

**(Sample) Presidential Executive Order  
(Preservation of Ballot Images and Election Evidence)**

**[P1]** The Office of the President seeks to preserve, according to federal law, all election records, specifically including digital ballot images made from the original paper ballots. This allows the public (through public record requests) to obtain the digital ballot images and perform a recount on their home computers, or cell phones themselves.

**[P2]** This method provides a higher level of security while maintaining anonymity of the voter.

**[P3]** All Americans have a right to a secure, verifiable and transparent vote count in line with three standing US Supreme Court decisions.  
(Attachment A provides excerpts of these court cases.)

**[P4]** The most secure election counting procedures require paper ballots, hand counted by human beings at the precinct, before the ballots leave the view of the people during the initial phase of the election count. This is not being observed in most counties. The present electronic vote count systems undermine U.S. Supreme Court rulings.  
(Attachment A).

**[P5]** U.S. Supreme Court rulings & federal laws must still be upheld.  
52 USC §20701 requires that each county shall preserve all election records /evidence for 22 months after each federal election. 52 USC §20701 includes paper ballots and all electronic ballot images made from (and married to) these original paper ballots, preserved also for 22 months. This is already the law. Therefore, counties that destroy/delete or alter federal election records illegally shall not receive future federal election funding. In addition, any cases of violations of the law will be immediately referred to the FBI and relevant authorities for investigation and eventual prosecution.

**[P6]** In several States, election officials are deleting/ destroying digital ballot images right after the elections. Why are they doing this if not to avoid transparency? Voters have submitted public records requests to obtain the digital ballot images. They have been denied these public records. Then, they have sued to obtain the records and/or to prevent deletion (or to prevent the hiding of the digital ballot images from the people). In response, election officials have fought in court to delete records (including to hide the digital ballot images from the people). (See Court cases cited below.)

[P7] A recent court case out of Pima County, Arizona displays this. A judge blocked public access to digital ballot images claiming a risk of identifying voters with their votes. There are no voters names on these ballots so there is absolutely no possible way to identify any voter with the ballots or ballot images. The public right of a secure election far outweighs the "what ifs" in the cases of a few.

[P8] In this judge's court, a good defense attorney would break the connection between the suspected voter and the ballot in question; this based upon the Arizona "Rules of Evidence."

[P9] There are several national election integrity groups concerned about the vulnerabilities of our electronic election systems. Their concerns are best summarized by the following statements:

*“Once a hand marked paper ballot is turned into electrons, it is vulnerable to easy manipulation.”*

*“The claim that ‘electronic ballot counting devices can be made 100% secure’ is no more true than the claim that ‘nuclear power plants are 100% safe.’”*

[P10] YouTube provides many videos documenting how easily our election machinery software can be maliciously altered or hacked with a virus, including a 3-minute real demonstration on an actual Diebold (now ES&S) voting machine where votes are flipped, giving fake results. This can be observed at the following link:

<https://www.youtube.com/watch?v=sVzMmpPgnSg>

[P11] Also, an excellent presentation known as the 'Hursti Hack' is demonstrated in HBO's famous documentary named "Hacking Democracy", excerpts of which are available on YouTube and in its entirety on DVD. <https://www.youtube.com/watch?v=t75xvZ3osFg>

[P12] This executive order provides an easy, accurate method for the average American voter to obtain verified authentic digital images of the actual paper ballots, and perform a recount on their own computer or cell phone.

[P13] To understand the value of “digital ballot image access”, the election process must be explained: According to data provided by Verified Voting (<https://www.verifiedvoting.org/>), over 97% of the votes cast in America are counted by electronic vote counting machines (EVCMS).

[P14] Most EVCMS do not count paper ballots directly, but instead, the EVCMS count the digital images made directly from the ballots themselves. In other words, the paper ballots are turned into digital images (like digital photographs), via digital scanners, then the digital images are counted by the EVCMS. These digital ballot images are retained in the memory of the scanning devices. Each digital image is married to the original paper ballot.

