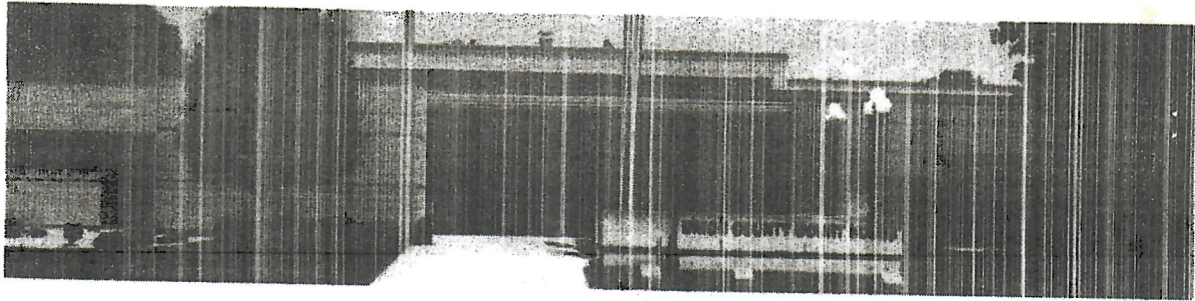


## Information Packet

- 1) FOIA request denial letter with attachments
- 2) State Law on What is a public record
- 3) CVR Record
- 4) CVR Instructions
- 5) ES&S Machine Option Sheets
- 6) Copy of an Audit/ Machine Log
- 7) Federal Law on retention of election materials



**Union County Auditor's Office**  
**Jackie Sieverding, Auditor**

209 E. Main, Ste. 200  
Elk Point, SD 57025

Phone: (605) 356-2101  
Fax: (605) 356-3047

July 14, 2022

Jason Stenen  
900 W Main Street  
Beresford, SD 57004

Re: 6/27/2022 Request

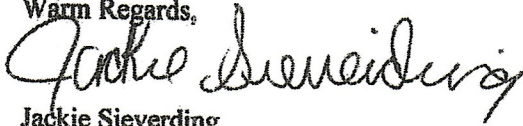
Dear Mr. Stenen,

In response to the first request dated June 27, 2022:

1. Purchase agreements and contracts with ES&S are not open to inspection pursuant to SDCL 1-27-1.5 (8)(d).
2. Purchase agreements and contracts with ES&S are not open to inspection pursuant to SDCL 1-27-1.5 (8)(d).
3. CVR's do not exist and are not generated by the county.
4. Documentation and contracts pertaining to our computer information is not open to inspection to SDCL 1-27-1.5(8)(d).
5. June 7, 2022 pollbooks are available for inspection at the Auditor's office. You can contact the Auditor's office to schedule an appointment to view these documents. You can create copies for \$1/page. For the Auditor's office to create the copies it will be a cost of \$98.39/hour for a minimum of 5 hours plus \$1/page.
6. Union County's surveillance footage is on a 30 day loop. Regarding the 2022 Election, we did not have an outside drop box.
7. Union County does not have any role in certifying election equipment.

8. Purchases and supporting documentation showing how the Center for Technology and Civic Life grant was spent is available for inspection. You can contact the Auditors office to schedule an appointment to view these documents. You can create copies for \$1/page. For the Auditors office to create copies requested it will cost \$98.39/hour and \$1/copy. A minimum of 5 hours will be charged for this request.
9. Union's County coverage through Jensen Insurance in Beresford, SD satisfies the bond requirements set forth in the South Dakota Codified Law. The county's insurance policies, oath of office and personnel policies are available for public inspection in the Auditor's office.
10. The absentee envelopes from the June 7<sup>th</sup>, 2022 and the November 3, 2020 elections are available for inspection. Contact the Auditor's office to schedule a time to view the requested documents, you can create copies for \$1/page. For the Auditor's office staff to create the copies requested it will cost \$98.39/hour and \$1/copied page. A minimum of 15 hours would be charged for this request.

