

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by James M. Johnson and Ana M. Johnson
Leesburg, Fla.

File No. 2021-168

FINDINGS AND CONCLUSIONS

Complainants James M. Johnson and Ana M. Johnson of Leesburg, Florida, filed this complaint pursuant to Connecticut General Statutes §9-7b alleging that the 2020 presidential election results in Connecticut were inaccurate on the basis that the electronic voting machines improperly assigned votes intended by the elector for Donald Trump to Joe Biden. After investigating the allegations raised in the complaint, the Commission makes the following findings of fact and conclusions of law:

1. Complainants filed this complaint on September 20, 2021, alleging that during the November 3, 2020 general election, “votes were flipped from President Donald Trump to Joe Biden in the election via electronic voting machines.”
2. Complainants stated in their complaint “[i]t is a fact that voting machines during the election were hooked to the Internet.” In support of this allegation, Complainants provided a list of IP addresses purported to have accessed voting systems and changed the actual vote totals to be more favorable to Joe Biden in the November 3, 2020 general election.
3. Complainants provided no first-hand evidence to support their allegations that voting results in Connecticut had been compromised, other than citing to online sources – none of which cited specific allegations of elections irregularities in Connecticut – and all of which have now largely been discredited through federal¹, state², and local government³ investigations into the purported election issues during the 2020 election cycle.

VOTING IN CONNECTICUT

4. Connecticut converted from mechanical voting machines to paper ballots in 2006. Since then, all Connecticut elections, primaries, and referenda have been conducted via paper

¹ See, e.g., Testimony before Congressional Hearings on January 6th (June 13, 2022) (reflecting comments by former U.S. Attorney General Bill Barr, among others, discounting claims that presidential election was unfairly taken from former President Donald Trump).

² See, e.g., Report on The November 2020 Election in Michigan (Michigan Senate Oversight Committee, June 2021) (stating: “The Committee can confidently assert that it has been thorough in examination of numerous allegations of unlawful actions, improper procedures, fraud, vote theft, or any other description which would cause citizens to doubt the integrity of Michigan’s 2020 election results. Our clear finding is that citizens should be confident the results represent the true results of the ballots cast by the people of Michigan.”)

³ See, e.g., “Update on Forensic Audit of Maricopa County’s Tabulation Equipment” (Maricopa County (AZ) Elections Department, February 23, 2021) (concluding that tabulators in Arizona county functioned properly and were never connected to the Internet and showed no signs of “malicious malware or hardware.”)

ballots, with initial counts provided via mechanical tabulators backed up by the original paper ballots.

5. Under the current system of voting in Connecticut, at every polling location, once an individual's eligibility to vote is confirmed at the official checker's table, that individual, called an elector, is presented a paper ballot by a ballot clerk.
6. After receiving the ballot, the elector proceeds to a privacy booth to mark the official ballot that was issued. Ballots in Connecticut have an oval next to each candidate's name, and the filling in of such oval indicates the elector's selection.
7. Upon marking the ballot to reflect their choice in the specific election contest, the elector takes the ballot, places the ballot into a mechanical tabulator, which records the elector's selections via optical scan and preserves the original paper ballot in a secure inner chamber.⁴
8. At the end of election day, each tabulator machine is locked to prevent the recording of any further votes. After the machines are locked from recording any further votes, the machines produce a paper receipt of the vote tally for that machine. Those vote tallies are then recorded by the local election official and then reported to the town's head moderator.
9. Once the head moderator receives the results from every polling location, these results are manually entered into the secured Election Management System ("EMS") maintained on a centralized database by the Secretary of the State.
10. Once the results are entered into EMS, they are separately manually entered into a public facing website for public reporting of preliminary results.
11. Finally, a physical report of the election results is delivered from each town to the Secretary of the State. The results of such physical report are verified against the data that had been entered into EMS immediately after the election.

SECURITY OF ELECTIONS SYSTEMS

12. The tabulators that calculate the votes of Connecticut elections, primaries, and referenda are standalone, optical scan machines. These machines are never connected and/or networked with any other device and/or to the internet.

