

**Opening Statement To The Michigan Senate Oversight Committee
December 15, 2020**

Good afternoon, Chair McBroom and distinguished members of the Committee. I appreciate the chance to be here today.

My name is John Poulos and I am the Chief Executive Officer of Dominion Voting Systems. Dominion is a U.S. company headquartered in Denver, Colorado. I founded my company in Canada more than eighteen years ago. By 2010, our business had grown in the U.S. and we moved our headquarters to Denver, Colorado, and voluntarily worked with Committee on Foreign Investment in the United States (CFIUS) to ensure they knew who I was. By 2018, the majority of our business, our customers and employees were in the United States, and I sold the majority Company to U.S. investors. This has been all publicly disclosed to Congress in sworn affidavits. Dominion proudly provides voting systems and services to jurisdictions across 28 U.S. states and Puerto Rico.

I agree with the importance of the issues being raised today regarding election integrity. At Dominion, we take great pride in the limited role we play in elections and we want to assure voters that they can have confidence in the accuracy and reliability of their voting systems. We go to work every day cognizant of this important responsibility.

Unfortunately, Dominion has recently been thrust into the national spotlight as part of a dangerous and reckless disinformation campaign aimed at sowing doubt and confusion over the 2020 presidential election.

A lot of things have been said about Dominion's systems and I'm going to address as many of them as I can, as well as answer your specific questions.

But the most important thing to understand about Dominion is this: we do not run elections. Our role is limited to providing local election offices with the machines *they* need to run elections. After election officials have determined who is eligible to vote, we provide machinery for voters to mark their ballot and for election officials to tally the count. Election officials report those tallies publicly and securely store the original paper ballots. Those ballots are preserved so that election officials can double check the tallies from our machines—at any time.

Again, all the tabulator does is count the votes on paper ballots that have been created by the voters. The number reported by the machine can always be compared to a hand count of those original paper ballots.

People can speculate about votes being "switched," or "secret algorithms," or "glitches," but if any of that were true, the paper ballots wouldn't match machine count. We're very serious about providing our customers—state and local governments—machines that accurately count ballots and at the end of the day, the counts from our machines match the physical ballots that are stored.

Those people making these baseless claims surely know that they are lies, but many honest Americans see them proliferated on social media, and they believe them. These lies have consequences. Death threats have been leveled against state and local election officials, my company's employees, and even against my family. The largest threat, however, has been the assault on confidence in America's democratic process.

It is critical to set the record straight today on several of the most persistent lies:

First, there were no "switched or deleted votes" involving Dominion machines. All 2020 election audits and recounts conducted thus far of Dominion technology have validated the accuracy and reliability of the results.

There is no algorithm that enabled "fractional" voting. The Election Assistance Committee, a bipartisan federal agency, provides for the accreditation of independent, non-federal laboratories that are evaluated and recommended by the National Institute of Standards and Technology, to test and qualify voting systems pursuant to HAVA Section 231(b)(1). Among other things, these test labs perform complete source-code reviews on every federally certified tabulation system. States replicate this process for their own certifications.

Numerous election security experts from both sides of the aisle—including the U.S. Department of Homeland Security, the U.S. Election Assistance Commission, and Secretaries of State from across the country and from both parties—have affirmed there is no evidence that voting machines were corrupted to alter this election. Specifically, the U.S. Cybersecurity and Infrastructure Security Agency (CISA) stated, "There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised."

Our company works with all U.S. political parties, and our customer base and government outreach practices support this non-partisan approach. In fact, we submit extensive company disclosures to federal and state authorities as terms of product testing and system certification. Dominion is a private American company that provides voting systems in 28 states, regardless of whether they are "red" or "blue."

Dominion Voting Systems does not now—nor has it ever—used the SolarWinds Orion Platform, which was subject of the DHS emergency directive dated December 13, 2020 (Emergency Directive 21-01).

Dominion is not and has never been a front for communists. It has no ties to Hugo Chávez, the late dictator of Venezuela. We have never been involved in Venezuelan elections. Its machines have never been used in Venezuela. The company also does not have any ties to China whatsoever, including no ties involving investment or source code transfer. There are no ownership ties to any political parties nor to foreign governments. Dominion has no ties to the Pelosi family, Feinstein family, Clinton family, or George Soros.

Additionally, Dominion does not have any servers in Germany or Spain, and no votes are sent overseas. Let me be clear – ballots aren't sent anywhere. Not overseas, not over state lines,

and not even over county lines. All votes are counted by local, bipartisan U.S. election officials in the United States. The U.S. Army has debunked claims of secret military "raids" overseas.

