



Chain of Custody: How to Ensure it is Not Broken When Using External Partner(s)

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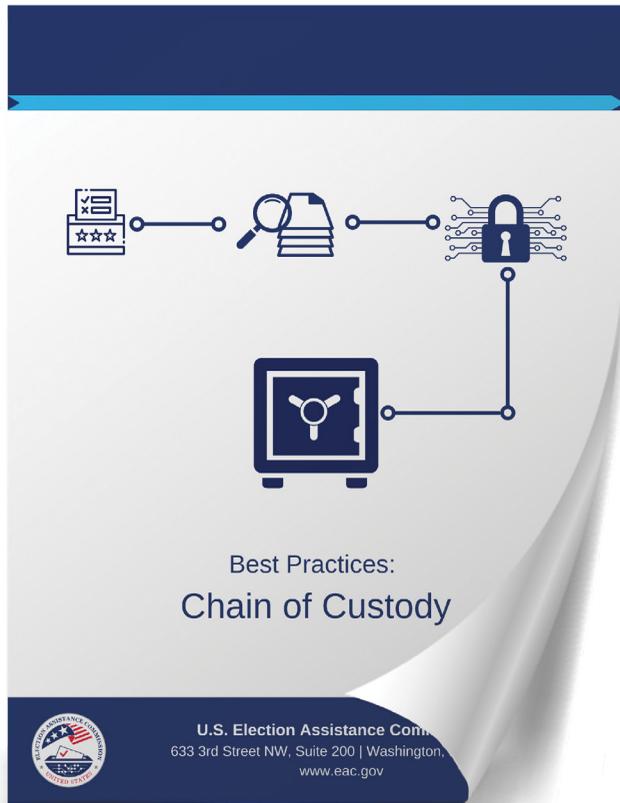
Chain of custody is essential to a transparent and secure election.

Chain of custody refers to the processes that document the transfer of data, equipment, materials and information from one “owner” to another throughout the entire election process. Every state and jurisdiction has its own controls for ensuring a chain of custody, and each must comply with federal, state and local laws and regulations.

Chain of custody documentation ensures election procedures are followed and that security is maintained. Specifically, the chain of custody provides evidence that election officials can use to authenticate election results, corroborate post-election tabulation audits and demonstrate to the public that election outcomes can be trusted.

Every election office should have a master copy of chain of custody procedures. The key to a successful election is detailed documentation of steps to be followed consistently by all involved parties throughout the election process.

How Does Chain of Custody Work?



The U.S. Election Assistance Commission (EAC) provides a comprehensive and detailed best practices document that can be found here: <https://www.eac.gov/election-officials/chain-custody-best-practices>.

In this document, the EAC provides checklists and worksheets election officials can use to assure they have proper chain of custody for each step of the entire election process across all administration responsibilities.

The chain of custody follows every step of an election cycle. This includes procurement, production, transportation, delivery and verification of all ballot materials; managing and maintaining voter registration rolls and poll lists; hiring and training of all poll workers and staff; voting system equipment certification, auditing, set-up, testing, maintenance and distribution; as well as educating and assisting voters.

The chain of custody process is complex. While election officials control most of the process with myriad roles and responsibilities, hiring an outside partner to manage any part of that process can result in complications and even mistakes without proper chain of custody documentation. In order for election officials to ensure that external partners follow the exact requirements for chain of custody adherence, proper advance preparation is essential and will go a long way toward a streamlined process and successful election.

