

Chain of Custody

Your Evidence Trail
for Secure Ballot
Management

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Introduction



Ballot security goes beyond locks and cameras. Election officials must be able to prove they were in control of ballots and voting equipment at all times. Strong chain of custody procedures and documentation help support the integrity of the election outcomes and enable election officials to tell the story of how each election was administered successfully.

Chain-of-custody is a critical component to ensuring secure ballot management. It is the system of processes and documentation that election officials use to account for their ballots - as well as voting equipment - at all times. This is especially important given the number of times materials and equipment are transferred off-site or accessed by authorized personnel during an election cycle. Chain-of-custody logs provide a complete account of who accessed ballots, when, and for what purpose, from pre-election through the retention period. It establishes the authenticity of ballots through each stage.

The practices outlined here help officials mitigate, identify and remedy any potential breaches in ballot security. Chain-of-custody is also essential in establishing that ballots are unaltered for the purpose of recounts and audits.



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Security Versus Evidence

Officials keep ballots secure by ensuring only authorized personnel have access to them. Practices and policies vary between states and even local jurisdictions. Generally, ballots are secured through a combination of approaches including electronic building access systems, key cards, physical locks and seals, security cameras, dual authentication, training, passwords, security personnel, etc.

If officials already have secure workspaces and storage environments, why do we need chain-of-custody? The reason is that chain-of-custody provides evidence of a secure process.

Chain of Custody Provides Essential Security Documentation

Election officials must account for their materials and systems at all times. Even though access to the ballots is controlled and done by authorized persons, each such event must be documented. Detailed chain of custody logs provide evidence of who had access to the ballots, at what times, and for what purpose.

Chain of Custody Makes Every Location a Secure Location

By design, secure equipment and materials are often transferred between county-controlled buildings and other community buildings. They are not always in secure vehicles or under camera. A complete chain of custody log and accompanying seals provide evidence that there was no breach in security when ballots are transferred off site. Good chain of custody makes every location a secure location.

Chain of Custody Provides Detection and Remediation

Despite training and best practices, simple human oversights, accidents, or internal threats can lead to a potential security breach. Doors might be left unlocked. Ballot containers could be misplaced. Power failures or weather emergencies might disrupt security systems. Passwords can be compromised. Chain of custody logs provide officials evidence needed to quickly detect and remedy a potential security breach.

Remember, a locked ballot box provides security, but it does not provide evidence that secure measures remained fully effective and intact.

Tamper-Evident Seals

The basic process to establish chain-of-custody is to maintain a detailed seal log for all ballot inventories under your control.

A seal is a simple, physical item that is permanently altered if tampered with or removed. They are single use. Seals should be serially numbered and preferably customized with your county name. The serial number should be easily inspected by election officials and authorized persons.

Seals come in various forms.

- **Tamper-evident tape seals** are heavy duty adhesive labels with serial numbers printed on each individual label. They are best suited to cover access points, latches, openings, etc. that are flat and made of plastic, metal, or other materials. When peeled back, the word “void” appears on the seal. For example, a tamper-evident tape seal can be placed over a USB port or over



a memory card compartment door. Staff can easily spot evidence of tampering or unauthorized access by comparing seal numbers to logs and/or by spotting voided seals.

- **Zip-tie seals** closely resemble their off-the-shelf counterparts used for cable management. Zip-tie seals are appropriate in lieu of - or in addition to - padlocks. They can be thread through grommets, keyholes, or latches to establish that no one opened a lid or cabinet door. For chain-of-custody purposes, zip-ties should again have a unique serial number on one end.
- **Padlock seals** look like smaller versions of keyed padlocks. Instead of opening them with a key, users must physically break the shackle, preventing the same serially-numbered seal from being used again.

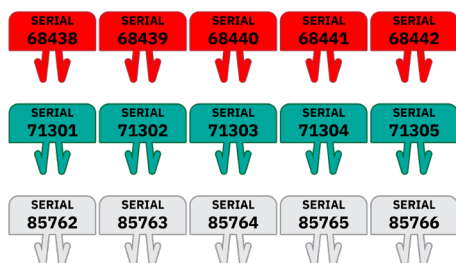


A variety of consumer options exists and can be explored to see what best suits your needs. Some vendors now produce seals with barcodes which can help add efficiencies and reduce errors in the documentation process.

Tip: Sealing Ballot Retention Boxes

Many election offices use cardboard banker boxes for retention. Be mindful that stringing a zip tie seal through the lid and handle might still permit access to contents. If you must use cardboard boxes with lids, consider securing the lid with a roll of tamper-evident security tape. Similar to individual seals, they will show evidence of tampering if removed. You may need to double up with serially numbered seals

over access points. If you cannot secure your current container, consider using an alternate container with tight fitting lids that can be properly closed and sealed.



Seal Logs

A seal log (or chain-of-custody log) is a printed form used to document the inspection, removal, and application of seals throughout the election cycle.¹ Formats vary but generally provide space to log each event including, but not limited to, the following:

- Ballot box serial number or transfer case number²
- Date and time
- The container's seal number upon receipt and prior to opening (to establish no one accessed the contents since it's last recorded event)
- The new serial number placed on the container at closing
- Signature or initials of authorized staff or poll workers
- Event description

Depending on your ballot transfer cases and retention boxes, your jurisdiction should develop a seal log form that best suits your business needs.

