Mis-, Dis-, and Mal Election Software

Oregon's Secretary of State has solicited vendors to provide what they term as an "Election False Information Solution as they are preparing for any opposition to Ranked Choice Voting and their new, Microsoft Internet Cloud hosted Election management system awarded to KNOWiNK which provides the BPro Total Vote Cloud based solution **to tally votes.**   This is also a rare election in that three of the top four political positions will not have an incumbent running (SOS, Attorney General, State Treasurer), leaving the field wide open. It's also an election in which there is clearly growing dissatisfaction among the electors.

Secretary of State Shemia Fagen brought in key top democrat operatives who still hold key management positions working on the Secretary of State's upcoming election. Based on their prior work history, one could hardly call ~~either of~~ them unbiased. The current appointed Secretary has very little knowledge of election technology. LaVonne Griffin-Valade is 70-years-old and had been retired [writing paperback murder mystery books](#) for 9 years. She is likely to defer to Fagan's Election appointees. This document will cover two significant contracts that are underway led by those appointees, which will affect the future of Oregon's Elections. The following is a quick index to the document. (Press Ctrl-Click to do a quick page jump if desired.)

Most of this information has come from Oregonbuys.com, Oregon Secretary of State documents, including both procurement and project documents, LinkedIn Work Histories, and various other published documents.

This report will look at the Mis-, Dis- and Mal-Information contract first, the two people behind it, and then the very troubled and failing project to deploy the vulnerable Oregon

Votes being delivered by KNOWiNK with their newly acquired BPro company product and internet cloud hosting called TotalVote.

Oregon's Ministry of Truth

The Ministry of Truth in George Orwell's novel, 1984, replaced the facts with what the party determined to be "correct". This was attempted by the Department of Homeland Security when it created The Disinformation Board, headed by Nina Jankowicz, to police the internet for their version of Disinformation. Due to public outcry regarding freedom of speech rights being distorted and cancelled by the DHS "Ministry of Truth", Jankowicz was removed and the Board was quietly ended in August 2022. Two months earlier the boards intended duties were quietly moved to a DHS agency you might not have expected: Cybersecurity and Infrastructure Security or CISA.

It appears the Oregon Secretary of State's office has decided it is the Secretary's new job duty to be Oregon's Ministry of Truth, by contracting out the skills to identify and combat Mis-, Dis- and Mal-Information threats with countermeasures. The claim is that they need to defend against the threats of foreign and domestic terrorism. Unthinkably, the office is doing this at the same time the federal government has been caught multiple times using the claims of mis-, dis-, and mal-information threats against U. S. citizens, who are guaranteed free speech by the First Amendment of the U. S. Constitution. The 10 to 1 bias was proven by Twitter Files. We all should be concerned.

At the same time, the Secretary is trying to push through a new Election Management System called Oregon Votes (ORVIS) that, by their own documented requirements, allows staff to override ballots, be hosted on the internet cloud, and control county tabulators. What they did not require is: logs that cannot be altered; no requirement that all versions of vendor source codes be placed in escrow; and all processes be documented to be physically inspected annually by qualified third party cybersecurity auditors.   At the same time the office does not support counties who want to return to Hand Counting, which is allowed in ORS 254.485.

The Secretary has procured a third party technology product coupled with a counter measure advisory service to identify, and track Mis-, Dis-, and Mal-information (**MDM**) threats for them - and then advise and prepare recommended actions the Oregon agency can take to accuse, flag and track U. S. Citizens of being dis-information threats. It appears they will award the contract to a startup, venture capitalist-funded, British company with headquarters in the United Kingdom. This company's competitive claim is they use **Artificial Intelligence (A.I.)** to find and track disinformation threats made by the public. The U.K. venture capital startup knows it is inaccurate and the vendor also claims

everything the A.I. does will be checked by a human. If it is that inaccurate, why use it on our citizens in the first place?

As an example of misguided government claims of dis-information, look at this now 3-year-old video. It is defining dis-information and stating the claim that COVID-19 was created in a Wuhan Laboratory was harmful and clearly disinformation. In 2023 the evidence now shows and federal agencies point out that those claims were correct, the virus was created in a lab. In this disinformation educational video, it clearly shows that the false claim is actual the dis-information: https://www.youtube.com/watch?v=HD5MmuLDeFE. This piece of government sponsored disinformation was produced in the U.K., in cooperation with the U. S. London Embassy and U. S. State Department.

The Mis-, Dis-, and Mal-information (MDM) term is defined in the Cybersecurity and Infrastructure Security Agency (CISA) guidelines. CISA was implicated in the 5th Circuit Ruling for coercing social media companies in violating the First Amendment of the U.S. Constitution: Freedom of Speech. While this case is now before the U.S. Supreme Court, CISA has a whole resource library for state and local governments on MDM. The playbook of what Oregon's Secretary will follow is well documented in the solicitation and in CISA documents. It is worth taking a closer look at the origin.

Further research indicates that CISA's Cybersecurity Advisory Committee was heavily influenced in June 2022 by a public board member, Kate Starbird. Starbird is a professor at the University of Washington. She recommended the CISA Advisory Board support her proposal to recommend to the CISA Director that CISA expand their mission from Cybersecurity to include threats from Mis-, Dis-, and Mal-Information. Starbird's recommendation came one month after Nina Jankowicz resigned as the Chair of the Disinformation Governance Board. Homeland Security also suspended the DHS Disinformation Governance Board due to public outcry and two months later, CISA took up its mission, The Disinformation Governance Board was permanently disbanded in August 2022. Its mission was transferred to CISA and the courts later upheld that CISA in fact made no distinction between foreign speech and domestic speech when suppressing free speech by labeling it Dis-information.

The written recommendation from the CISA Advisory Board, which Starbird presented and they approved, stated in its third sentence: "CISA should take a similar risk management approach to these risks that it takes to cybersecurity risks." This is the pivot-point where cybersecurity professionals had their mission watered down from the focus on cybersecurity to government sponsored efforts to locate domestic citizen and foreign threats. The government decided citizens were not allowed free speech due to their own assessment if such speech was dis-information or misinformation. The U. S. Constitution intentionally gives the government no such right.