Additionally, voting systems are, by design, meant to be used as closed systems that are not networked, meaning they are not connected to the Internet. It is technologically impossible to "see" votes being counted in real-time or to "flip" them.

The comments about our Company being started in Venezuela with Cuban money with the intent to steal elections are beyond bizarre, and are complete lies. My Company started in my basement, which happened to be in Toronto, and our only intention was to help blind people vote on paper ballots. Our very first public demonstration was in 2003 for a City on the other side of the Ambassador Bridge, and my partner and I made a weekend of it and watched a Lions game. Both turned into disappointing losses. No Cuba, no China, No Venezuela.

Dominion does not have any ties to Smartmatic. Dominion and Smartmatic are two separate companies. We do not use or license Smartmatic software. The extent of our relationship is this: In 2009, Smartmatic licensed the use of a Dominion voting machine for use in the Philippines. That Agreement is long over, and they no longer have the ability to use any of our Intellectual Property. We certainly do not use any of their Intellectual Property or Source code.

The other event about our history that many are wrongfully conflating as proof of a relationship with Smartmatic involves the assets that Dominion purchased from Sequoia Voting Systems in 2010. Let me be clear – we didn't purchase anything from Smartmatic. Sequoia Voting's history went back over 100 years in various different names, and had dozens of different owners, including—briefly—Smartmatic, who I believe owned them between 2005 and 2007. When they fully divested in 2007, it is my understanding that they documented to CFIUS the fact that they had no control in Sequoia. At no point did we at Dominion acquire Smartmatic source code or IP, nor do any of our customers use any of their intellectual property in our systems.

I will not be commenting today on employees—whether full time, part time, or single-day contractors or past employees—due to safety concerns. Dominion employees are facing harassment and threats against personal safety due to the false allegations of recent weeks. We are working around the clock to address issues with law enforcement and take every measure we can to ensure the safety of our employees. But I will say this: no Dominion employee has given me reason to suspect that they have or would do anything to alter an election outcome — but what's even more important for you to know is that it would not be possible for them to do so.

These falsehoods I've just listed are only a sampling of the most egregious lies. The disinformation campaign being waged against Dominion defies facts or logic. To date, no one has produced credible evidence of fraud or vote switching on Dominion systems because these things simply have not occurred.

I would now like to explain further Dominion's role in elections. It is important to know that Dominion is never able to affect the outcome of an election. Dominion does not handle voter-

registration, poll books, or signature-verification. We don't supply software or equipment for those services. We don't provide vote-by-mail services, and we don't control or secure voters' paper ballots. We have no role in verifying the eligibility of voters. These are the jobs of bipartisan poll workers and local election officials.

Long before election day, before we sell our equipment, our voting systems undergo an accreditation process run by the United States Election Assistance Commission (EAC). The process involves compliance with all Voluntary Voting System Guidelines, including standards for secure software design, such as software independence. Dominion's systems must be tested by an independent, federally-accredited laboratory, and Dominion must disclose its ownership, system source code reviews, and all component and hardware sourcing information to the EAC.

In addition to federal certification, Dominion submits to additional rounds of testing and disclosures in order to get certified in the 28 states in which we operate.

Once we sell our equipment to local officials, the machines are under their control. In many circumstances, source code is delivered by hand by State certification officials. Officials keep rigorous chain-of-custody logs. This is how election officials ensure that equipment is not tampered with. What's more, our systems require a paper ballot that is always in the custody of the local election officials. While we do ensure trained technicians are available on Election Day should local election officials need support resolving technical issues, at no point are local election officials not in control of voting machines. If any Michigander is looking for confidence in the vote counts, beyond looking to the chain of custody and the certification checks and balances, they can always look to the hand count audits and recounts.

Now let me talk about Michigan, specifically.

[Michigan law](#) also requires voting systems to be approved by the Michigan board of state canvassers and certified by an independent testing authority. Tabulation systems, including Dominion's, must pass a rigorous testing and certification process to meet the state's robust standards before they can be used.

Ahead of the election, local officials conduct logic and accuracy testing with bipartisan observers present, ensuring tabulating equipment and the specific election data files perform properly and accurately.

The precinct voting process administered by local election officials varies from State to State and can vary from county to county. I would like to provide a general outline of how the process works.