Warm Regards,



Jackie Sieverding

Union County Auditor

(605) 356-2101



# TURNER COUNTY

P.O. Box 370  
PARKER, SOUTH DAKOTA 57053

## Office of the Auditor

Misty Dahl, Auditor  
(605) 297-3153 - Fax (605) 297-5556  
email: turcoaud@iw.net

The Turner County Auditor's Office received the following public records requests pursuant to SDCL 1-27-1 on July 6, 2022, from Mike Mathis. The eleven (11) request pages were numbered by the Auditor's office. Copies are attached showing the number sequence and the response to each request is as follows:

1. Turner County's coverage through the South Dakota Public Insurance Alliance satisfies the bond requirements set forth in South Dakota Codified Law. The county's insurance policy and personnel policies are available for public inspection in the Auditor's Office.
2. Documentation and contracts detailing county IT structure is not open to inspection SDCL 1-27-1.5(8)(d)
3. County surveillance camera footage is on a thirty (30) day loop. No video surveillance footage was retained for the time periods of April 22<sup>nd</sup>, 2022 through June 7<sup>th</sup>, 2022 or September 20<sup>th</sup>, 2020 through November 3<sup>rd</sup>, 2020.
4. The pollbooks from the June 7<sup>th</sup>, 2022 election are available for inspection. Contact the Auditor's office to schedule a time to view the requested documents, you can create copies for \$1/page. For the Auditor's Office staff to create the copies requested it will cost \$43.84/hour and \$1/copied page. A minimum of 8 hours would be charged to for this request.
5. The absentee envelopes from the June 7<sup>th</sup>, 2022 election are available. Contact the Auditor's office to schedule a time to view the requested documents, you can create copies for \$1/page. For the Auditor's Office staff to create the copies requested it will cost \$43.84/hour and \$1/copied page. A minimum of 8 hours would be charged to for this request.
6. Purchases and supporting documentation showing how the Center for Technology and Civic Life grant was spent is available and open to public inspection in the Auditor's Office. Contact the Auditor's office to schedule a time to view the requested documents, you can create copies for \$1/page. For the Auditor's Office staff to create the copies requested it will cost \$43.84/hour and \$1/copied page. A minimum of 8 hours would be charged to for this request.
7. Turner County has no documentation on file pertaining to the EAC Certification.
8. Cast Vote Records and 'a text, comma, or tab delimited file, or a text-based report listing, in the sequence processed by the county, every ballot, its sequential ID, its timestamp, its method of voting (early in person, absentee mail-in, in person), the batch id and tabulator id' do not exist and are therefore not a public record.
9. Contract and purchase agreements for ES&S covering all hardware and software components is not open to inspection SDCL 1-27-1.5(8)(d).
10. The request to obtain copies of the Machine Logs (or audit logs/machine audit logs) for the 30 days pre and post June 7, 2022 and 45 days pre and post November 3, 2020 is denied for the following reasons:



# TURNER COUNTY

P.O. Box 370  
PARKER, SOUTH DAKOTA 57053

## Office of the Auditor

Misty Dahl, Auditor  
(605) 297-3153 - Fax (605) 297-5556  
email: [turcoaud@iw.net](mailto:turcoaud@iw.net)

- a. ES&S considers audit logs to be proprietary, confidential and trade secret information which derive potential independent economic value. The information is not readily ascertainable by proper means by competitors who could obtain economic value from its disclosure and is subject of reasonable efforts to maintain its secrecy. SDCL 1-27-1.5(3).
  - b. Audit logs are protected under SD Constitution, Article 7, Section 3 to "insure the secrecy in voting." The disclosure of the report for the general public could potentially expose and create potential vulnerabilities and damages to the integrity of the election systems. Furthermore, the machine's logs are stored on program boards and proprietary flash drives that are protected under South Dakota's Election Laws.
  - c. Audit logs for the automated tabulating machines are protected information under SDCL 1-27-1.5(24). The audit logs are internal reports and internal agency records and are not final tabulations or final audits.
  - d. Audit logs are protected from disclosure as the audit logs contain sensitive information that if publicized could provide a roadmap to bad actors to attempt to compromise our systems. The disclosure of the audit logs could create a security risk to ES&S and to the County. Pursuant to 42 U.S.C. §5195c(e), the United States Department of Homeland Security has designated election systems as part of the United States' critical infrastructure, and the disclosure of the information would create a security risk to the critical infrastructure. Sharing such information would jeopardize the safety and security of the election systems within the state and thus should be exempt from disclosure under SDCL 1-27-1.5(24) and 42 U.S.C Section 5195c(e).
11. Purchase agreements and purchase agreements for ES&S covering all hardware and software components is not open to inspection SDCL 1-27-1.5(8)(d).