The CISA Advisory Board was also aware of the conflict with the U. S. Constitution stating in the introduction, "The First Amendment of the Constitution limits the government's ability to abridge or interfere with the free speech rights of American citizens. The First Amendment and freedom of speech are critical underpinnings to our society and democracy. These recommendations are specifically designed to protect critical functions from the risks of MD [Misinformation and Disinformation], while being sensitive to and appreciating **the government's limited role with respect to the regulation or restriction of speech**" [emphasis added]. Within three months, September 2022, the committee augmented their recommendations with a submission to the CISA Director that CISA include working with the FBI to share Mis-, Dis-, and Mal-Information with state and local governments involved in elections. This was due to "new findings':

> "In 2017-2018, in the wake of revelations of persistent social media manipulation by Russia-affiliated organizations such as the Internet Research Agency, there was widespread concern about foreign disinformation operations targeting U.S. audiences — especially in the context of elections. In more recent years, attention has shifted to domestic sources of disinformation, but there are reasons to anticipate that the elections in 2022 and 2024 may again attract significant foreign sources of potential interference."

This happened the first two years of the Trump Administration which became known as Russia-gate. Now a peer reviewed journal, Nature Communications, has published the study, "Exposure to the Russian Internet Research Agency foreign influence campaign on Twitter in the 2016 US election and its relationship to attitudes and voting behavior". They examined the actual data, that was not available when such claims were made by the CISA Advisory Board, and conducted surveys of recipients who viewed the Russian tweets. The study concluded:

> "We demonstrate that exposure to Russian disinformation accounts was heavily concentrated: Only 1% of users accounted for 70% of exposures. Second, exposure was concentrated among users who strongly identified as Republicans. Third, exposure to the Russian influence campaign was eclipsed by content from domestic news media and politicians. Finally, we find no evidence of a meaningful relationship between exposure to the Russian foreign influence campaign and changes in attitudes, polarization, or voting behavior."

Once again, government has over exaggerated claims to justify the violation of rights granted to every U. S. Citizen. In just one year, their claimed "limited role" has resulted in the 5th Circuit Courts decision they have been violating freedom of speech and to stop such behavior. CISA along with their approach to Mis-, Dis- and Mal- Information now are before the U.S. Supreme Court to be judged in the next two years. Yet, the Oregon Secretary of State has plunged ahead to take this very approach.

Kate Starbird will no longer be on the CISA Advisory Board as of November 2023, but her influence launched from the University of Washington has resulted in the Oregon Secretary of State believing it is now the Secretary of State's job to contract with a foreign firm to perform this activity within Oregon. The Oregon Secretary of State has also decided this effort should be run with two of Fagan's people who spent most of their adult career working within and for the most powerful Oregon Democrat Party members or within the party itself. As a reminder, the actual duties of the Secretary of State are described in Article VI, Section two of the Oregon Constitution as:

> "The Secretary of State shall keep a fair record of the official acts of the Legislative Assembly, and Executive Branch; and shall when required lay the same, and all matters relative thereto before either chamber of the Legislative Assembly. The Secretary of State shall be by virtue of holding the office, Auditor of Public Accounts, and shall perform such other duties as shall be assigned to the Secretary of State by law.

State Law defines the secretary's four major duties in [ORS 177.030](ORS 177.030). There is no role for the Secretary of State to evaluate the statements of the U. S. Citizens and they have gone beyond the Secretary's role which is defined by the Oregon Constitution and the Oregon statute.

At the January 2023 County Clerks Winter Conference, published on the agenda, a Homeland Security "Election Security and Misinformation Tabletop" exercise was scheduled at the Salem Convention Center. Reportedly, an attempt by Karla Davenport, News Director at KFIR 720 AM, a member of the press to attend an Oregon County Clerks Conference was turned away because they were told it is a private organization of Government Clerks with state and federal participants to discuss Clerk activities such as managing elections at the direction of the Secretary of State. This needs to be rectified and

all presentations, recordings, documentation presented, and expenses incurred at these meetings be transparent to Oregonians.

From: Adrian Austin-King <adrian.austinking@multco.us>
Sent: Tuesday, August 15, 2023 2:21 PM
To: Karla@kfir720am.com
Cc: info@oacclerks.org
Subject: Re: Request information on this week's event

Hello Karla,

Registration is required to attend OACC Conferences. Pursuant to the Association's by-laws, individuals who are not a member of the Association may attend conferences only upon invitation by the President and the approval of the Executive Committee.

Thank you,
Adrian

Adrian Austin-King *(he/him/his)*
Project Manager | Multnomah County Elections
503-988-6824 | Adrian.AustinKing@multco.us

Register to vote or check your registration and ballot status online:
www.OregonVotes.gov

What is this MDM Bid Solicitation?

On August 21, 2023, the SOS completed all the internal reviews, solicitation development and DOJ language review to launch a new solicitation. This new solicitation is titled the "**Elections False Information Solution**." They stated in their pre-proposal conference that they are looking for a technology solution that helps **monitor social media, websites, news, radio and local TV in Oregon to identify threats, provide them advice on countermeasures, track those sources identified, monitor how much their information is re-shared with others, and report to county clerks, law enforcement, etc.** Here is the solicitation requesting Bids from vendors. It is recommended you print to PDF the announcement and download every one of the "File Attachments". It describes SOS Elections big picture intentions.
https://oregonbuys.gov/bso/external/bidDetail.sdo?docId=S-16500-00007470&external=true&parentUrl=close

It states they want a vendor **"who fits with their organization strategically"** to provide the following:

➢ Monitor threats, mentions, and spread of MDM.

➢ Provide alerts to emerging narratives containing harmful content and MDM.

➢ Insight on where the threats and spread of MDM are coming from.

➢ Provide insights on how to combat MDM.

➢ Daily reporting on threads, key issues, and MDM.

From the Solution Requirements Document, monitoring is to be done on all high-profile social media, Oregon news websites, podcasts, radio, YouTube, blogs, and the "dark web".

The Pre-Proposal Conference with vendors was attended by the following personnel from the Oregon SOS:

- Phillip Andrews, Procurement and Contracts Lead SOS

- Jessica Geurin, Procurement Contracts Specialist (learning)

- **Luke Belant, SOS Deputy Elections Director** (Belant is the Deputy to the SOS Election Director and Democrat Operative, **Molly Woon**)

- **Nikki Fisher, Civic and Elections Education Director, the former Press Secretary** for **Governor Brown,** now pared with **Molly Woon. (**More on the surprising internal Democrat Party careers of Nikki Fisher and Molly Woon below.)