After testing and sealing vote tabulators, voting units are delivered to the polling locations.

Election morning, bi-partisan Poll Officials perform the following tasks:

1. Unlock (or unseal) the ballot box that sits underneath the tabulator to verify that there are no ballots in the ballot box. Poll Officials seal the ballot box.
2. Poll Officials verify the physical seals on the tabulators and BMD's against the list provide by the jurisdiction's Election Administrators.
 - Tabulators and BMD's are powered on
 - Using an encrypted security key and a password (two factor authentication), the Poll Officials electronically "Open the Polls" on the tabulation units (note for BMD the two factors are an encrypted smart card and password).
 - A "Zero Proof" report is printed (often multiple copies for posting at the location) confirming that no ballots have been cast on the units.
3. Throughout the day, voters check-in with Poll Officials, in order to verify their registration on an electronic or paper pollbook. This process does not involve any Dominion system.
4. Voters make choices on their ballot either through hand-marking or via an electronic BMD interface, which generates a voter made paper ballot.
5. Voters review their paper ballot choices and then insert the paper ballot into the tabulator, which sits atop the secured and sealed ballot box.
6. At the close of voting, the Poll Officials perform the following tasks:
 - Using an encrypted security key and a password, the Poll Officials electronically "Close the Polls" on the tabulation units.
 - A "Results" report is printed, with multiple copies for posting at the polling location and to hand out to poll watchers. This confirms the turnout and vote totals for all ballots inserted into the tabulators by voters. For the BMD, there are no results since it is simply a mechanism for voters (including voters with disabilities) to make ballot choices and create a paper ballot. The BMD units are powered down.
 - For the few jurisdictions (less than 1% of Dominion's customer base), an external cellular modem is *required*. In our case, we specifically design the modem to be external, to allow all poll-watchers to easily and readily know whether it is connected. In the counties where it is required, the modem is connected to the tabulator after the polls are closed—after the seal is removed—to transmit unofficial summary results to the jurisdictions central location. Upon completion of the transmission, the external modem is removed.
 - The ballot box is then unsealed and then unlocked, and the paper ballots are removed from the ballot box and manually accounted for by Poll Officials, including reconciliation with the pollbook voter numbers.
 - The seal is removed from the door containing the tabulators removeable memory device.
 - The removable memory device is removed and together with a copy of the results tape and the paper ballots, is sealed in a transport container.
 - Poll Officials, sometimes accompanied by Sheriffs, drive the sealed transport container to the jurisdiction's central location.
 - As a reminder: none of these actions are performed by Dominion employees.

7. Election Administrators at the jurisdiction's central location will accumulate the electronic results (regardless of whether previous unofficial transmission occurred) from the tabulators' removable memory devices. Accumulation occurs on a closed network computer system.
8. Election night unofficial reports will be generated by the Election Officials.
9. Canvass process begins to reconcile all election data and in particular ballot counts and the voter registration/pollbook numbers indicating how many voters were processed and how many ballots counted.
10. After canvass, the jurisdiction certifies the Election to the State.

Again, throughout this period the actual paper ballots created by voters are locked and stored, under the control of local elections officials — and are available at any time to check against machine tallies.

After the election, officials run through even more procedures to verify the accuracy of vote counts, including risk-limiting audits and random recounts conducted in the public view.

Above all, the most important check on our machines is the paper ballot. Michigan has paper ballot records for *every vote cast on a Dominion machine.*

The proof of our machines' accuracy is in these paper ballots. If there was any manipulation of the system, the paper ballots would not match the machine totals. Moreover, if unauthorized votes were somehow added to the count, those numbers would not match the canvassing numbers.

Despite Michigan's rigorous election security protocols, disinformation persists. This has been nowhere more apparent than in Antrim County, where this week a severely flawed report was released by a biased, non-independent organization alleging "election switching." It is categorically false and technically incomprehensible, let alone possible, but at its broadest, the report alleges that votes were "switched" using Dominion's digital adjudication system and Ranked Choice Voting.

I have difficulty knowing where to begin on this. Michigan doesn't use Ranked Choice Voting. A simple review of Antrim's ballots easily confirms this. More importantly, an independent review by an EAC certified test lab—any of them—could easily verify this.

Secondly, none of Antrim's tabulators were connected to the internet. Although some Michigan counties require that tabulation systems transmit unofficial election results from the precincts via modems on closed networks, Antrim County does not use modems.