⁴ In case of a tabulator malfunction, tabulators also have an auxiliary chamber where ballots can be safely secured until the malfunction can be repaired or the ballots can be tabulated by a separate machine or hand counted.

13. Prior to each election, primary, and referendum, the Secretary of the State provides the technical vendor⁵ retained by the state with a copy of the ballot that is going to be used in each precinct so that the vendor can program the cards that are used in the tabulators.
14. These cards allow the tabulators to read ballots that are placed into the machines and accurately calculate vote results specifically based on the ballots unique to each voting precinct.
15. Using a computer system that is never connected to the internet, the vendor then programs each card to properly recognize the votes cast on the ballots provided by the Secretary of the State.
16. Once the cards are programed, the cards are tested by the vendor and mailed to the local election officials. Those local election officials then perform another test of the cards and preserve one card, at random, for review by the Center for Voting Technology Research (“VoTeR Center”) at the University of Connecticut.
17. The cards are then installed and locked into the tabulators and no tabulators are connected to any other device and/or network.

AUDITING OF ELECTION RESULTS

18. After the elections results are reported by the Town Clerks to the Secretary of the State, General Statutes § 9-320f mandates that the state conduct an audit of five per cent of the voting districts in the state.
19. General Statutes §§ 9-320f and 9-320g give local elections officials options when conducting these audits. To complete the audit, local election officials may either perform a hand count of ballots themselves or utilize the services of the University of Connecticut’s VoTeR Center to perform the audit.
20. Under either audit method, the original paper ballots from each selected polling location are recounted and compared to the results provided by the tabulators.
21. On August 21, 2021, the University of Connecticut’s VoTeR Center released its report on the 2020 presidential election in Connecticut.⁶ The center’s analysis “revealed no conclusive signs that the tabulators functioned incorrectly.”⁷

⁵ The vendor used by Connecticut to program the cards used in Connecticut’s elections has stringent security procedures in place to prevent tampering with the tabulator program cards, including, but not limited to: twenty-four hour surveillance; an extensive background check for every employee; physical and electronic barriers to prevent unauthorized access to the tabulator cards or the computer system that programs them.

⁶ See “Statistical Analysis of Post-Election Audit Data for the November 03, 2020 Presidential Elections” (UConn Center for Voting Technology Research, August 17, 2021) (reflecting audits of 19 precincts in Connecticut showing “small discrepancies consistent with anticipated levels of human error in counting or ballot handling.”)

⁷ *Id.*

22. The VoTeR Center analyzed the results from 19 precincts, which included 226 audit records.

23. There were three types of discrepancies that the VoTeR Center report identified: Total Ballot Count Discrepancies – the number of ballots counted by the tabulator differs from the expected tabulator range, i.e., the number of ballots that were handed out by elections officials; Anticipated Human Error – errors resulting from hand counting of ballots, and; Unexplained Discrepancies – unexplained discrepancies that are greater than 1% of the audit ballot count or “significant disagreements between tabulator ballot counts and audit ballot counts.”

24. None of the discrepancies identified in the audit of the 226 records exceeded the 1% threshold that would merit additional investigation into the cause for the discrepancy.

25. In its report following the November 3, 2020 presidential election, the VoTeR Center stated:

Of the 226 submitted records, 191 (84.5%) of the audit records confirmed the tabulator count and 35 of the audit records reported a tabulator count that differed from the audit count. The discrepancies in each of these 35 records were less than 1% of the audit ballot count.

26. The report further noted:

Of the 35 records showing a discrepancy between the audit count and the machine count, 8 of the records are explained by the difference in number of ballots counted at the audit and the number of ballots counted by the tabulator. (For example, in a result report that shows that there were 5 fewer ballots processed during the audit count than the tabulator count, a record that indicates that a candidate with an audit vote tally 4 less than the tabulator vote tally is considered to be explained by the difference in ballots counted.) We remark that the discrepancies appearing in these 8 records were in all cases less than 1% of the audit ballot count. All of the 27 remaining unexplained discrepancies were smaller than 1% of the audit ballot count for their precinct. These discrepancies are considered within the range of anticipated human error and are not considered evidence of a tabulator malfunction.