The **video of Nikki Fisher** describes to vendors what she expects from the new contract to combat dis-information. This video is from the vendor pre-proposal conference (7.5 minutes).

Keep in mind Nikki Fisher's work history:

Secretary of State Office
Civic and Elections Education Director*, July 2021 to Current
*A unique government job title created just for her.

Community Outreach and Engagement Director, Feb 2021-July 2021

Governor Brown
Press Secretary and Public Engagement Advisor,   Feb 2020-Feb 2021

Deputy Press Secretary,   Aug 2018 - Feb 2020

Community Outreach and Event Strategist,   Nov 2017 - Aug 2018

Get on the Bus Project
Executive Director,   May 2015 - Nov 2017
            She cites support for her efforts to:
                1. pre-register 16 year olds to vote,
                2. Support for Paid Postage on ballots,
                3. Stop Voter Suppression efforts.

Senator Sara Gelser (D)
Chief of Staff,   Dec 2014 - July 2015

Campaign Manager,   July 2014-Nov 2014

Friends of Deborah Barnes
Campaign Manager,   Mar 2014 - May 2014

Oregon United for Marriage
Regional Field Director,   Sep 2013 - March 2014

ACLU of Florida
Advocacy Coordinator,   Nov 2010 - Sep 2013

Reginal Campaign Coordinator for the Political Action Committee, Jul 2010 - Nov 2010

University of Tampa, Florida
Bachelor of Arts, Government and World Affairs

The MDM Bid Solicitation could be paired with HB 2323 of 2021, which resulted in [ORS 260.537 "False publication intended to mislead electors"](#). Those who publish information that misleads the electors in any form, except radio and TV advertisements regarding:

1. the date of the election,
2. deadline to deposit a ballot,
3. voter registration deadline,
4. methods of registering to vote,
5. location where ballots are deposited,
6. eligibility to vote qualifications,
7. a voters registration status.

Violators may be fined up to $10,000 plus the prevailing parties attorney's fees.

The Secretary of State may institute proceedings to enjoin any violation of this section, except that in the case of a violation by the Secretary of State or a candidate for the office of the Secretary of State, the Attorney General may institute proceedings to enjoin any violation of this section.

Why did it get launched this summer?

This is a mixture of facts and speculation. Fact, the solicitation was made public on OregonBuys, August 21, 2023. To get to the point of launching a Procurement, one must first submit a concept to spend money on. At this stage one has either talked to possible vendors beforehand, other states or large cities who have launched such an effort, as well as sat through a table top exercise in January 2023 at a County Clerk Association meeting or a States Secretary of States Association Elections meeting or similar. One then begins with a draft that describes what requirements are desired of the procurement and draft the beginnings of the Statement of Work. They then get into the Procurement Department's queue. We can assume this solicitation for MDM tracking would receive a higher priority.

Procurement staff begin to put the statement of work into contract form and ask questions or make suggestions that the Elections team have not thought of from a contracting perspective. It then goes through a DOJ legal review. That will take several weeks to get in and out of their queue. Finally, there is a round of finalization before submitting it on August 21st. Speculation: The fastest time they are going to accomplish that is three months. This idea was likely moved from idea discussed at the January Oregon County Clerk Association desktop exercise to an actual procurement action around May 2023. What was happening in April/May of 2023?

- January 2023: **Molly Moon,** former Deputy Director of the Oregon Democratic Party moves from the **Secretary of State Fagan's Senior Advisor and Strategic Projects Manager** and then to Election Director. This the second time in her career she left the Democrat party to work within Government. The first time was long enough to spearhead the Motor Voter Automated voter registration as the SOS Communications and Legislative Director.

- February 2023: the Independent Quality Risk Assessment by Gartner (https://www.gartner.com/en/about), one of the world's top strategic Technology and Project Advisory Firms, rated the Risk of the Secretary of States replacement for the OCVS as Red, which means a High Risk of Failure if not corrected https://sos.oregon.gov/admin/Documents/transparency/2023-February-Oregon-Votes-Periodic-Quality-Status-Report.pdf . Gartner is under contract to provide interim Risk Assessment reports quarterly, but February's report was the last one posted online in the project reporting space. https://data.oregon.gov/stories/s/Oregon-Votes-Project/mak5-sgn2/ .

- February 2023: **SOS Fagan** recuses herself from the SOS Audit of the Oregon Liquor and Cannabis Commission.

- March 2023: Willamette Week publishes LaMota has several millions in tax liens and lawsuits, yet still donates $200,000 to democrats of which $45,000 went to **SOS Fagan**.

- April 2023: Willamette Week receives a tip and questions Fagan. She admits to signing a contract with LaMota's owners as a consultant.

- April/May 2023: Estimated when the SOS Election team seriously began work on development of requesting for proposals to provide the envisioned **"Elections False Information Solution"**.

- May 2023: **SOS Shemia Fagan** Resigns - it is during this void of leadership that the project was pushed forward.

- July 2023: **LaVonne Griffin-Valade** appointed to SOS on June 30, 2023, A writer who retired 9 years earlier, attended the PSU Masters program in Creative Writing, former Multnomah County Auditor is appointed to be Oregon's unelected SOS for 18 months.

- July 2023: Probable that SOS Procurement staff and DOJ Attorneys have started work with Elections Division's staff to develop a formal Solicitation from vendors and sample Contract has been started.

    ➢ August 21. 2023: Solicitation released
    ➢ September 21, 2023: Solicitations closed
    ➢ October 5th - 12th: Oral Presentations
    ➢ October 13, 2023: Planned notice of Intent to Award (this notice was not shared with the public in Oregon Buys)
    ➢ October 27, 2023: Intended Contract Signing - Contract will be for 16 months. If it was signed in October, it will run until January 2025

It appears this defensive/offensive procurement tool and advisory service that will benefit the Democrat party's dominance of the SOS Election Department was launched in the void of SOS leadership left with Fagan's resignation and pushed forward by the Elections Division, led by Oregon Democrat Party self-described "results driven", "battle tested" operatives.

Who is **Molly Woon**, the new Election Director, and how closely is she aligned within the Oregon Democrat leadership?

This contract is being aggressively led by Molly Woon, the returning SOS Elections Director and a career Democrat employee as is shown below. Her past has always been working for a Democrat and the Democrat party, from student activist at Portland State University Political Graduate Studies department until now.