Chain of Custody Documentation for External Partners:

When considering using an outside partner for in-person and mail-in voting practices, there are several chain of custody documents that should be utilized, including forms for:

- Paper Ballots
- Ballot Scanners
- Ballot Marking Devices (BMDs)
- Direct Recording Electronic (DRE) Voting Machines
- Ballot Boxes, Voting Booths, Signs and Other Supplies
- Mail-in (Absentee) and Over-the-Counter Ballots
- Voting Systems
- Ballot Tabulation and Tabulation Audits
- Third-Party Post-Election Audits and Electronic Discovery Services



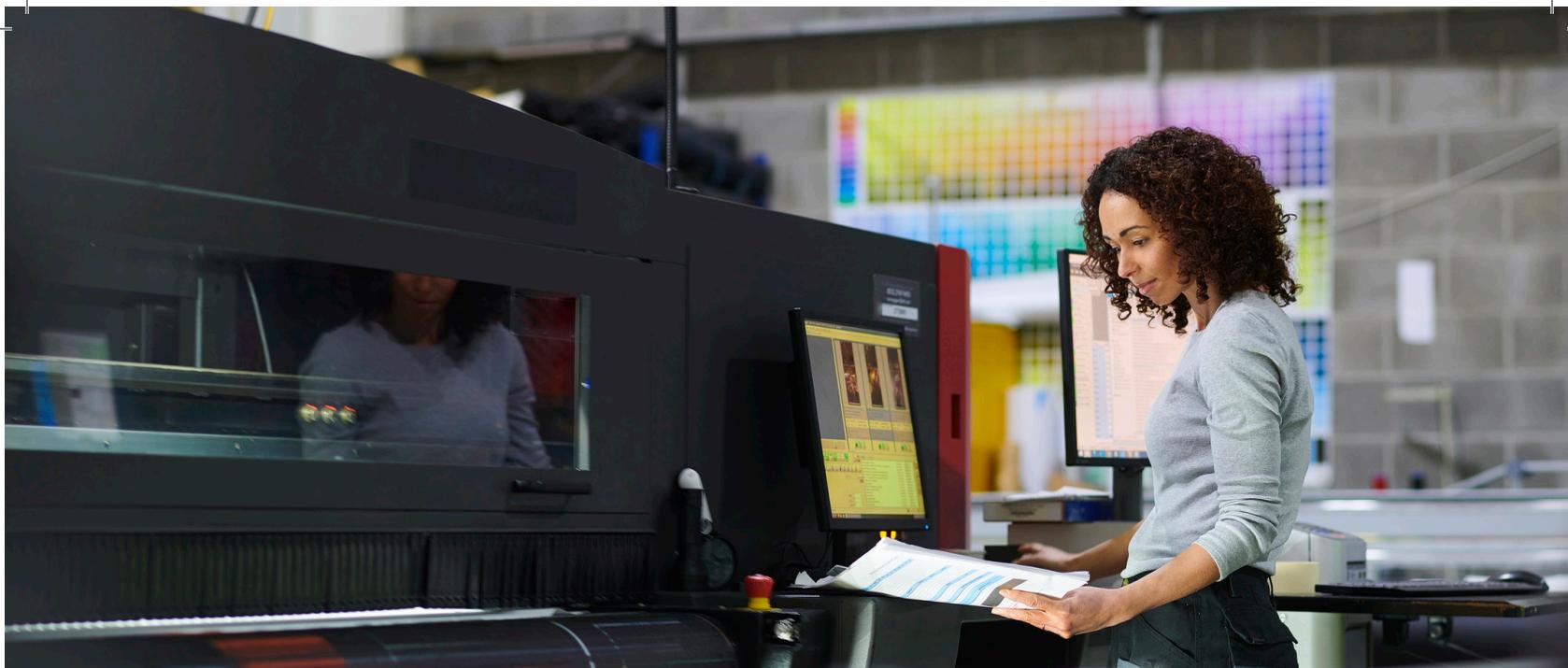
Example of when the chain of custody is breached.

A quick look at what happened during the 2022 General Election when chain of custody protocols were not followed will help to illustrate why proper documentation is essential.

The highly publicized news story of voters still waiting for mail-in ballots to arrive in their mailboxes a week before the midterm elections may serve as an example of what to avoid in future elections and an opportunity to learn from it. The absentee ballot delay was due to a distribution error at a sorting facility not initially part of the chain of custody ballot print and mail procedures. Without notification, the contracted print and mail partner used a third-party shipping company and sent ballots to an out-of-state facility that did not handle the ballots as election mail. As a result, the ballots were mixed with regular mail and were not processed according to election mail protocol. This diversion from protocol on the part of the print and mail partner broke the chain of custody.