Misty Dahl  
Turner County Auditor

Attached – 11 requests

## SOUTH DAKOTA CODIFIED LAWS

### **1-27-1. Public records open to inspection and copying.**

Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in § 1-27-1.1, are hereby fully empowered and authorized to examine such public record, and make memoranda and abstracts therefrom during the hours the respective offices are open for the ordinary transaction of business and, unless federal copyright law otherwise provides, obtain copies of public records in accordance with this chapter.

Each government entity or elected or appointed government official shall, during normal business hours, make available to the public for inspection and copying in the manner set forth in this chapter all public records held by that entity or official.

**Source:** SDC 1939, § 48.0701; SL 1977, ch 16, § 2; SL 1982, ch 30, § 1; SL 1987, ch 24; SL 1991, ch 13; SL 1992, ch 10; SL 1994, ch 21; SL 2003, ch 272 (Ex. Ord. 03-1), § 82; SL 2004, ch 17, § 2; SL 2009, ch 10, § 1.

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### **1-27-1.1. Public records defined.**

Unless any other statute, ordinance, or rule expressly provides that particular information or records may not be made public, public records include all records and documents, regardless of physical form, of or belonging to this state, any county, municipality, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form remains a public record when maintained in any other form. For the purposes of §§ 1-27-1 to 1-27-1.15, inclusive, a tax-supported district includes any business improvement district created pursuant to chapter 9-55.

**Source:** SL 2009, ch 10, § 2.

### **1-27-1.5. Certain records not open to inspection and copying.**

The following records are not subject to §§ 1-27-1, 1-27-1.1, 1-27-1.3, and § 1-27-1.23:

- (1) Personal information in records regarding any student, prospective student, or former student of any educational institution if such records are maintained by and in the possession of a public entity, other than routine directory information specified and made public in accordance with 20 U.S.C. § 1232g as the law existed on January 1, 2009;
- (2) Medical records, including all records of drug or alcohol testing, treatment, or counseling, other than records of births and deaths. This law in no way abrogates or changes existing state and federal law pertaining to birth and death records;
- (3) Trade secrets, the specific details of bona fide research, applied research, or scholarly or creative artistic projects being conducted at a school, postsecondary institution, or laboratory funded in whole or in part by the state, and other proprietary or commercial information which if released would infringe intellectual property rights, give advantage to business competitors or serve no material public purpose;
- (4) Records which consist of attorney work product or which are subject to any privilege recognized in article V of chapter 19-19;



- (5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, if the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training. However, this subdivision does not apply to records so developed or received relating to the presence of and amount or concentration of alcohol or drugs in any body fluid of any person, and this subdivision does not apply to a 911 recording or a transcript of a 911 recording if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure. This law in no way abrogates or changes §§ 23-5-7 and 23-5-11 or testimonial privileges applying to the use of information from confidential informants;
- (6) Appraisals or appraisal information and negotiation records concerning the purchase or sale, by a public body, of any interest in real or personal property;
- (7) Personnel information other than salaries and routine directory information. However, this subdivision does not apply to the public inspection or copying of any current or prior contract with any public employee and any related document that specifies the consideration to be paid to the employee;
- (8) Information pertaining to the protection of public or private property and any person on or within public or private property including:
  - (a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;
  - (b) Emergency management or response;
  - (c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;
  - (d) Cyber security plans, computer or communications network schema, passwords, or user identification names;
  - (e) Guard schedules;
  - (f) Lock combinations; and
  - (g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility;
- (24) Internal agency record or information received by agencies that are not required to be filed with such agencies, if the records do not constitute final statistical or factual tabulations, final instructions to staff that affect the public, or final agency policy or determinations, or any completed state or federal audit and if the information is not otherwise public under other state law, including chapter 15-15A and § 1-26-21;



# CAST VOTE RECORD - example

2020 General Election 5.10.50.85

CvrNumber	TabulatorNum	BatchId	RecordId	ImprintedId	CountingGroup	PrecinctPortion	BallotType
1	4	1	430	4-1-430	Vote by Mail	0352105 (352105-36)	36 (36)

