers used to upload results to the

July 20, 2021

Page 2

state's voter registration and election results reporting system. These actions were taken in a manner that was not transparent or bipartisan.

As a result of the access granted to Wake TSI, Fulton County's certified system has been compromised and neither Fulton County; the vendor, Dominion Voting Systems; nor the Department of State can verify that the impacted components of Fulton County's leased voting system are safe to use in future elections.

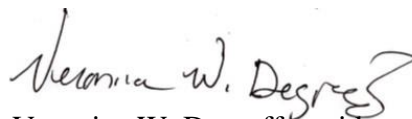
Due to these actions and after careful consideration, under the authority granted to the Secretary of Commonwealth under Sections 1101-A through 1122-A of the Pennsylvania Election Code, I have no other choice but to decertify the use of Fulton County's leased Dominion Democracy Suite 5.5A voting system last used in the November 2020 election.

Please know that I did not arrive at this decision lightly. I have a statutory obligation to examine, evaluate and certify electronic voting systems. These reviews include verifying that the voting system conforms to federal and state law and any regulations or standards regarding confidentiality, security, accuracy, safety, reliability, usability, accessibility, durability, resiliency, and auditability. I am also mindful of my federal obligations under Executive Order 13636, which focuses on measures required for infrastructure security and the action taken by the United States Department of Homeland Security to designate elections as critical infrastructure under the "Government Facilities" sector.

Please know that Department stands ready to support you in any appropriate manner.

If you have any questions, do not hesitate to reach out to my office directly.

Sincerely,



Veronica W. Degraffenreid
Acting Secretary of the Commonwealth

Cc: Fulton County Board of Elections