Ballots were not identified as election mail and were not sent in bulk through priority mail, as is the normal process; therefore, ballots were not able to be tracked to determine where they were in the mail stream.

Losing the chain of custody should be avoided at all costs when working with external partners. All election partner(s) utilized by election officials should follow the same stringent chain of custody procedures as the election officials. This simple yet vital adherence will help to ensure a smooth election.



Requirements to Ensure There is No Breach in the Chain of Custody When Working with External Partner(s):

1 When hiring an election print and mail partner be sure to include the chain of custody expectations directly and prominently in your request for proposal (RFP). Election ballot printing and mailing is a complex process that is not suitable for a general printer or letter shop, but rather one that requires a partner with deep experience in the election industry. A partner with the workflows and protocols in place will ensure the chain of custody is followed and elections are transparent and secure. Any potential partners that cannot provide specific protocol and processes should not be hired.

2 Be sure your partner has strong onboarding processes to share expectations and provide clear communications. Verbal communications and in-person meetings can be just as important as written chain of custody documentation. Visit your partner's facilities and bring a comprehensive checklist to ensure they have all the qualifications and capabilities required for election printing and mailing.

3 Chain of custody will be more reliably adhered to by using a single-source partner that offers the total production, printing, data management, mailing, shipping and tracking process without requiring any handoff to third parties. The error during the 2022 General Election occurred partly because there were too many partners and they were not able to ensure full custody. A single source partner is able to track all electronic and physical materials by controlling and managing through their workflow processes at all times. When considering the best approach to keep 100% chain of custody through the entire election process, be sure to examine all partners' procedures very carefully.

Specific things to look for in your external printing and mailing election partner:



Election Experience

- Depth of knowledge and expertise in election printing and mailing



Facility & Systems Security

- 24/7 surveillance and controlled security access
- File transfer encryption and privacy protocols



Workflow Automation

- Integrated systems and automated processes



Data Control & Management

- Software and processing for better accuracy and deliverability



Ballot Paper

- Access, procurement and storage
- Security paper options



Ballot & Envelope Design

- Options for added intelligence and security
- Use of 2D and Intelligent Mail barcodes (IMBs) for accuracy and tracking



Ballot Testing

- Certification from ballot scanning equipment companies



Inventory Management

- MIS system for information control, accountability and security



Inhouse Conversion Technology

- Equipment for creating envelopes and adding anti-counterfeit measures



Printing & Mail Inserting

- Multi-level security to ensure no duplicates or defects
- Ballot accounting and destruction report documentation



Shipping & Mailing

- A company-owned fleet of trucks and drivers
- Shipping verification documentation



Tracking & Reporting

- Detailed daily reports on production and mailing
- Tracking ballots through the entire mail stream

Detailed chain of custody documentation is crucial for a successful election program. Following its requirements goes beyond election officials and must be carried through by all election partners. Avoid a chain of custody breach when working with an external partner. Instead, look for an experienced, certified partner to ensure all systems are secure and transparent, and all procedures are followed and documented. This essential, straightforward measure will ensure a timely and streamlined election, free of errors and delays, enabling confidence in an organized and secure election.



Since 1905, Fort Orange Press has been a trusted election partner and is the Northeast's foremost ballot printing and mailing expert. In anticipation of increased vote-by-mail initiatives, Fort Orange Press escalated investments in technology and personnel to provide the most efficient, accurate and secure election program available, *anywhere*.

Fort Orange Press continues to expand its service footprint as more states are looking for an end-to-end solution that includes data management, processing, intelligent printing and mailing, as well as transparent tracking and reporting tools.

Election officials today need a partner with depth and breadth of experience and the expertise to deliver.

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