ImagePath	SessionType	VoterFlag	Modified
D:\NAS\2020 General Election\Results\Tabulator00004\Batch001\Images\00004_00001_000430*.*	ScannedVote	1	0

CardInfo	PdfName	UniqueVotingIdentifier	VotingSessionIdentifier	PRESIDENT AND VICE PRESIDENT (Vote For=1)
53	0352105 - BT-36 - English.pdf		DEM	JOSEPH R. BIDEN / KAMALA D. HARRIS

PRESIDENT AND VICE PRESIDENT (Vote For=1)  
DONALD J. TRUMP / MICHAEL R. PENCE  
REP

# CVR Instructions

REQUESTING A CVR FROM AN ES&S COUNTY 6 As stated above, the first hurdle in this case will be informing them of what you actually want. There is a second hurdle that to get all of the information needed, you will need to request two different reports – the CVR and the “ballot view report” (which might be called the “ballot manifest report”. As above, find the name of the election supervisor or head clerk and use this as a general format: This request is for information from the General Election held on NOVEMBER 3, 2020

PART 1: I am requesting a text, comma, or tab delimited file, or a text-based report, listing, in the sequence processed by the county, every ballot, its sequential ID, its timestamp, its method of voting (for example: in-person, mail-in, provisional, absentee, "other", etc. – any and all ballots that were tabulated as part of the 2020 General Election), the specific votes contained for all races, and the batch ID and tabulator ID. Should any fields not be available, please include the fields which are. To be clear, I am NOT requesting a summary report of votes, I am requesting a per-ballot report. This set of information is sometimes known as a "Cast Vote Record" (CVR), "ballot log", or a "summary of ballots". If the data exists as multiple files or reports, for instance by batch or by precinct, you do not need to aggregate them, please send the individual files. I specifically do NOT want any information that identifies a specific voter, and I guarantee and stipulate that this information will not be used for that purpose. A report of this type would have very likely already been created when County) County audited their election results. If not, and you are not readily familiar with how to generate this report, you can refer to the instructions outlined in the ES&S Electionware Volume V Results User's Guide. You will find the relevant information begins on page 37. Simply select choices for ALL records. I have also included some screenshots and detailed instructions for EVS version 6.1.1.0.

PART 2: I am also requesting the Ballot Manifest Report (also known as the Tabulator Batch Report) for all ballots included the tabulation of the results of the Nov. 3, 2020 general election. This report should include the information that specifies the method by which each ballot was cast. (ie: in-person, by-mail, provisional, absentee, etc.) I am hopeful that there is someone within the (County) County Elections Commission or Board of Elections who will be able to generate the reports I am looking for. Since this request is for information that will be used for educational purposes, and is NOT INTENDED FOR COMMERCIAL USE, I would like to also respectfully request that any fees be waived.

Exporting the Cast Vote Records (CVRs)-Report: 2 Files Required

Manufacturer: Election Systems & Software (ES&S)

Product: Election Voting System (EVS)

