



## **INDIANA FIRST ACTION**

### **Indiana Poll Worker Data on Chinese Servers?**

#### **No Comment from Secretary of State Holli Sullivan or County Clerks**

Mr. Eugene Yu, CEO of Konnech, Inc. based in East Lansing, MI, which makes PollChief software, was arrested October 4, in connection with the alleged theft of personal data of Los Angeles county election workers. Los Angeles county prosecutors found that the private information of election workers was stored on servers in China. True the Vote, an election integrity group, made the initial discovery. PollChief software is used to manage pollworkers' information and workflow in three counties of Indiana: Lake, Marion and Allen. The arrest of Yu has many officials and citizens digging into the company and its connections to determine if there is a Chinese asset running a US election-related company. We are deeply concerned about the privacy of any election worker in the State of Indiana being compromised by having their private data on a server in China.

A contract with Konnech, Inc. was signed by the Lake County Board of Commissioners on behalf of the citizens of Lake County on August 18, 2021 for \$75,000 for a period of 5 years and was funded by grants from Zuckerberg/CTCL. Said contract, including a provision of an Asset Management System can be found here: <https://gateway.ifionline.org/public/contract-search/> search: lake county Vendor: Konnech. Funding statement by Michelle Fajman, Director of Elections – Lake County: <https://www.lakeshorepublicradio.org/local-news/2021-07-07/regionally-speaking-wednesday-july-7-2021> (starts at 24:30 mark).

Section 4, “Location of the System” of the contract clearly states that all data shall remain in the United States. Has this section been breached?

- 4. Location of the System.** The location of the physical servers hosting the System and the data (the “SaaS Location”) shall at all times be within the United States. Konnech shall be ensure that the SaaS location remains within the United States throughout the Term of this Agreement (as defined herein).

Even more concerning is that the contract indicates Konnech, Inc. has access to voter registration records because it promised to keep them confidential.

9. **Confidentiality.** All information regarding the Customer's business operations, business systems, and related confidential matters furnished or disclosed to Konnech in the course of the negotiation and implementation of this Agreement shall be held in confidence by Konnech, unless such information: (a) was previously known by Konnech free of any obligation to keep it confidential; (b) has been, or is subsequently, made public by the Customer or a third party lawfully in possession of such information; or (c) is in the public domain. Konnech agrees and understands that voter registration records are confidential and Konnech hereby agrees that these records will not be used for any other purpose than those specified in this Agreement and

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by the Customer. These records will not be copied nor will any person be allowed to extract any information from these records without the consent of Konnech. The Customer agrees to similarly treat any information provided to it by Konnech and to instruct its employees who will work with the System about the restrictive covenants and conditions of this Agreement and about the safeguarding, security, and copying requirements hereinafter discussed.

Did Konnech, Inc. have access to our voter rolls? It's certainly possible. And if it did, could our voter rolls have been stored in China? An investigation certainly seems warranted.

We don't know if Lake County's Election Workers' data or voter rolls are on the China server, but we believe there's enough information to investigate any ties that any Indiana county has with Konnech, Inc. Marion and Allen Counties also have contracts with Konnech, Inc., so the matter is not isolated to Lake County. In fact, Konnech, Inc. has contracts with municipalities across the nation, and Detroit, Michigan and Fairfax County, Virginia have already terminated their contracts with Konnech, Inc. in light of Mr. Yu's arrest.

The questions are:

- 1) Did Konnech, Inc. store our election pollworkers' information on Chinese servers?
- 2) Did Konnech, Inc. have, now or in the past, access to Indiana voter rolls? If so, was the data stored on Chinese servers?
- 3) Will Timothy Wesco and Jon Ford, the Elections Committee Chairs in both the House and the Senate, convene a special session to investigate these issues?
- 4) Have the Chief Elections Officers of the State and Clerks of Marion, Lake, and Allen counties acted to ensure no malfeasance has occurred? Although we have not been able to speak to the clerks, we have been made aware that Allen County is investigating.

With election 'season' underway, why the slow response? Indiana should follow the example of Detroit, MI and Fairfax County, VA. There is no greater threat to our republic than foreign interference in our elections processes, in any capacity.