Here is how she describes herself on LinkedIn:

   • Experienced government professional with **15+ years experience working with elected officials, policy makers, advocates, and the press.**

• Experience leading a successful coalition that **meets and exceeds goals.** Committed to a team-oriented, **results-driven management style**.

• Deep familiarity with public policy making processes, including **working with lawmakers, planning advocacy actions, and working behind the scenes** to reach legislative goals.

• Wrote and implemented the communications and outreach plan for rollout of **Oregon Motor Voter, the nation's first ever system of automatic voter registration.**

• **Battle-tested communications pro:** over a decade of experience serving as an "on the record" spokesperson, **managing communications crises, and pitching and landing positive media coverage in print, TV, radio, and online.** Great working relationships with local and national news outlets.

• **Campaign veteran with experience in finance, field, communications, digital, and coalition building.**

For the first two years of Fagan's Secretary of State role, Molly Woon's role was the SOS "**Senior Advisor and Strategic Projects Director**". Combine that with her involvement with the County Clerks for the prior couple of years and it means she was the primary force to bring in the KNOWiNK/Bpro contract award. She has awarded counties grants (these monetary grants can be found on OregonBuys.com). Also, she has worked with County Clerks to procured a Staffing Study of County Elections Staff to help the Clerks. They contend, "Oregon county clerks consistently state that there is no amount of new equipment or software that can ease the burden on their offices. To a certain point, county clerks claim they do not have the staffing structure capable of using new technologies or adapting to the changing election administration landscape. Combined with increasing public interest in the election process, counties are in an increasingly difficult position to meet all the requirements of new legislation and expectations of voters." The staffing study was awarded to Reed College in October 2022.

While the Secretary of State Fagan had said Debora Scroggin "did not focus on customer service", the truth is [Scroggin was forced out over her insistence to be transparent and publish Campaign Finance violations](). Were these the customers Fagan was serving? Willamette Week made the violations transparent to the public when they promptly requested and published the "Dirty Dozen" top offenders in the link above. Fagan put Molly Woon in Scroggin's place as Elections Director and the violations were not released to the public by the Secretary of State.

Current Election Director's publicly available background information:

Molly Fae Woon
Age: 40, Lives in Portland, Oregon

Oregon Secretary of State
Elections Director,   Jan 2023 - present

Senior Advisor and Strategic Projects Director,   Jan 2021 – Jan 2023

> (Probably sent in to update OCVR and Ranked Choice Voting. She didn't realized the Independent Q&A oversight would highlight the projects implementation failures. Warning, there is no such oversight other than the legislature after implementation)

Democratic Party of Oregon
Deputy Director,   May 2018 - Dec 2020

Communications Director,   Aug 2017 - May 2018
> (Appears to be pulled back to the Party after the 2017 summer riots crisis erupted)

Multnomah County Commissioner Sharon Meieran.
Policy and Communications Advisor,   Mar 2017 - Aug 2017
> Staff to new Commissioner. "Sharon is joining a team of five tough women who are going to get things done." - Chair Kafoury - (they sure did. Portland is destroyed. Initial Portland May day and June 5th riots also in this 2017 time period)

Oregon Secretary of State
Communications & Legislative Director,   Sep 1, 2016 - Dec 1, 2016
> (Democrats assigned her to also take all legislative interaction and make the Motor Voter automatic registration a success)

Communications Director,   Oct 1, 2015 - Sep 1, 2016
> (PR and Wrote the communications plan for Oregon Motor Voter)

Oregon Senate Democrat Majority Office
Chief of Staff,   Sep 1, 2013 - Oct 1, 2014
> (Probably when the go-ahead Motor Voter plan of automatic registrations for all was conceived)

City of Portland
Government Relations Associate,   Jul 2012 - Sep 2013
> (Worked to promote the city's legislative agenda and other items of "special interest")

Oregon Senate Democrat Majority Office
Communications Director,   Jan 1, 2012 - May 1, 2012
> Staffing, preparing written materials and messaging for Senate Democrat Majority Leader and Senate Co-Chair of Ways and Means.)

Acting Chief of Staff,   Jan 1, 2012 - May 1, 2012
>   (Planned, staffed caucus and leadership meetings Advised Majority Leader and others to implement legislative and campaign staff in fast-paced 2012 session)

Senate Democrat Leadership Fund
Executive Director,   May 2008 - Jan 2009
>   Campaign Financing, planning and implementation.

Finance Assistant,   Jun 2007 - Jan 2008
>   Assist in fundraising. Designed materials. Rebuilt list of new donor prospects.

Oregon Senate Caucus
Outreach Coordinator, Apr 2007 – Mar 2008
>   (Organized town halls and produced outreach content)

The Bus Project
Building Votes Campus Coordinator,   Jul 2006 - Nov 2006
>   ("Get on the Bus" was a College Campus Voter Registration drive on 12 Oregon campuses")

Portland State University
Graduate Research Assistant,   Oct 1, 2005 - Jul 1, 2007
>   Researched the legislative Leadership and legislative processes. Graded and lectured undergraduates on State and local politics.

The OCVR replacement with Oregon Votes: KNOWiNK's BPro Total Vote tailored specification which allows ballots to be overridden without verification, logs to be altered and connect with old tabulators certified against an 18-year-old security standards.

One of the reasons the Secretary of State is aggressively seeking help to stop the narrative appears to be that they don't want the public to hear the Oregon Central Voter Registration replacement project is in trouble. They are no longer looking to deploy all that was contracted, but just the Minimum Viable Product (MVP). Their contractual definition for Minimum Viable Product will scare you. But first let's look at the status of the project, declared by their own team but also the required Independent Quality Assurance Risk Assessments and question why they stopped sharing the independent assessments with it's more inclusive detail.

Right now, SOS replacement Election System for OCVR is a new system called Oregon Votes or ORVIS that will be hosted on Microsoft Asure's internet cloud. It was supposed to soft-launch in September 2023 but it missed the date. Instead, the project is in trouble with their Project Management Executive Summaries showing All Red in all areas, the highest level of warning. The Executive Steering Committee found out in July from the project report. The August report was the same. **Notice the major project indicators, Budget, Schedule and Scope are in Red. (Scope is delivering the full system promised, at the level of quality promised.)** https://sos.oregon.gov/admin/Documents/transparency/2023-August-20-Oregon-Votes-Executive-Steering-Committee.pdf

Project Reports had been posted for public review on a monthly basis but there was no report shared with the public in September. And they have another problem. SOS is required by ORS 276A.223 and Policy 107-004-030 to have independent project Quality Status Reports and Risk Assessments. That contract was awarded to Gartner, Inc. Their last quarterly Risk Assessment was shared publicly in October 2022. The last Quality Status Report was shared in February, one month after Molly Woon became the new Elections Director. That report showed the Project was in High Risk of not being delivered as contracted, as seen on the last two pages: https://sos.oregon.gov/admin/Documents/transparency/2023-February-Oregon-Votes-Periodic-Quality-Status-Report.pdf . The most recent contract amendment with updated costs and delivery dates was signed in May 2023 and is available from the Gartner link earlier in this paragraph.