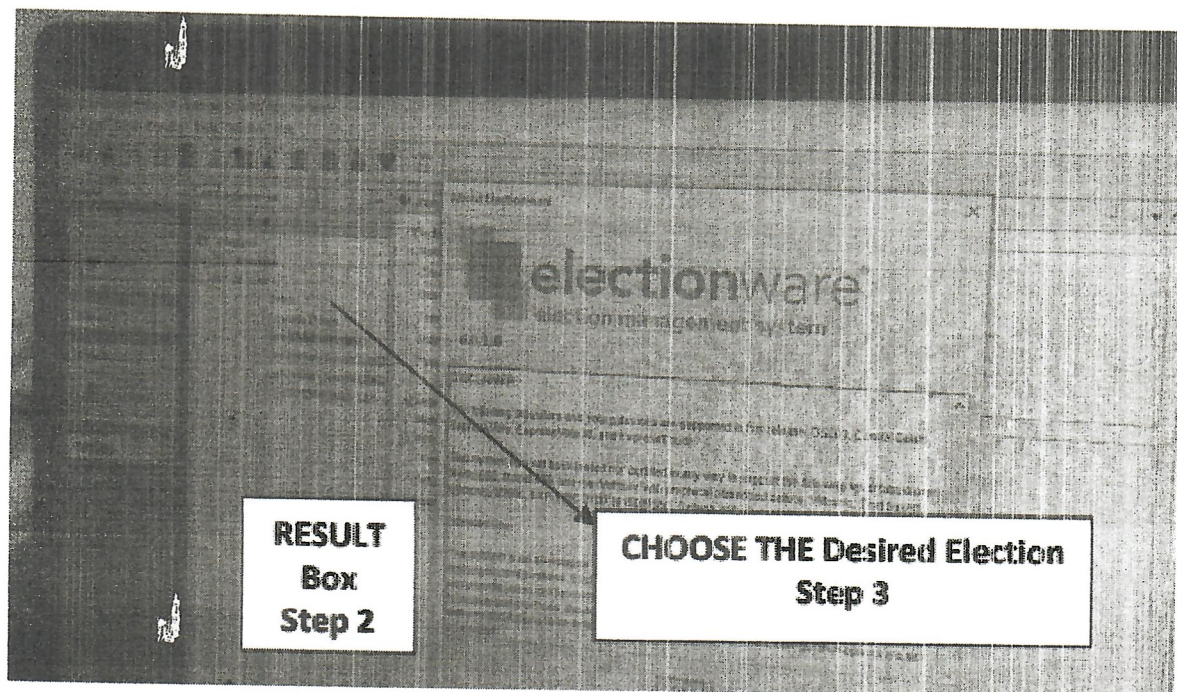
EVS Version: 6.1.1.0

Electionware software by ES&S



## Instructions for Exporting the Cast Vote Record (CVR) Report (File 1)

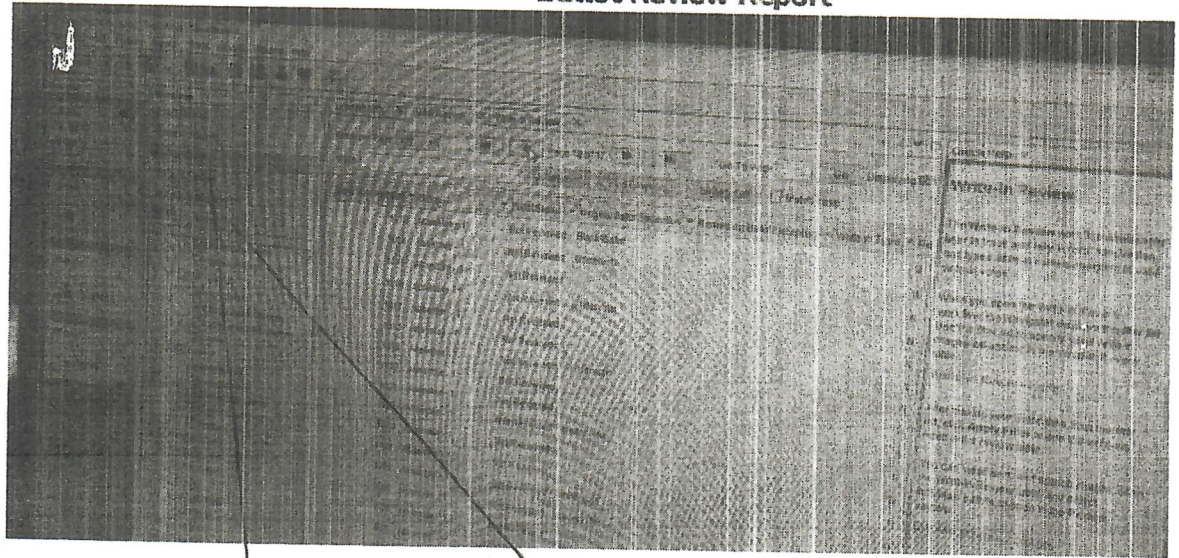
1. Open Your ELECTIONWARE APPLICATION (6.0.1.0 Version Shown)
2. Click on "RESULTS" Box on left hand pane
3. Choose The Desired Election
4. Load Results of the Election Chosen. Confirm PRECINCT VIEW is Chosen
5. Go to WORKFLOW>LOAD RESULTS and make sure ALL Items are Checked under the Precinct View window
6. Go to Load Results Window and set Desired Output (XLSX) and any other parameters
7. Click Export
8. In the In the Cast Vote Records Export Dialogue Box Select a Destination for the Cast Vote Record File, Create a File Name, accept the XLSX Format, then click SAVE.







