

TWITTER THREAD RECONSTRUCTED

Brad Friedman (@TheBradBlog) and AL Sec. of State John Merrill (@JohnHMerrill)
December 30, 2017

[John Merrill @JohnHMerrill](#)

Replying to [@TheBradBlog](#) [@bbluetruel](#) and 2 others

According to state law we actually [p]reserve the actual ballots for 22 months after the election. Our machines do not capture or preserve the digital ballot images.

[Brad Friedman](#) Verified account [@TheBradBlog](#)

Mr. Secretary, are you saying the ES&S DS200s used across much of AL do NOT "capture" ballot images?! Because ES&S says otherwise. And if they don't "preserve" them it's because you went to AL Supremes to get such an order the day before the [#ALSEN](#) election. No?

[John Merrill @JohnHMerrill](#)

Replying to [@TheBradBlog](#)

No. You are incorrect. Our machines are not programmed to capture the images. They have not been programmed to capture the images they are not programmed to capture the images they will not be programmed to capture them. We keep the original ballots for 22 months. Any questions?

[Brad Friedman](#) Verified account [@TheBradBlog](#) 30 Dec 2017

Replying to [@JohnHMerrill](#)

I didn't ask if they are "programmed" to do so. As u know, Circuit Court ordered u to instruct County Clerks to turn on the switch to "retain all" Ballot Images captured by the machines (which capture ALL ballots). Why did you get Supremes to stay that order?

[John Merrill @JohnHMerrill](#) 30 Dec 2017

We preserve the original ballots. Not a digital image of the balance. I really have a hard time understanding why that is so difficult for anybody to understand. The original ballot is better than a digital image.

[Brad Friedman](#) Verified account [@TheBradBlog](#) 30 Dec 2017

1) U stated incorrectly that AL scanners "do not capture ballot images". 2) U went to court to KEEP images from being retained. 3) Those images, not the orig ballots, r used to tabulate results. 4) BOTH shld be retained for 22 months after election. 5) Why did u oppose that?

[John Merrill @JohnHMerrill](#) 30 Dec 2017

They do not capture the images because they're not programmed to capture the images. I did not need to go to court to keep something from being captured that is unavailable to be captured. The Supreme Court agreed. We have the original ballots. What is your problem?

[Brad Friedman](#) Verified account [@TheBradBlog](#) 30 Dec 2017

Of course they capture ballot images. That's how the results are determined. Surprised u don't know that. But you fought to keep them from being RETAINED, which means citizens can't review results shown on those images. Why are u seemingly against such citizen oversight???

[John Merrill @JohnHMerrill](#) 30 Dec 2017

The images are not captured and retained and they will not be captured and retained.

[Brad Friedman](#) Verified account @TheBradBlog 30 Dec 2017

Brad Friedman Retweeted

Because you went to AL Supremes to make sure they are not retained. You KNOW they are captured, but keep misinforming public about it. I just have no clue why you are doing so and fighting so hard against retention and public oversight of elections in the bargain.

[John Merrill](#) @JohnHMerrill 30 Dec 2017

Replying to [@TheBradBlog](#)

We have and we keep the original ballots for up to 22 months as required by law. I know it's hard for you to believe but the Alabama Supreme Court knows more and better than you and any lawyer from California. If we need your help or assistance, we will ask for it. Thanks!

[Brad Friedman](#) Verified account @TheBradBlog 30 Dec 2017

.Your elections, like all elections, effect all of us and public has right to oversee them. The AL Supremes did NOT rule your machines do not capture images. You keep asserting that inaccurately for some reason. But why are u fighting so hard against public oversight???

[Public Educator](#) @educator888

Replying to [@JohnHMerrill](#) [@TheBradBlog](#)

Brad what's your point?

[Brad Friedman](#) Verified account @TheBradBlog 30 Dec 2017

Brad Friedman Retweeted Public Educator

Point is [@JohnHMerrill](#) is misinforming public abt AL voting systems and ballot images which could be used by public to oversee election results (esp important in states like Alabama that make such citizen oversight virtually impossible.) cc: [@rickhasen](#)

[Public Educator](#) @educator888 30 Dec 2017

Replying to [@TheBradBlog](#) [@JohnHMerrill](#) [@rickhasen](#)

Moore lost!
<DANCING GIF>

[Brad Friedman](#) Verified account @TheBradBlog 30 Dec 2017

I'm very happy about that. It has nothing to do with my conversation with Sec. Merrill.

[Brad Friedman](#) Verified account @TheBradBlog 30 Dec 2017

Wow. After AL Sec of State [@JohnHMerrill](#) gave me repeatedly false info about AL election tabulators just now, refusing to correct his repeated and demonstrably false statements abt Ballot Images, he just blocked me after making this last false claim. Cc: [@rickhasen](#)



[Billy Pilgrim @Took1ForTheTeam](#)

Replying to [@jennycohn1](#) [@TheBradBlog](#)

You're not taking into account that SoS Merrill already affirmed the outcome and named Jones as winner. I called Merrill from Ohio. He called me back! His integrity is not in question. Watch him on CNN. We should all be so lucky to have him as our own SoS.

[Brad Friedman Verified account @TheBradBlog 31 Dec 2017](#)

Brad Friedman Retweeted Billy Pilgrim

Making blatantly false assertions about AL voting systems, misinforming the public REPEATEDLY and blocking a journalist very politely ask him Qs about that is not something any member of the public should feel "lucky" about. Shameful behavior from AL Sec of State [@JohnHMerrill](#).

[Josh Douglas Verified account @JoshuaADouglas](#)

Replying to [@TheBradBlog](#) [@JohnHMerrill](#) [@rickhasen](#)

Welcome to the club!

http://www.al.com/opinion/index.ssf/2017/11/is_secretary_of_state_john_mer.html

[John Panzer @jpanzer 30 Dec 2017](#)

Replying to [@jennycohn1](#) [@TheBradBlog](#)

Jesus H Christ this is real? Merrill is simply sticking his fingers in his ears and singing "la la la" in this extraordinary Q&A. Of course the machines capture images; they have to in order to interpret them. They have an option to save the images for further review.

[John Panzer @jpanzer 30 Dec 2017](#)

Replying to [@jpanzer](#) [@TheBradBlog](#) [@jennycohn1](#)

It's literally part of the advertised functionality of the machines. It's a STANDARD function. Merrill is simply lying and deflecting. And if you want a forensic audit of what went wrong if something does go wrong, OF COURSE you save the data that was used!

[Ockham'sToothbrush @gotravelgear 30 Dec 2017](#)

Replying to [@TheBradBlog](#) [@JohnHMerrill](#) [@rickhasen](#)

Astonishing exchange. Bonkers.

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EARLIER (December 13, 2017):

[Rick Hasen Verified account @rickhasen](#)

Rick Hasen Retweeted Josh Douglas

I am not the first election law professor to be blocked by Ala SOS [@johnhmerrill](#) on twitter

[Josh Douglas Verified account @JoshuaADouglas](#)

With attention today on [#ALSen](#), it might be nice if I could interact with the state's chief election official, [@JohnHMerrill](#). Alas, he blocked me on twitter for saying he shouldn't block people on twitter. So I wrote about it for the state's newspapers: http://www.al.com/opinion/index.ssf/2017/11/is_secretary_of_state_john_mer.html