[P15] These digital ballot images are records that, by law, must be retained by county election clerks for 22 months pursuant to 52 USC §20701. These digital ballot images cannot be destroyed or deleted without violating federal election laws.

[P16] There have been at least five court cases to date attempting to preserve the digital ballot images of the actual ballots. Preserving these images would enable the public to obtain and count the votes by way of these ballot images.

[P17] These cases have been filed in:

- **Arizona** (*Richard Hernandez vs Pima County*, case # C20163926),
- **Alabama** (*Virginia Tuggle, et al. v. Alabama Secretary of State John Merrill and Director of Elections Ed Packard* - Montgomery Circuit Court: CV-17-901909)),
- **Florida** (*Canova v Snipes, Broward Co. Circuit Court*, CACE17-010904.),
- **Ohio** (*State ex rel. Gadell-Newton v. Husted*, Case No. 2018-0563), and
- **Texas** (*Laura Pressley (petitioner) v. Gregorio (Greg) Casar (Respondent)*, Texas Supreme Court case No. 17-0052).

[P18] In Arizona, the courts found that the digital ballot images are public records, and must be preserved by the county election clerks. However, in Alabama the State Supreme Court so far has "green lighted" the destruction of digital images (above listed case still pending), allowing counties discretion to keep or destroy said digital images.

[P19] Why is there even a legal fight when federal law is clear? (If you want to cheat, you must delete.)

[P20] As noted above, the Supreme court has ruled there are two important rights the voter needs to have protected: 1) Their right to cast a ballot and 2) their right to KNOW their vote was counted correctly. This requires that the people have access openly and transparently to the actual ballots or at least verified digital image photographs of the actual ballots so there is no room for any falsification.

[P21] This executive order makes it clear that federal law shall be followed, and enforced, regarding retaining electronic election records.

[P22] The United States Congress has spoken. ALL records relating to elections must be retained for 22 months after an election. Therefore this executive order clarifies that it is a federal crime to delete the digital images of ballots or any election records before the 22 month period ends. It is the duty of the executive branch to enforce the laws of Congress.

[P23] **Ordered:** Pursuant to federal law 52 USC §20701:

1. All county election clerks, their employees and any designee(s) shall not delete digital images of any scanned ballots or any other election records until 22 months after the related election.
2. All federal record requests shall be honored for the public to obtain a digital copy of the digital ballot images, for private recount.
3. The US Attorney General, and the FBI, are hereby directed to investigate, and prosecute, any county election employee or official that deletes any digital ballot images, or destroys or alters any election records, or withholds these digital records from the public.
4. The Attorney General is hereby directed to join in lawsuits supporting digital ballot image preservation, and to stop any other election record destruction.
5. All election systems authorized for use in Federal elections must have the image making and preservation of images functions turned on, if equipped, so digital ballot images are made, preserved, and not destroyed for all forthcoming Federal elections.
6. If the digital ballot images, and all other election records/evidence are not preserved, then future Federal election funding shall be forfeited for two years.
7. As this order is carried out by the Executive Branch, I am encouraging Americans to get involved in producing honest elections by obtaining digital ballot images and performing private recounts. Should there be any resistance by county or state officials in obtaining said digital ballot images, I am encouraging Americans to immediately contact the FBI and their State Attorney General.
8. To further protect the secrecy of the ballot, any system which uses serial numbers on ballots must distribute blank ballots to the voters in a genuinely

random fashion, such as cutting a deck of cards, and letting the voter choose the ballot to ensure that NOBODY can know which ballot they chose except for the voter.

9. All Counties making purchases of election systems or equipment utilized in Federal Elections, henceforth, must guarantee and certify that such systems/equipment includes providing paper ballots that are to be hand marked by the voter and such equipment which can and will make photographic digital images of said ballots, for the purpose of securing an open and honest vote count by the public.
10. Needless to say, to preserve election integrity, the chain of custody of ballots and ballot images must be meticulously preserved, always preventing any opportunity to alter or make a substitution of the original ballots.

So Ordered,

Donald J. Trump, President of the United States of America  
United States Office of the President  
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Washington, D.C. 20500