## Ballot Review Report



Step 2

Step 3

## Sample Ballot Review Record Report

Ballots  
 June 22/24 Primary  
 Lee, Arkansas  
 June 22, 2022

Cast Vote Record	Batch	Ballot Status	Original Ballot Exception	Remaining Ballot Exception	Write-Ali Type	Results Report	Ballot Style	Reporting Location	Is Ballot CUV
1713	Election Day GC - 1	Not Reviewed	UnderVote			N	DEM Haynes	Election Day	ccfc300e24b50d9f
1714	Election Day GC - 1	Not Reviewed				N	DEM Martens 2	Election Day	ccfc300e24b50d9f
1715	Election Day GC - 1	Not Reviewed				N	DEM Martens 2	Election Day	ccfc300e24b50d9f





## POLL PLACE SCANNER AND TABULATOR

# DS200<sup>®</sup>

The DS200 is a poll place ballot scanner and vote tabulator that combines the flexibility and efficiency of traditional optical-scan ballot vote tabulation into the twenty-first century.

### Security features:

- Physical and System Access Controls
- Audit Logs
- Proprietary Flash Drives
- System Application Controls
- Encryption, Hash Validation and Digital Signatures

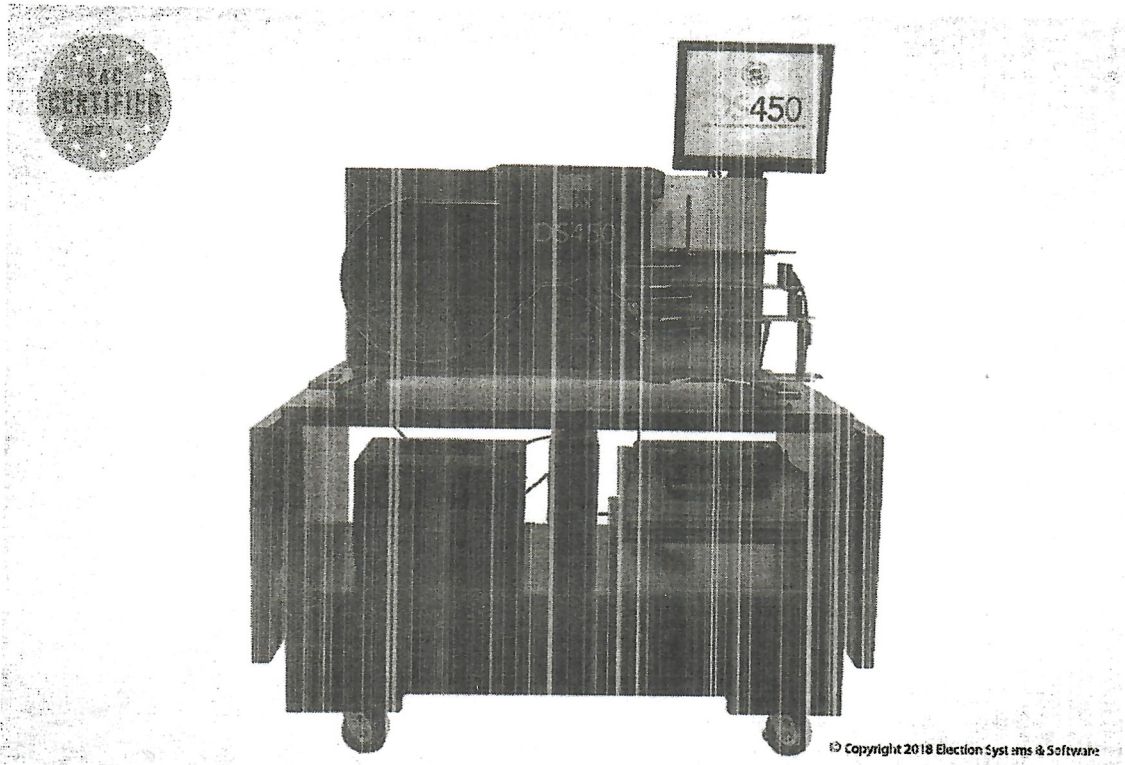


[Download product one-sheet](#)



[Download security bulletin](#)





## HIGH-THROUGHPUT SCANNER AND TABULATOR

# DS450<sup>®</sup>

Customizable sorting is now more affordable than ever with the DS450 central scanner and tabulator. —without stopping for overvotes, write-ins or blank ballots.