27. Commission staff has reviewed both the official returns and the audit reports generated for several districts noted in the list of towns alleged to have had their results “hacked” concerning the 2020 general election that was supplied by the Complainants in this matter.

28. With their complaint, Complainants supplied data purporting to show where votes were altered in several Connecticut municipalities from supporting Donald Trump to supporting Joe Biden. A letter from Complainant James M. Johnson stated, in relevant part:

I have enclosed the votes that were flipped in several towns in Connecticut, again taking votes away from Trump voters and giving them to Biden. Also enclosed is the Internet Protocol (IP) addresses of the machines that did the flipping and the IP addresses of the voting tabulator machines in Connecticut that were attacked and or hacked. With these addresses a full investigation can be done to either prove or disprove this point.

29. The list that Complainants supplied simply listed municipalities, with an IP address purported to have “hacked” into the election system and the discrepancies in votes that resulted from that intrusion.
30. For instance, according to Complainants’ list, the Waterbury Town Clerk’s system was accessed from a computer in New South Wales, Australia on November 4, 2020. That hack purportedly resulted in a change in votes totaling 3,004 votes, from “The Lie” totals of 21,573 for the Democratic ticket of Joe Biden and Kamala Harris and 14,157 for the Republican ticket of Donald Trump and Michael Pence to “The Truth” totals of 20,071 for Biden/Harris and 15,659 for Trump/Pence.⁸
31. Waterbury’s Information Technology Network Manager Kevin Soden had no record of any cyberattack on or around November 4, 2020. In addition, Mr. Soden said that the alleged target IP address “199.107.32.42,” which was purportedly affiliated with the “Waterbury Town Clerk,” according to information provided by Complainants, was not associated with Waterbury or its town clerk office.
32. The UConn VoTeR Center audit of elections did not analyze the entire Waterbury election results, but it did look at four Waterbury precincts. Those four Waterbury precincts reflected a total of 4,432 ballots voted, with 4,417 votes cast in the presidential contest. Of those 4,417 ballots voted in the presidential contest, the Biden/Harris ticket received 2,456 votes and the Trump/Pence ticket received 1,917 votes, with 44 votes going to minor party or write-in candidates. Of those 4,432 votes cast, only 22 were “questionable,” meaning that the intent of the elector casting the ballot was potentially unclear. This “questionable” designation can result from an incomplete oval being blackened by the elector or an otherwise unclear mark on the ballot.
33. Of these “questionable” ballots, 13 were cast for the Biden/Harris ticket; seven (7) were cast for the Trump/Pence ticket; and one (1) was cast for Libertarian candidates Jo Jorgensen and Jeremy “Spike” Cohen; and one (1) was cast for a write-in candidate.
34. The paper ballots cast in the four precincts analyzed by the UConn voting group supported the vote results submitted by local election officials after the November 2020 presidential election.

⁸ The final head moderator’s report for the November 3, 2020 election in Waterbury showed that Biden received 21,573 votes while Trump received 14,157. See Head Moderator’s Return, Waterbury (November 9, 2020).

CONCLUSION

35. Connecticut elections are conducted by paper ballots, the tabulators used to count such ballots are never connected to the internet, and all election results are ultimately reported to the Secretary of State on a paper form. As a result, Connecticut election results are not subject to hacking in the ways alleged by Complainants, where election results could be changed by electronic means alone in stark contrast to paper ballots.
36. A review of the independent audit of the paper ballots, as required by state statute in all elections, confirms that the results of the 2020 general election were not altered as alleged by the Complainants.
37. Accordingly, because the evidence gathered during the course of the investigation disproves the allegations set forth in the complaint, and there are no specific allegations regarding election irregularities in Connecticut contained in Complainants' sworn complaint, this matter will be dismissed.

ORDER

The following Order is recommended based on the preceding findings:

That this matter be dismissed.

Adopted this 7th day of September, 2022 at Hartford, Connecticut.



STEPHEN T. ANTHONY, Chairman
By Order of the Commission