The contract with Gartner to do the oversight is over $1 Million to provide these quarterly reports. This independent review is legislatively required of all IT projects that cost over $1 million. There are 2022 reports for October, July, April, and February. Gartner's contract specifically states they will provide these Risk Assessment and Quality Status Reports quarterly. So, where are the 2023 reports for April and July? There are three possibilities:

1. SOS decided to no longer share these independent risk assessments and the detail that comes with it, voluntarily with the public.
2. Gartner is in breach of Contract (unlikely).
3. SOS stopped Gartner from producing the quarterly reports even though they negotiated an amendment to increase the cost by $100,000 and extend Gartner's independent oversight into 2024. (Gartner is a world class, $5.5 billion dollar company.

To learn more about Gartner the multi-national Technology Strategy and Project firm go to: https://www.gartner.com/en/about). A public record request has been made for these reports in both their draft and final form.

The Statement of Work is in a contract document labeled "Oregon Votes Transaction Doc 1 executed-1.pdf ." In the Statement of Work is a series of "functional specifications" or requirements of what the completed system needs to do. It is binding with the contractor unless the contract is amended. The Security Plan does not include the requirement that independent security audits be performed on Oregon Votes annually. Yet other systems in the State of Oregon do have comprehensive security audits performed annually by an independent and certified cybers security auditor. On Page 25, referring to the Security Plan, the contractor is to "Discuss the security policies and technical approach to satisfy the following: .... **Secure Communications over the Internet.**"

Our entire democratic republic depends on the security of our vote, yet the number of internet breaches into critical data grows monthly. Without independently performed security audits completed annually, the question is not if it will be exploited, but when will it be exploited. The only good reviewer for a description of a security plan, is a highly cybersecurity professional who is given the responsibility and authority to specify the detail the plan shall include, without a manager overriding their decisions. That same cybersecurity professional will be responsible for ensuring the independent security audits are evaluated and verified and that they have been performed completely and accurately.
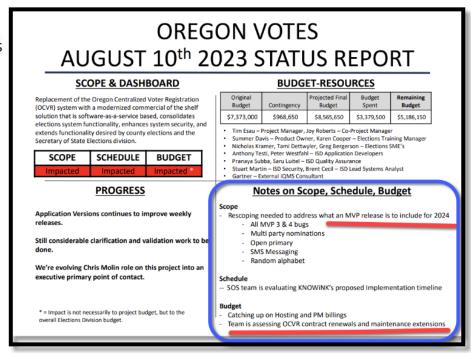
The whole specification needs a detailed review. Some functional specification requirements are highly irregular for a system that is not expected to be deployed connecting county tabulators to the central system using Internet Protocol addressing. Also, there are specifications for management controls you would expect to see but are not specified.

Keep in mind, because the project is behind, the Secretary of State is now struggling to deliver the Minimum Viable Product. In Amendment 1 to Transaction Document 1 (the Statement of Work), the first paragraph in "C. Tasks, Deliverables, Periods of Performance and Acceptance Criteria" states:

> "Upon Agency's Acceptance of Deliverable 1.0, the Project Management Plan, the Delivery Schedule set forth in the Project Plan will become binding on the Parties. The Parties may amend the Delivery Schedule by agreeing in writing to a revised Delivery Schedule, which will replace the then-current Delivery Schedule; provided that the **Parties may only revise the date** by which Agency Accepts MVP Deployment (Deliverables 8.3.4 and 8.3.5) set forth in Milestone No. 11 in Section D.2 **by an amendment** to this Transaction Document made in accordance with Section 10 of the Master Agreement. The Delivery Schedule most recently signed by both Parties (with the exception of the date by which Agency Accepts MVP Deployment, which may only be amended as set forth in the previous sentence) shall be the Delivery Schedule for the Services set forth in this Transaction Document."

The Minimum Viable Product was not delivered and as of November 2, 2023, an amendment has not been signed. Who is managing the contracts to see that the millions of dollars already spent can even accomplish the minimum?

This means that the Minimum Viable Product was Milestones 1 through 11. Milestone 11 was to be completed and data migrated by July 31, 2023. That date has obviously passed and there is no indication it will be met anytime soon. From the August 10th Status Report the project team has clear doubts that the Minimum Viable Product (MVP) will be delivered before 2024 as underlined in red. Another

OREGON VOTES
AUGUST 10th 2023 STATUS REPORT

SCOPE & DASHBOARD

Replacement of the Oregon Centralized Voter Registration (OCVR) system with a modernized commercial of the shelf solution that is software-as-a-service based, consolidates elections system functionality, enhances system security, and extends functionality desired by county elections and the Secretary of State Elections division.

SCOPE	SCHEDULE	BUDGET
Impacted	Impacted	Impacted *

BUDGET-RESOURCES

Original Budget	Contingency	Projected Final Budget	Budget Spent	Remaining Budget
$7,373,000	$968,650	$8,565,650	$3,379,500	$5,186,150

- Tim Esau – Project Manager, Joy Roberts – Co-Project Manager
- Summer Davis – Product Owner, Karen Cooper – Elections Training Manager
- Nicholas Kramer, Tami Dettwyler, Greg Bergerson – Elections SME's
- Anthony Testi, Peter Westfahl – ISD Application Developers
- Pranaya Subba, Saru Luitel – ISD Quality Assurance
- Stuart Martin – ISD Security, Brent Cecil – ISD Lead Systems Analyst
- Gartner – External iQMS Consultant

PROGRESS

Application Versions continues to improve weekly releases.

Still considerable clarification and validation work to be done.

We're evolving Chris Molin role on this project into an executive primary point of contact.

* = Impact is not necessarily to project budget, but to the overall Elections Division budget.