### Security features:

- Physical and System Access Controls
- Audit Logs
- Proprietary Flash Drives
- System Application Controls
- Encryption, Hash Validation and Digital Signatures



**Download product one-sheet**



**Download security bulletin**

<https://www.essvote.com/products/ds450/>



## HIGH-SPEED SCANNER AND TABULATOR

# DS850<sup>®</sup>

The DS850 high-speed central scanner and vote tabulator is the fastest central scanner in the election minute. The system is typically used in a central location as a scanner and tabulator for Election Day, as it sorts ballots with its high-speed digital image processing, saving election staff valuable time when tabulating.

### Security features:

- Physical and System Access Controls
- Audit Logs
- Proprietary Flash Drives
- System Application Controls
- Encryption, Hash Validation and Digital Signatures



**Download product one-sheet**





## **Physical and System Access Controls**

The DS850 utilizes physical and system access controls including lockable doors, tamper-evident seals and access codes. These security safeguards cannot be bypassed or deactivated and alert election officials of unauthorized access while the unit is in storage, transport, preparation and operation.

## **Audit Logs**

The DS850 generates a detailed audit log of all actions and events that have occurred on the unit, which can be printed at any time. Every action and event, including access attempts, access of system functions and errors, is logged and timestamped.

## **Proprietary Flash Drives**

The DS850 will only accept certified and approved USB flash drives that contain encrypted data sealed with the correct, FIPS-compliant, signed data key. As such, once an election official installs election programming, it is not possible for a separate device to interface with the DS850 in order to overwrite or change the election definition or system firmware.

## **System Application Controls**

The DS850 is a purpose-built tabulator. Its system functions are only executable during election events, in the manner and order intended by election officials performing their duties. The system performs a self-diagnostic test at startup, which alerts election officials of errors or changes to the system before any election data is introduced.

## **Encryption, Hash Validation and Digital Signatures**

All data generated during the polls is encrypted and digitally signed. Additional hash validations ensure data integrity remains intact. The DS850 also generates a signed data key, ensuring that should unauthorized access of a unit occur, no other units can be affected through data transfer.



# Machine Log

## Audit Log

1004075, 12/03/2019, 09:43:03, , , P\_LOG, Voting machine initialized

1004326, 12/03/2019, 09:43:05, U, , P\_LOG, All data paths and memory locations OK

6001033, 12/03/2019, 09:43:05, U, , P\_LOG, Cannot un-mount ESS Memory Device.

1004143, 12/03/2019, 09:43:05, U, , P\_LOG, Printing 1 copy of Configuration Report

1004202, 12/03/2019, 09:43:06, U, , P\_LOG, Started on AC

1004011, 12/03/2019, 09:43:08, U, , P\_LOG, Audio state changed AUDIO\_SESSION\_DISABLED

1004128, 12/03/2019, 09:43:18, U, , P\_LOG, Completed printing Configuration Report

1004326, 12/03/2019, 09:44:26, U, 0802112818170305, P\_LOG, All data paths and memory locations OK

1004143, 12/03/2019, 09:44:27, U, 0802112818170305, P\_LOG, Printing 1 copy of Configuration Report

1004148, 12/03/2019, 09:44:28, U, 0802112818170305, P\_LOG, User canceled printing Configuration Report

1004402, 12/03/2019, 09:44:28, U, 0802112818170305, P\_LOG, EQC media inserted

1004139, 12/03/2019, 09:44:40, U, 0802112818170305, P\_LOG, Access Code Authenticated

1004400, 12/03/2019, 09:44:44, U, 0802112818170305, P\_LOG, EQC process succeeded

1004403, 12/03/2019, 09:44:54, , No Data, P\_LOG, EQC media removed

1004201, 12/03/2019, 09:47:03, U, , P\_LOG, Power has switched to DC

1004200, 12/03/2019, 09:47:29, U, , P\_LOG, Power has switched to AC

1004139, 12/03/2019, 09:50:52, E, 0802083017175030, P\_LOG, Access Code Authenticated

1004404, 12/03/2019, 09:50:53, E, 0802083017175030, P\_LOG, Election media inserted

6004021, 05/14/2020, 17:24:18, , , P\_LOG, Business process ready for machine 0319361453.

