



Michael L. Parson

GOVERNOR
STATE OF MISSOURI

November 30, 2021

Mehreen Rasheed
American Oversight
via email: records@americanoversight.org

Re: Sunshine Law Request

Dear Mehreen:

I am responding for the Office of the Governor to your Missouri Open Meetings and Records ("Sunshine Law") request which I received via email on November 29, 2021. This response is within the three-day period required by the Sunshine Law. RSMo. § 610.023.3.

You request "All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, notes taken during or summaries of any meetings, materials exchanges during meetings, or other materials) between (a) Governor Mike Parson, Chief of Staff Aaron Willard, General Counsel Andrew Bailey, Deputy General Counsel Caroline Coulter, Policy Director Dr. Kayla Hahn, Senior Policy Advisor Jamie Birch, Executive Assistant Tammy Allee, the senior-most person in the Office of the Governor tasked with managing election security or integrity. And (b) Mike Lindell, or anyone communicating on Lindell's behalf." (2) "All communications of the officials listed in part 1 of this request regarding Mike Lindell, his claims of election fraud, and/or his effort to conduct canvassing regarding the 2020 election."

The responsive records are attached to the email containing this letter.

With this letter and responsive records, this Office considers the request closed.

Please contact my office with any concerns.

Sincerely,

A handwritten signature in purple ink that reads "Taylor Jones".

Taylor Jones
Custodian of Records

Message: H Elections - Initiative Petitions & Elections

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From Sweetwood, Matthew Date Tuesday, August 24, 2021 1:55:05 PM

To OA.Hearing & Floor Action

Cc

Subject H Elections - Initiative Petitions & Elections

House Elections and Elected Officials Committee Hearing

Discussion of Election Security and Initiative Petition Reform

August 24, 2021

Members present at or after roll call: Shaul, McGaugh, Windham, Adams, Baringer, Coleman, Schwadron, Simmons, Reisch

Chair Shaul noted that the committee will meet again on 9/14 mainly to discuss voter photo ID requirements.

Witnesses

- Chair Shaul noted that written testimony was submitted by **Denise Lieberman** with the Missouri Voter Protection Coalition
- **Rep. Ann Kelly** recounted that she recently went to a cybersecurity symposium in Sioux Falls, South Dakota. She noted that many speakers at the symposium speculated on how voting machines may have been compromised during the 2020 election. She stated that they must get rid of paperless voting machines and get access to look inside voting machines. Kelly contended that no voting machines should be connected to the internet. She did clearly indicate that any actually were connected to the internet. She alleged that there is no oversight to ensure that voting machines are not connected to the internet. Kelly closed by stating that 70% of Republicans and 40% of Democrats don't trust that elections are safe. She said that even the smallest doubt justifies investigation. Shaul shared his concerns with Kelly regarding the transfer of data from the vote recording machines to the machines that count the votes. Kelly informed Windham that Stacy invited her to testify. Shaul noted that he did as well. Kelly informed Windham that MyPillow CEO Mike Lindell sponsored the symposium she went to. Windham noted that Fox News no longer covers Lindell. Kelly appeared to say to Windham that she did not trust the U.S. Dept. of Homeland Security to oversee the security of elections. Windham questioned Kelly at length regarding the sources of the information Kelly reported having heard at the symposium. Windham exchanged with Shaul regarding the reasons why he felt it was necessary to scrutinize Kelly's sources. Windham questioned Kelly's analogizing someone "hacking" her home computer (providing remote customer support) with someone hacking a voting machine. Kelly was unable to identify any voting recording machines equipped with modems that might allow such hacking. McGaugh discussed how Missouri's local election boards work to oversee voting through the work of bipartisan teams. Kelly conceded to McGaugh that she was not saying there was any wrongdoing by such officials. McGaugh attempted to outline what occurs during the certification process to verify election results. McGaugh informed Shaul that the voting machine vendors do provide security to prevent breaches. Shaul and McGaugh appeared to agree that the committee would not be meeting had the Senate taken up and passed its legislation. Coleman spoke in support of investigation and action to ensure the public trusts elections. Baringer argued that cybersecurity threats to the power grid and other infrastructure was likely more pressing. Adams noted that he has not received a single email or phone call expressing concerns regarding election security. Adams argued that there were a lot of "experts" out there asserting there is a problem while never being able to prove there is a problem. Adams defended the county clerks and their work, decrying what he characterized as fearmongering. Simmons reported having watched some of Lindell symposium as well. Simmons encouraged the committee to take a closer look at the state's process and how it could be improved. Simmons alluded to some of the symposium's content regarding machine vendors updating software used in clerk offices. Kelly and Simmons agreed with one another that

various proposed measures, including paper ballots, were not voter disenfranchisement. Simmons invited Kelly to relate any info she had heard about the software and machine vendors. Reisch commented that she had received a lot of emails regarding election security issues. Reisch briefly touched on the misuse of absentee ballots and the need to clean up voter rolls. Reisch spoke in favor of giving the SOS additional election investigation powers. Reisch complained about colleges and universities failing to inform clerks that students no longer live in town.