Finally, the adjudication claims are entirely false. Let me take a minute to explain this bizarre claim. First off, adjudication only occurs on absentee ballots, and only in States that require it. A voter making a mistake on an absentee ballot is an age-old problem. A common mistake is when a voter fills in the wrong oval, and then tries to correct it by filling in another oval, and

drawing an X through the first. This is what election experts call an "overvote," and in some states those votes are not considered as such, and no vote is counted for either candidate.

However, some states, like Michigan, call for bipartisan review committees to review these ballots for common mistakes, to see if they agree on voter intent. All decisions are made by local officials and a bipartisan committee. In some counties, election officials do this using a digital adjudication system, whereas other counties conduct this process manually by creating new ballots when needed. With digital adjudication, the original ballot is never changed, and a full audit trail shows the original image, shows who the bi-partisan adjudicators were and what they agreed on, and ultimately captures any changes they made per State law.

In Antrim county, ballots are reconciled manually. What the report is alleging is impossible because Antrim County does not license nor use digital adjudication. Furthermore, digital adjudication requires the use of ballot images. Antrim County did not record absentee ballot images. Any U.S. Election Assistance Commission (EAC) accredited voting systems testing laboratory (VSTL) can easily and independently verify whether adjudication is used by review of the database structure.

As Michigan's Director of Elections stated in a court filing in response to the report, "the report makes a series of unsupported conclusions, ascribes motives of fraud and obfuscation to processes that are easily explained as routine election procedures or error corrections, and suggests without explanation that elements of election software not used in Michigan are somehow responsible for tabulation or reporting errors that are either nonexistent or easily explained."

I should note that isolated instances of human error do occur in elections, and this happened in Antrim County in this election. The reason we are now talking about Antrim County have to do with a series of human errors.

Specifically, an October change to the election required a new election project to be created. As part of this process, every tabulator had to be updated with the new election project. The first human error occurred when Election Officials didn't update all of the tabulator memory cards. The second human error occurred when Election Officials forgot to conduct the public logic and accuracy testing on the final election project. Both of these errors were compounded when the programmer of the election took steps to ensure that the original ballots from the September project that were already printed could be used in the tabulators not affected by the addition of a school board race.

If all of the tabulators had been updated as per procedure, there wouldn't have been any error in the unofficial reporting. If public Logic and Accuracy testing had taken place, the error would've been caught when it should have been caught, prior to the election. If steps weren't specifically taken to salvage the already printed ballots, the system would not have allowed election officials to upload memory cards, and the reporting error never would have occurred.

Human mistakes happen, especially in busy election years when election officials work tirelessly through weekends and holidays for months on end, which is even more difficult in small counties where there is a lack of dedicated election staff. This year in particular, the difficulties were compounded by the pandemic. This is exactly why canvass procedures exist, which of course is where this error was quickly identified and corrected.

Because our systems in Michigan use paper ballots, the accuracy of tabulation machines can be proven by hand counts and audits. As the Michigan Secretary of State office has already announced, this week the Bureau of Elections and Antrim county will conduct a hand count of all ballots cast in the presidential election. This will verify that our system counted votes accurately.

Those making unfounded allegations against Dominion are selective in their expressed concern. They ignore, for example, that in several key battleground states, the President got more votes on Dominion systems than in other jurisdictions. Some of the requested recount sites, such as Philadelphia and Milwaukee, were not Dominion customer areas at all.

I will close by reminding everyone that all Dominion machines in battleground states produce voter-verifiable paper ballots and records for review. These paper ballots for every vote cast are preserved and secured by election officials and are overseen by representatives from both parties. If there was any manipulation of the system, the paper ballots would not match the machine totals. Moreover, if unauthorized votes were somehow added to the count, those numbers would not match the canvassing numbers.

As one example, the recent hand recount in Georgia of five million votes matched our voting machines' tally perfectly, showing our machines counted accurately. I was asked recently what I thought about the Georgia hand ballot count and my reaction was of enthusiasm—a hand count is the most certain way of proving that our systems work, but no one would normally pay for such a large recount. We welcome recounts because they prove the value of our systems.

This indisputable fact is a key redundancy of our voting process and will undoubtedly continue to serve as the basis for truth and transparency in the 2020 election and beyond.

I appreciate the opportunity to testify at an official hearing—under oath—about our company and how we worked in the 2020 elections. We have yet to see our critics make their allegations under oath as I am doing here today, or to bring any real, independent fact-based evidence forward.

Thank you again, and I am now happy to take your questions.