Notes on Scope, Schedule, Budget

Scope
- Rescoping needed to address what an MVP release is to include for 2024
    - All MVP 3 & 4 bugs
    - Multi party nominations
    - Open primary
    - SMS Messaging
    - Random alphabet

Schedule
-- SOS team is evaluating KNOWiNK's proposed Implementation timeline

Budget
- Catching up on Hosting and PM billings
- Team is assessing OCVR contract renewals and maintenance extensions

example, in reviewing the Statement of Work in the "Tabulation and Election Night Reporting (ENR) section, the following concerns are evident.

OCVR maintenance and hosting now has to be extended because the Oregon Votes KNOWiNK Election Management System, Total Votes, is behind schedule, cannot deliver the scope promised and over budget. Security Standards that anticipate and adapt to 2024-2030 Security requirements are not specified. There is no annual independent security audit specified, yet the Oregon CIO's EIS E-Government Shared Services have two independent security audits performed every year and report it to their E-Government Portal Advisory Board members, which consists of appointees from the legislature, agencies, State Treasurer, Department of Administrative Services and members of public, who meet monthly.

The system itself is designed to connect with county tabulator machines creating a security risk for system exploits dependent on the SOS to properly maintain their security - something they have failed to do as evidenced by Election Director's Steven Trout's warning memo:

"Existing requested improvements:

- ➢ **Multifactor authentication for security of all OCVR users.** (Requested 2/2017)
- ➢ **Resiliency for public facing election systems.** (Requested 2/2018)
- ➢ Ballot tracking subscription service. (Requested 2/2018)
- ➢ Voter registration change subscription service. (Requested 2/2018)
- ➢ Adding "accepted" to the list of statuses in the MyVote tracking screen.
- ➢ OCVR replacement.
- ➢ ORESTAR replacement.
- ➢ **OCVR system auditing tool.**
- ➢ Integrating Electronic Registration Information Center (ERIC) information automatically into OCVR.
- ➢ Create an API (application program interface) between the ORESTAR Campaign Finance database and Data.oregon.gov to increase transparency without risking failure to the application.
- ➢ Real time data transfers with DMV for online registration and Oregon Motor Voter.
- ➢ There is a list of 56 known bugs or problems with election systems that was provided to the Information Services Director in January.

Many of these projects have been **talked about and/or worked on for years but never completed and successfully deployed.** Most of the projects that have been **completed and rolled out in the past couple of years have had to be undone because** there were changes made that resulted in breaking other things.

Some of our election systems are running on Windows Server 2008. End-of-life mainstream support from Microsoft ended back on January 13, 2015, and **all support ended on January 14, 2020.** Our public facing websites are single threaded through one power supply on the capitol mall and one internet connection. **There is no redundancy or resiliency or plan to provide either.**

ORESTAR is outdated, not user friendly, and most important there is no resiliency. This is our main connection with Oregonians for election services. ORESTAR includes campaign finance transactions, online voter registration, candidate filing, voters pamphlet statement submissions, ballot tracking, dropbox locator, accessible ballots and all languages and features of MyVote.

OCVR is outdated and unable to accommodate many modern tools that we need to add for our operations and those of the 36 counties. **OCVR was built back in 2004.** It is the central voter registration database for all voters in the state and is a vital part of each county's election administration. The counties rely on this system to administer their elections **and they were promised that it would be kept up to current technology standards when they gave up their own databases 15 years ago.** OCVR uses old technology that requires transactions to be done in batches instead of real time. When files are transferred, say from DMV for online registration, a batch is sent over every night. People who register online often go to check that their registration was received immediately thereafter only to find that none of the changes show on the screen. With batch processing it can take one or more days for the information to post."

SOS contracted with KNOWiNK and subcontractor Microsoft Azure Cloud Hosting. Many specifications, as outlined below, show the central system performing many local county functions. This means that the county will access OregonVotes on the cloud that will connect to their local tally machines resulting in increased vulnerability.

Tabulation and ENR

Capability – Tabulation and ENR	
No.	**Functional Requirement Description**
44.01	The System shall allow County Elections Staff to process the receipt of a ballot envelope.
44.02	The System shall allow County Elections Staff to scan a barcode on a ballot envelope to identify receipt of a ballot envelope. Note, the barcode may include the election code in addition to the voter ID to ensure proper ballot identification.
44.03	The System shall allow County Elections Staff to utilize a ballot sorter to identify receipt of a ballot envelope. Note, the barcode may include the election code in addition to the voter ID to ensure proper ballot identification.
44.04	The System shall allow County Elections Staff to record in the System the manner in which a ballot envelope was received (e.g., email, mail, drop off), location of receipt (e.g. specific drop off location), date and time ballot envelope was received and the time frame of the vote (e.g., early, on Election Day, late).
44.05	The System shall allow County Elections Staff to record information provided on the outside of a ballot envelope such as the voter signature.
44.06	The System shall have the capability to record a scanned copy of the outside of the ballot envelope such as the voter signature.
44.08	The System shall have the capability to capture the ballot envelope signature file and full image of the ballot envelope, including affidavit.
44.09	The System shall allow Staff to select whether or not to save the signature and ballot envelope images in the System.
44.10	The System shall have the capability of storing the ballot envelope image files in a location that will not overload the System and causing reduced performance and speed.
44.11	The System shall identify the registered voter associated with the ballot envelope.
44.12	The System shall display an image of the signature from the voter's ballot envelope.
44.13	The System shall have the capability of comparing a hand-written signature from a voter's registration to a voter's ballot envelope, determine if the signatures match and provide information on the potential match to County Elections Staff.
44.14	The System shall allow County Elections Staff to manually indicate if a hand-written signature matches between a voter's registration and their ballot envelope.
44.15	The System shall allow County Elections Staff to indicate a disposition (accepted, rejected, or suspense) of the received ballot envelope in the System and if rejected, include a rejection reason.
44.16	The System shall allow for County Elections Staff to designate a rejection reason.
44.17	The System shall allow County Elections Staff to add voter records to the queue to issue notices, for example to send notices for ballot envelopes accepted or rejected (see Issue Notices use case).
44.18	The System shall have the capability to check to ensure that ballot envelopes in a suspended status are cleared be for the canvass has been completed.

The SOS has contracted for a replacement to their central system with KNOWiNK and Subcontractor Microsoft Azure for Internet and Intranet Cloud Hosting. However, many specifications show the central system will perform many local county ballot scanner and signature functions within the central system and data transfers between the systems making them vulnerable to security exploits

There are multiple instances where staff can override the results with no secondary manager approval control or observer capability specified. A two-factor verification is required when overriding data by a system that claims to be highly secure.