- **David Stevens**, armed forces veteran, now math teacher, self-described cyberwarfare professional, asked the members to forgive him if he pauses to avoid disclosing classified material. Stevens contended that the U.S. suffered the greatest cyber attack in history conducted by the Chinese Communist Party involving the creation of excess or phantom ballots at the county level that they could then fill in. He also alleged that vote flipping appeared to have occurred. He recommended getting someone name Dr. Douglas Frank to examine evidence from Missouri and testify on it before the committee. Stevens stated that the symposium showed that thousands of votes were flipped in Missouri. He recommended getting rid of the machines currently used by the clerks and the state. McGaugh questioned whether or not thousands of flipped votes would not be discovered through current election security processes. McGaugh contended that the state could not entirely dispense with voting machines. McGaugh corrected a statement she made earlier noting that the county clerks have informed her that none of their vote recording machines have modems. McGaugh and Stevens discussed the current process including how and where the communication of voting data intersects the internet. McGaugh argued that various processes including hand counts would detect and defeat vote flipping. Stevens informed Windham that he would trust the experts from the Department of Defense over those of the Department of Homeland Security. Simmons commented that he had never before seen presidential election counting stop. Adams appeared to concede that stopping a count is rare. Baringer attempted to clarify to Stevens that certain St. Louis City election issues were cause by paper ballot problems. Baringer contended that Missouri elections were very well run.
- **Greene County Clerk Shane Schoeller** noted that Missouri is a paper ballot state that uses machines to count those votes. Schoeller discussed how if there is any problem with Missouri elections it will be with voter registration systems. Schoeller noted that vote information is protected by encryption and physical security measures including a chain of custody ensured by bipartisan teams. He noted that there are other safeguards in place such as recount processes. Schoeller recommended that Missouri adopt the use of risk-limiting audits as another measure to ensure election security. Schoeller noted that a recent complete recount of a legislative race discovered only problems with the machine being unable to read marks that were clearly visible to the persons examining the ballots. He said that there were a number of measures currently in place to ensure election security. Schoeller said he was not aware of any election authority using vote recording machines with any connections to the internet. He did concede that there was room for improvement in particular to better ensure there is a pool of candidates for election judges. McGaugh thanked Schoeller for his input as a county clerk. Windham read a 1922 news story urging white voters to vote early and stay at the polls to frustrate and intimidate black voters. Schoeller noted that loitering at the polls is not allowed. Windham and Schoeller discussed how poll watchers and challengers can themselves be removed if they begin to harass or intimidate voters. Simmons asked if a ballot could be entered twice to be counted. Schoeller said it is theoretically possible. Schoeller stated that there would be a way of checking to make sure that ballots were not counted more than once. Schoeller described the process by which voting machine vendors update machine software. Baringer discussed her idea that Missouri voters be provided unique numeric identifiers for voting in Missouri as a means of cleaning up voter registration rolls. He assured her that the counties do communicate with one another to clean up their rolls.
- **Madeline Malisa with the Foundation for Government Accountability** (funded by private donors) urged the committee to consider prohibiting the provision of pre-filled-in ballots by third parties to absentee ballot voters. She also urged the state to require additional voter identification measures for absentee ballots including photo ID and partial social security numbers. She urged them to outlaw private third parties from providing funds to pay for election costs, calling such funding “Zuckerbucks”. She suggested that the state also increase oversight and control of ballot drop boxes. She went on to urge that the initiative petition process should be modified to require supermajority approval for certain measures and more geographically diverse approval. She noted for Windham her support of

Georgia's ban on third parties providing water for voters waiting in line to vote.

- **Keith Carmichael**, “not an expert”, took credit for bringing witness Stevens in for the day's hearing. Carmichael attempted to reinforce Stevens' message that the country had been attacked by a foreign agent and should treat the issue accordingly. He went on to tout Dr. Douglas Frank analysis of election data.
- **SOS Deputy Secretary of State Trish Vincent** complimented the committee on its work in the recent session and the county clerks it works with on the local level. She emphasized that the office works year round to ensure election integrity. She recommended the adoption of voter photo ID, stronger absentee ballot requirements, hand-marked paper ballots whenever possible, audit enabling legislation that ties results to funding, prohibitions against curing absentee ballots, voter roll cleanups, security testing by the SOS or another authorized body, additional powers for the SOS to oversee elections including machine vendors. Vincent noted that machine vendor software upgrades go through a certification process before being rolled out. Vincent proposed banning compensation for third party voter registration efforts. Regarding initiative petitions, Vincent, on Ashcroft's behalf, suggested a supermajority should be required to change the state's constitution. Adams questioned the SOS opposition to votes being cured. Adams suggested that the SOS establish a uniform means of curing absentee ballots. Windham and Vincent appeared to disagree with whether or not the SOS is needed to perform penetration testing of voting systems instead of the Dept. of Homeland Security. Shaul and Windham discussed whether or not the legislation the committee passed addressed the issue of curing ballots for technical errors or omissions.
- **Jen Bernstein with the National Council for Jewish Women of St. Louis**, spoke briefly against the committee's efforts to undermine the state's current initiative petition process. No substantive questions.
- **League of Women Voters President Marilyn McLeod** spoke against efforts to undermine the current initiative petition process and other efforts that would make it more difficult to vote. She spoke in support of allowing no-excuse absentee voting. Shaul asked McLeod if it would be reasonable to require photo ID for absentee voting. Reisch noted for the committee that most states don't have an initiative petition process.

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