



March 29, 2023

The Honorable Chuck Gray, Secretary of State
Herschler Building East
122 West 25th Street
Suite 100
Cheyenne, WY 82002-0020

Secretary Gray,

Our association wanted to take this opportunity to reach out regarding your meeting with Dr. Douglas Frank scheduled for Saturday, April 1, 2023. The time and expertise involved in administering elections cannot be underscored and we appreciate the time you have taken to further understand the complexities of Wyoming elections. We hope this letter will aid in addressing some concerns that Dr. Frank will undoubtedly raise.

Dr. Frank has met with several County Clerks while touring our great state. Throughout those meetings, we have concluded that Dr. Frank conveys claims of impropriety but provides no proof to support his allegations.

COUNTY CLERKS ARE POLICY FOLLOWERS, NOT POLICY MAKERS

You have repeatedly said that Wyoming elections are secure, but improvements can be made in our election system. Unfortunately, the same praise for Wyoming elections, and simultaneous admittance of room for improvement, has not been conveyed by Dr. Frank. In each meeting, he has clearly placed blame upon County Clerks for policy matters, which are not within our scope of control. We continuously attempt to clarify our role in the policy discussion, which is that we implement policy; we do not make policy. Dr. Frank's concerns are more appropriately directed to legislators whose duty it is to make policy.

WYOMING CANNOT BE COMPARED TO OTHER STATES

A main theme of Dr. Frank's private, and public, discussions regarding election administration in Wyoming is the conflating of Wyoming election law, equipment and practices to laws, equipment and practices utilized in other states. While perceived missteps in other states can be used as cautionary tales, they cannot be used as examples of missteps in Wyoming. Our offices are repeatedly told of fraud existing within the borders of our state, but when asked for evidence or referrals of fraud, we are continuously provided examples in other states. Mr. Secretary, please know that no one is more interested in preventing and prosecuting election fraud than those administering elections at the local level: County Clerks and our staff.



WYOMING ELECTION EQUIPMENT UTILIZES MODEMS

While ES&S equipment has the capability to utilize modems, **that hardware has not been installed in Wyoming equipment.** Despite that fact, Dr. Frank claims this hardware is installed, that it allows our equipment to communicate results externally and that those modems allow for equipment to be hacked remotely. In fact, Dr. Frank claims that he, himself, has the ability to hack our election equipment. When asked to prove that claim, Dr. Frank offers a story where he supposedly provided proof of that ability to a secretary of state in a southern state. One would think that Dr. Frank would be eager to prove this capability but rather than proof, Dr. Frank offers an unverifiable story.

WYOMING VOTER ROLLS ARE CONCERNING

1. Central Voter Registration System: The primary concern that Dr. Frank has conveyed in each of his meetings is that our voter rolls are susceptible to infiltration and as such are subject to nefarious activity. He expresses these concerns because our voter rolls are maintained using a centralized system – WyoReg. As you are well aware, a central voter registration system is a requirement under the Help America Vote Act (HAVA). WyoReg is one of the most important tools our offices utilize. It allows for real-time answers of whether a potential registrant is a felon, deceased or currently registered in another county. Yet, it does centralize information and is, of course, susceptible to cyber-attack. However, previous administrations have, and yours undoubtedly will, dedicate significant resources to ensuring the cyber-health of WyoReg. Perhaps the most important aspect of our voter registration system is that each application for voter registration must be made in person, and on paper with proof of identity. Wyoming does not allow for online voter registration. Therefore, a paper trail is established for each voter in our state.
2. Voter Rolls Swell & Shrink: Perhaps the only significant hard data Dr. Frank presents is that Wyoming voter rolls swell prior to a presidential election and shrink following the midterm election. That trend, Dr. Frank contends, proves fraud in Wyoming elections. Dr. Frank appears to be unaware that Wyoming is exempt from the National Voter Registration Act and that we have the most robust voter purge process in the nation. Wyoming's ebb and flow of voter rolls is nothing more than heightened interest in the presidential cycle and a purge of voters who do not participate in the midterm general election. This purging of voters who do not participate in the general election ensures up-to-date rolls of active voters, which is paramount to election integrity. If Dr. Frank were to claim that the swell in voter rolls is a result of manufactured voters, please refer to our point above: that voter registrations are done in person and on paper with proof of identity required.
3. People on Rolls Who Should Not Be: Dr. Frank asserts that he has looked at our rolls and observed that our rolls are not accurate. However, he has failed to substantiate this claim. Remember that often a voter neglects updating their registration when they move within the same county. Therefore, there will be some individuals on voter rolls who have moved since the roll was updated. However, some responsibility must be placed upon the voter.



CLAIMS AN ABILITY TO FIND FRAUDULENT BALLOTS IN EACH COUNTY

Once again, Dr. Frank offers a claim, sans proof, of an ability to find thousands of ballots cast in each county that were fraudulent. Dr. Frank is astute in his statements that it does not matter how accurately election equipment tabulates if the ballots themselves should not be cast, which we agree with. Two hypotheticals to consider when talking about fraudulent ballots:

1. Fraudulent ballots could include mass-produced ballots that allows for “ballot box stuffing.” The truth is that our offices track the number of ballots we begin with, spoil and how many are cast. To prove that mass-produced ballots have stuffed Wyoming ballot boxes, one would have to prove that more ballots were cast than we issued. **We have never had a situation where our offices ended with more ballots cast than were issued, or more ballots cast than voters registered in the county.**
2. One of Dr. Frank’s primary concerns is that absentee voting allows for fraud in elections because ballots could be cast by someone other than the voter. If true, it is logical to believe that our offices would receive complaints that ballots were cast by someone other than themselves, but this has never been the case. Moreover, voter registry lists are available to the public, which allows all members of the public to ascertain whether a ballot was sent to particular members of the public. Again, should any irregularities be noted, they should be reported to our offices thereby allowing us to refer those concerns for investigation.

To be “Frank,” we have done our best to inform citizens of election security in Wyoming. Dr. Frank’s public tour of disinformation seeks to undermine the positive work that has been done – and continues to be done – to ensure the integrity of our elections. If what Dr. Frank says is true, we will be first in line to seek answers. Unfortunately, Dr. Frank relies on listeners to take him for his word, and his word alone. Claims without proof provide us with as much assurance as an umbrella riddled with holes.

We have always appreciated the support given by the Secretary of State’s Office and look forward to continuing that longstanding relationship! Please do not hesitate to reach out with any questions or concerns you may have.

Sincerely,

Malcolm Ervin
President, County Clerks’ Association of Wyoming

CC (via e-mail):
Jesse Naiman, Deputy Secretary of State
Joe Rubino, Secretary of State Counsel
Amanda Hutchinson, CCAW Vice-President
Maureen Murphy, CCAW Secretary/Treasurer