

September 16, 2021



Dear Captain Seth Keshel,

My name is Lynn Bernstein and my field of work is in aerospace engineering, specifically in systems integration & test. I have worked full-time on election integrity, processes, security, and transparency for over 5 years. Last year, I founded Transparent Elections NC to help advance evidence-based elections. "The principle of evidence-based elections is that local election officials should not only find the true winner(s) of an election, but they should also provide the electorate convincing evidence that they did".¹ Our elections must be accurate, transparent, secure, and publicly verified if our democracy is to survive. The days of elections officials proclaiming, "trust us, we audited our own processes and have faith that we found the correct winners" are long over. Americans deserve to see the proof.

I appreciate you taking the time to do a post-election analysis. In many states those are the only data the public is allowed to see and we make the best of it by trying to analyze what it reveals. The problem with post-election statistical analysis suggesting there was a red-shift or blue-shift is that neither side can take that argument to a judge. It's circumstantial, not proof of wrongdoing. It may give us a heads up on where to look more carefully, but continues to be thrown out of court — it is not evidence.

For the 2020 primary election, I was the lead observer for the Wake County Democratic Party and was deeply troubled by what I observed; a lack of transparency, lax security measures, no bi-partisan chain of custody of some critical election materials, election results being prematurely revealed, no legislative oversight, illegal processing of absentee ballots, weak post election (self) audits and the list goes on. After going through every oversight channel I could think of and getting nowhere, I went public about what I saw and was swiftly fired from being an observer for my party — I do not regret being a whistleblower.

My observations for the 2020 Primary election do not include my county's processes on election night because the Wake Election Director would not allow the public to enter the building despite there being a quorum of Board of Elections members present on election night. We were threatened with arrest if we did not leave the property immediately! This is another egregious violation of state law.

NC continues to engage in illegal and ill-advised practices and will continue doing so unless the public starts to take notice and demand meaningful observation and evidence. Many of the Election Assistance Commission (EAC)² and National Conference of State Legislators (NCSL)³ recommended best practices are not followed by counties and should be explicitly mandated by NC law. A failure to mandate adherence puts the state and counties in legal jeopardy, as candidates could convincingly claim that there was ample opportunity for fraud.

Finally, NC must stop violating Federal law by destroying ballot images.⁴ The ballot images, cast vote records, and list of voter records (along with the metadata) should be released to the public along with all other election evidence. Our democracy depends on a transparent, secure, and publicly verified process.

Please do not hesitate to contact me for questions or clarification.

Respectfully yours,

[Redacted Signature]

Lynn Bernstein

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<https://TransparentElectionsNC.org>

¹ Georgetown Law Review paper by Phillip Stark and Andrew Appel "Evidence Based Elections"
<https://georgetownlawtechreview.org/evidence-based-elections-create-a-meaningful-paper-trail-then-audit/GLTR-07-2020/>

² Election Assistance Commission: 6 TIPS For Conducting Election Audits
https://www.eac.gov/sites/default/files/eac_assets/1/6/EAC_6TipsForConductingElectionAudits_508_HiRes.pdf

³ National Conference of State Legislators: Election Security: State Policies 8/2/2019
<https://www.ncsl.org/research/elections-and-campaigns/election-security-state-policies.aspx>

⁴ Justice Department Guidance: July 28, 2021 <https://www.justice.gov/opa/pr/justice-department-issues-guidance-federal-statutes-regarding-voting-methods-and-post>