	No.	Functional Requirement Description
Capability – Tabulation and ENR		
	44.19	The System shall allow Staff to run reports of the number of ballot envelopes scanned, received, and rejected (See Use Case for Generate Reports).
	44.20	The System shall allow County Elections Staff to produce reports to be generated in a selected format such as PDF, Excel, .csv or MS Word.
	44.21	The System shall allow voter information, including signature files, to be exported to the ballot sorter used by the County.
	44.22	The System shall give an indication to Staff that this ballot envelope is for an ACP-Secured or Confidential voter.
	44.23	The System shall allow for specific System roles and access rights to be designated to those allowed to view ACP and Confidential voters.
	44.24	The System shall allow a voter record to be clearly flagged as a voter requiring special circumstances due to disabilities.
	44.25	The System shall allow Staff to enter in comments regarding the voter's special circumstances within the voter record.
No manager approval control for overrides	44.26	The System shall allow for the Staff to override a rejection from the ballot sorter or hand-scanner if the signature stamp is deemed valid.
	44.27	The System shall allow for the Staff to override a rejection from the ballot sorter or hand-scanner if the signature is deemed as a household exception.
	44.28	The System shall allow Staff to flag active voter records with the same residential address to be manually reviewed for signature when received.
	44.29	The System shall have the capability to alert staff that a ballot envelope has already been accepted and ability to override, along with being able to check activity.
Does not specify which data is permitted to be transferred.	45.01	The System shall allow for data to be exported in a format that can be manually and physically transferred to the tabulation systems used by the County Offices.
	45.02	The System shall allow for a data export in a format that is readable by the County tabulation systems without manipulation.
	45.03	The System shall allow for the Staff to update ballot styles (See Use Case for Manage Ballot Styles) and export updated data, in the case the tabulation system test fails to read the original ballot.
External exploit possible	45.04	The System shall have the ability to interface with the tabulation system, and record the results counted by that tabulation system.
	45.05	The System shall allow Staff to run reports of the ballot tally results (See Use Case for Generate Reports).
	45.06	The System shall allow County Elections Staff to produce reports to be generated in a selected format such as PDF, HTML, Excel, .csv or MS Word.
	45.07	The System shall have the ability to log if a ballot was rejected and which ballot envelope was rejected with an appropriate rejection reason.
	45.08	The System shall allow Staff to run audit reports.

Once again, all override's need 2 party agreement with Observer capabilities. All overrides should require video recording of the override and the approval, showing who was logged in and the video is made available transparently to the observers. This unalterable video recording is often used at call centers where employees alter banking or payment records and is a mature technology.

No.	Capability – Tabulation and ENR
	Functional Requirement Description
45.09	The System shall allow Staff to select formats and parameters of reports, including but not limited to, ballot tally by district, precinct, or ballot styles.
45.10	The System shall allow Staff to record comments of any discrepancies found in the logs of ballot envelope and voter records data in the System during the Tally Auditing process for historical tracking and historical reporting.
45.11	The System shall have the capability to alert Staff that a ballot has already been counted and the ability to override, along with being able to check activity.
46.01	The System shall allow for an interface with the tabulation systems used by the County Offices.
46.02	The System shall allow for the Staff to see the calculated results from the tabulation system with no ties or links to individual voter records (voting must be kept anonymized).
46.03	The System shall allow for County Elections Staff to view calculated results for the election, at any point in time during the election.
46.04	The System shall allow for County Elections Staff to run, export, and print election reports with date and timestamps, at any point during the election.
46.05	The System shall allow County Elections Staff to enter in write-in candidates.
46.06	The System shall allow County Elections Staff to import write-in candidate information, by way of a text, .csv, or Excel file import.
46.07	The System shall have the ability to calculate write-in votes with the counts already entered into the System for the current election.
46.08	The System shall allow County Elections Staff to run the Abstract of Votes report.
46.09	The System shall allow County Elections Staff to select whether to show election results for the individual county or all counties on the Abstract of Votes report.
46.10	The System shall allow County Elections Staff to certify elections.
46.11	The System shall allow County Elections Staff to run reports showing total calculations for each candidate and contest.
46.12	The System shall have the ability to provide reporting of election results by precinct and districts in a tabular format corresponding to GIS data.
46.13	The System shall allow County Elections Staff to export reports in a selected format such as PDF, Excel, .csv or MS Word.
46.14	The System shall allow County Elections Staff to close elections within their County.
46.15	The System shall have the ability to mark winning candidates based on the count of votes within the County.
46.16	The System shall allow the County Elections Staff to override the results, if necessary.
46.17	The System shall require a reason or comment if the System calculations are overridden.
46.18	The System shall mark all winning candidates with their new designated positions within the County.
46.19	The System shall convert the election status as "Closed".

Annotations (handwritten, in margin):
- **Who/what overrides what? No Mgr override control.** (pointing to 45.11)
- **External exploit possible** (pointing to 46.01)
- **Staff override Election Results W/O a manager approval control. Why is overriding results required?** (pointing to 46.16–46.18)

There is no control identified for the changes logged **to ensure the logs are unalterable by staff, vendor or administrators.** This is a major concern for system that needs to be provably secure.

Log does not specifiy userid of person performing change, nor protection for the log to be unalterable by staff, vendor, or administrator.

	Capability – Tabulation and ENR	
No.	**Functional Requirement Description**	
46.20	The System shall allow Staff to revert the election status for modifications.	
46.21	The System shall allow a log of all transactions, including status changes, to be captured with a date and timestamp.	
46.22	The System shall allow County Elections Staff to assign Abstraction results to Agency work queue.	
46.23	The System shall generate a Notice to the Agency office when an Abstraction is assigned into their work queue by a County Elections Office.	
46.24	The System shall make the Abstraction results read-only and un-editable by the County once it is assigned to the Agency work queue.	
46.25	The System shall have the capability to allow County Elections Staff to pull back the Abstraction results should the County Elections Staff choose to retract the submission to correct an error.	
46.26	The System shall allow Agency to view Abstraction results from the appropriate work queue.	
46.27	The System shall allow for Agency to export Abstraction results in a selected format (e.g., Excel, PDF, .csv, etc.)	
46.28	The System shall allow County Elections Staff to assign Abstraction results to another County's work queue.	
46.29	The System shall generate a Notice to the Filing Officer's office when an Abstraction is assigned into their work queue by another County Elections office.	
46.30	The System shall make the Abstraction results read-only and un-editable by the County once it is assigned to another County's work queue.	
46.31	The System shall allow for a Filing Officer's County to pull final Abstraction report from their Abstraction work queue.	
46.32	The System shall allow County Elections Staff to amend Abstraction results previously submitted to the Agency work queue.	