Ballot Retrieval Team Chain of Custody Record

Ballot Drop Box Name/ID:		Date:	
Retrieval Team Member 1:		Retrieval Team Member 2:	
Transfer Box/Bag #:		Additional Transfer Box/Bag #:	
Time of Arrival: <input type="checkbox"/> AM <input type="checkbox"/> PM		Initials:	
Security Seal Intact: <input type="checkbox"/> YES <input type="checkbox"/> NO		Initials:	
Remove security seal and record seal #:		PLACE USED SECURITY SEAL	
<input type="checkbox"/> Inspect ballot drop box for any signs of tampering or vandalism.			
<input type="checkbox"/> Unlock the access door and remove ballots.			
<input type="checkbox"/> Transfer ballots to ballot transfer box or bag.			
<input type="checkbox"/> Inspect inside of drop box for ballots that might be leaning against or stuck to the wall.			
<input type="checkbox"/> Inspect drop box area to ensure no ballots have fallen on the ground.			
<input type="checkbox"/> Seal the ballot transfer box or bag.			
<input type="checkbox"/> Record the transfer box or bag seal number(s).			
Seal #:		Seal #:	
Seal #:		Seal #:	
<input type="checkbox"/> Verify access door is closed and locked (checked by both team members).			
<input type="checkbox"/> Place new security seal on door.			
<input type="checkbox"/> Record new security seal placed on door:		Seal #:	
<input type="checkbox"/> Load transfer containers into vehicle.			
<input type="checkbox"/> Record new door security seal and transfer security seal numbers on the ballot retrieval log.			
All procedures completed and recorded: <input type="checkbox"/> YES <input type="checkbox"/> NO Initials:			
Service Required? <input type="checkbox"/> YES <input type="checkbox"/> NO		Notes:	
Time of Departure: <input type="checkbox"/> AM <input type="checkbox"/> PM		Initials:	

¹ While paper is most common, some jurisdictions are deploying electronic versions of seal logs.

² This may follow a naming and numbering convention or include a brief description of contents

Common Chain of Custody Events

A chain of custody entry should be made anytime ballots are accessed or moved. Depending on the procedures in your office, this may include and is not limited to:

- Securing unvoted, preprinted ballots for delivery to polling places.
- Opening and closing mail ballot drop boxes to retrieve return envelopes.
- Placing mail ballots in transfer cases.
- Removing ballots from precinct scanners and placing them in transfer cases.
- Moving mail ballots through each phase of processing.
- Placing voted ballots in retention boxes.
- Transferring ballots for replication/duplication

PRECINCT #: 6273803212	
Ballot Box: 27	
Scanner Name	Total Ballots
4567	236
4568	507
TOTAL BALLOTS: 743	
Seal # A95162	
Poll Worker Initials: TP	
Poll Worker Initials: JM	

BALLOT RECONCILIATION FORM	
Precinct: 6273803212	
Election Date: Tuesday, July 24, 2018	
Election Type: Primary	
County/City: Grand	
1	VOTERS CHECKED IN
	Check in numbers from the poll book 740
	Number of provisional ballot applications 3
	Total number of voters checked in 743
2	BALLOTS CAST
	Number of ballots scanned 740
	Number of provisional ballot envelopes 3
	Total number of ballots cast 743

Implications for Recounts, Audits, and Litigation

Recounts and post election audits are regular occurrences during the post election period. Critical to any successful recount or audit is proving your voted ballots were not compromised between Election Day and the post-election event. For ballot level risk-limiting audits, you may need to ensure scanned ballots remain in the exact same order in which they were scanned. Good chain-of-custody record keeping will help ensure your success in the post-election environment.

Litigation and other election challenges might also require that you establish secure handling of all materials. Similar to physical evidence in a criminal trial, a well-documented chain of custody is essential to establish that ballots were not tampered with during any related litigation.

Best Practices

Retain broken or voided seals. Remember, you may need to produce chain of custody logs to the courts or other authorities. Showing the broken seals helps validate your log. For tape seals, simply affix the “broken” seal on the back of the log.

Where applicable, seal logs should be placed inside the sealed equipment. This prevents tampering with the log itself, especially when equipment is transferred between locations. The procedural steps might look like this:

1. Complete the seal log, recording the seal number that is about to be placed on the equipment.
2. Place the seal log inside the storage container. If helpful, place a small plastic bag or pouch in the container specifically for broken seals.
3. Now place the actual seal on the storage container access point.

Always work in teams and have two persons verify seals and sign/initial the log. Where possible, both persons completing the log should not be of the same political affiliation.

Records Retention

Retention requirements for ballots - including voter verified paper audit trails (VVPAT) - vary between states. The courts or open records laws may require you to produce election materials months or years after Election Day. Also, just because your equipment might scan and save an image of a ballot does not necessarily change your paper ballot retention requirements.

As a best practice, adopt strong chain-of-custody policies for the entire retention period as you did during the live election. If you are moving ballots into larger storage containers, use appropriate seals and maintain a seal log for each container. If your retention space changes, create an entry on the seal log before and after the move to ensure seals remain intact.

Record retention may extend beyond staff turnover or building moves. Create a retention storage manifest so that your materials are itemized by container, and the location of each container is easily found.