3004015, 05/14/2020, 17:24:19, , , P\_LOG, Paper processor ready.

1004075, 05/14/2020, 17:24:19, , , P\_LOG, Voting machine initialized

1004326, 05/14/2020, 17:24:20, U, , P\_LOG, All data paths and memory locations OK

6001033, 05/14/2020, 17:24:21, U, , P\_LOG, Cannot un-mount ESS Memory Device.

1004143, 05/14/2020, 17:24:21, U, , P\_LOG, Printing 1 copy of Configuration Report

1004202, 05/14/2020, 17:24:21, U, , P\_LOG, Started on AC

1004011, 05/14/2020, 17:24:23, U, , P\_LOG, Audio state changed AUDIO\_SESSION\_DISABLED

1004128, 05/14/2020, 17:24:33, U, , P\_LOG, Completed printing Configuration Report

1004016, 05/14/2020, 20:18:02, U, , P\_LOG, Shutdown initiated

6004021, 05/15/2020, 13:13:42, , , P\_LOG, Business process ready for machine 0319361453.

3004015, 05/15/2020, 13:13:42, , , P\_LOG, Paper processor ready.

1004075, 05/15/2020, 13:13:42, , , P\_LOG, Voting machine initialized

1004326, 05/15/2020, 13:13:44, U, , P\_LOG, All data paths and memory locations OK

6001033, 05/15/2020, 13:13:44, U, , P\_LOG, Cannot un-mount ESS Memory Device.

1004143, 05/15/2020, 13:13:44, U, , P\_LOG, Printing 1 copy of Configuration Report

1004202, 05/15/2020, 13:13:45, U, , P\_LOG, Started on AC

1004011, 05/15/2020, 13:13:47, U, , P\_LOG, Audio state changed AUDIO\_SESSION\_DISABLED

1004128, 05/15/2020, 13:13:57, U, , P\_LOG, Completed printing Configuration Report

1004326, 05/15/2020, 22:10:46, U, 0523053019058384, P\_LOG, All data paths and memory locations OK

1004143, 05/15/2020, 22:10:46, U, 0523053019058384, P\_LOG, Printing 1 copy of Configuration Report

1004128, 05/15/2020, 22:10:54, U, 0523053019058384, P\_LOG, Completed printing Configuration Report

1004402, 05/15/2020, 22:10:54, U, 0523053019058384, P\_LOG, EQC media inserted

1004139, 05/15/2020, 22:12:14, U, 0523053019058384, P\_LOG, Access Code Authenticated

1004400, 05/15/2020, 22:12:18, U, 0523053019058384, P\_LOG, EQC process succeeded

1004403, 05/15/2020, 22:12:31, U, 0523053019058384, P\_LOG, EQC media removed

1004141, 05/15/2020, 22:12:58, U, , P\_LOG, Entered Administration Status

1004016, 05/15/2020, 22:13:06, U, , P\_LOG, Shutdown initiated

6004021, 05/18/2020, 17:37:31, , , P\_LOG, Business process ready for machine 0319361453.

3004015, 05/18/2020, 17:37:31, , , P\_LOG, Paper processor ready.

1004075, 05/18/2020, 17:37:31, , , P\_LOG, Voting machine initialized

1004326, 05/18/2020, 17:37:33, U, , P\_LOG, All data paths and memory locations OK

**52 USC 20701: Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation**

Text contains those laws in effect on August 31, 2022

**From Title 52-VOTING AND ELECTIONS**

Subtitle II-Voting Assistance and Election Administration

CHAPTER 207-FEDERAL ELECTION RECORDS

**Jump To:**

[Source Credit](#)

[Miscellaneous](#)

[Codification](#)

**§20701. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation**

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

( Pub. L. 86-449, title III, §301, May 6, 1960, 74 Stat. 88 .)

**EDITORIAL NOTES**

**CODIFICATION**

Section was formerly classified to section 1974 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.