Generate Reports

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The Oregon Secretary of State Elections Director knows this new system will be controversial and the project problems add to that. Any new solicitation for a new multimillion-dollar system should include requirements for the system to pass the latest industry certifications. This is the opportunity to acquire the safest system possible. However, the Statement of Work and the Functional Specifications do not attempt to meet, exceed, or even reference the federal Election Assistance Commission's 2021 Certification specifications that were developed with the assistance of the U. S. National Institute for Standards and Technology (NIST). For example, solicitation did not include EAC's new requirements that systems be air-gapped from other networks and absolutely no wireless connections are allowed. These are easy additions already included in new specifications for tabulators.

If Oregon does not increase the security certification 2023 standards, nor move to Hand Counting, yet insists on having the system connect with the old tabulators based on 18-year-old security specifications, it is a huge security vulnerability by design. While security is becoming more vulnerable with the new quantum computers that can break passwords, and the automated AI-assisted hacking forecasted to make systems more vulnerable, it will be harder to detect security breaches. **It is not getting safer in the technological world; it is getting harder to defend. This is where the resources should be spent, not on trying to stop free speech so we will be safe from hearing alternative opinions.**

Another area they can use the MDM Contract to stop honest and legitimate political views is the growing grass roots movement across the state of Oregon to **Return to Hand Counting ballots**. It is not vulnerable to large scale attacks like all computer systems are, and county residents participate in the hand counting. It is easily transparent and understandable by the public and therefore much easier to trust. There is no opaque black box in hand counting as Germany and France will attest to.

There are claims that hand counting is too slow or too prone to error. However, the ability for hand counting teams to start early on election day with mail-in ballots and by using the Missouri method, which reduces hand counting errors, it has been demonstrated that counts can be completed the same day or next day and done accurately.

It is unreasonable to think the unelected appointee as Secretary of State **LaVonne Griffin-Valade** will step in to interrupt any technology-based contract. While this was all launched as one of Secretary Fagan's plans. Griffin-Valade was retired for nine years and had been writing and selling her books. She is not running for election, and it is unlikely that she is worried about stopping any effort that will violate first amendment rights, or give effort to any huge security concerns. To those who say election systems are safe, but really have no independent audits performed every year, look at how one of the most talented technology teams at DMV, backed by the State CIO's Cyber Security Office, was still not able to prevent a 3rd party vendor from producing a product claiming to be secure but lost to hackers every Oregonian's driver's license identity information. This includes the last 4 digits of a Social Security number, and DMV said to assume all information on the card was stolen. If all of the driver's license was transferred and stolen that means, signatures and pictures were taken as well. Can we please stop calling any computer safe and secure that is not receiving annual independent audits performed by those who do not work on or with the equipment?

Summary: Oregon Votes KNOWiNK Contract Flaws and Concerns.

1. System allows county staff to override the results with a comment. The system should never allow results to be overridden for any case. They also did not require a manager approval with observers access or video recording of any override. Overrides must include the visible UserIDs of the person overriding, the UserID of the manager approving the override and the independent observers or observer video recording.

2. The system shall allow staff to override a rejection from the ballot sorter or hand-scanner if the signature stamp is deemed valid. Here again, there is no control specified overrides and the system itself or a person on their own, should never be allowed to override any ballot.

3. The system shall allow staff to override a rejection from the ballot sorter or hand scanner if the signature is deemed as a household exception. Here again, there is no control specified to overrides. The system itself or a person on their own, must never be allowed to override any ballot.

4. System has the ability to override a ballot with no confirmation or approval if it thinks the ballot has been already counted.

5. Logging specifies the status of changes and a date/timestamp. It does not specify specify logging the UserID of the person making the changes

6. Specification does not specify unique UserIDs for each person who logs in, including every person with administrator access.

7. System "shall allow for an interface with the tabulations systems used by the County

Offices." The only way this can happen is if they are connected between the cloud hosted software and the county hosted tabulator, creating a vulnerability for both.

8. The project has spent $4.7 million of the $10+ Million in costs and was to have deployed in the Minimum Viable Product last July. It failed to do so. It is now estimated the minimum product cannot be delivered until some time in 2024.

9. The Project is in **RED status:** danger of failing to deliver what the vendor was paid for and agreed to provide. The Project Executive Summaries give executives a simple Green, Yellow, Red indicator for the three categories of Cost, Schedule and Scope (Is Oregon getting all and at the quality that is agreed to in the contract). **Green** = no help is needed. **Yellow** = the Executives know to start paying attention and the responsible Manager and Project Managers really need to identify the issues and correct ASAP. **Red** = Project now needs the Executive(s) involvement to help to either kill the project, rather than throw good money after bad, or to reallocate personnel, assert contract requirements with vendors senior management, and evaluate penalties.

10. If the problems are due to the government not keeping its agreed upon responsibilities, the choices are stop the bleeding and kill the project, or seek additional funding and admit it was not managed adequately by the managers in place and reassign them.

11. Bring in a higher level of competency to evaluate what needs to be done to correct the across the board deficiencies.

In 2024, there are three major Oregon elections with no incumbents running: Secretary of State, Attorney General and State Treasurer. It is the biggest Presidential election in 20 years. Ranked Choice Voting will be a ballot initiative and confusing. So, what did the Elections Division do to prepare? They spent millions and failed to deliver the secure system which has specifications that will not pass the rapidly rising computer security needed for the cybersecurity threads of the next decade. Instead, they have relied on a contract with a foreign company to deliver what they determine to be "mis-, dis-, or mal-information". They have formed Oregon's own Ministry of Truth led by their Civic Elections Education Director Nikki Fisher and Election Director Molly Woon. They named their solution to cover what their own Project evaluators call a high risk of failure without drastic recovery measures and delays: the Oregon Votes KNOWiNK system. They named that solution, the "**Elections False Information Solution**".

Click on images to launch CISA Dis-information threat YouTube videos.