



MONTANA STATE SENATE

Senator Theresa Manzella
Senate District 44

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Attorney General Austin Knudsen
OFFICE OF THE ATTORNEY GENERAL
215 N Sanders Third Floor
PO Box 201401
Helena, MT 59620-1401

Dear Attorney General Knudsen:

Montana voting software that allows military, overseas citizens, and disabled persons to request, mark, and submit their ballot online was developed by Konnech Corporation, an elections software company whose CEO, Eugene Yu, was [arrested](#) recently by the Los Angeles County District Attorney in connection with election worker data stored on servers in the People's Republic of China. One of our vital roles as legislators is protecting the security and integrity of our elections. This indictment and the continued use of software from Konnech has grave implications for the security of poll workers and elections in Montana. This includes anyone closely associated with Konnech, or anyone using Konnech developed technology and systems, which is referenced in our attached research materials. Your own investigation may also identify additional entities or areas of concern. We are asking your office to immediately open up an investigation if it hasn't already done so. Given the proximity to the ongoing 2022 general election, we also respectfully ask that you promptly notify the Montana Secretary of State and each County Attorney in Montana that the software should not be used until the investigation is completed.

Through news reports we learned that Konnech distributes and sells its proprietary PollChief software, which is an election worker management system that was utilized by Los Angeles County in the last California election and this year's primary election. The software assists with poll worker assignments, communications and payroll. PollChief requires that workers submit personal identifying information, which is retained by Konnech, Inc. Many of these news reports indicate governments around the country are taking steps to cancel contracts and disassociate themselves from Konnech. But given Konnech long history of election related software development and its relationship with our state going back to at least 2010, we believe a full investigation by your office is warranted because problems may be more extensive than the mere surface indicates. This is demonstrated more acutely in the information we have attached.

Under its multi-million dollar, five-year contract with LA County, Konnech was supposed to securely maintain the data and that only United States citizens and permanent residents have access to it. LA District Attorney investigators found that in contradiction to the contract, information was stored on servers in the People's Republic of China.

In the LA County DA's press release the agency noted that the PollChief software from Konnech was the main conduit for the private election worker data that was transferred to servers in China. This is disturbing in light of the fact that the PollChief [website](#) lists Montana as one of the customers of the company. Additional information we have obtained, shows the McCollough Administration actually entered into software development contracts with this company that were specifically developed for Montana and integrated into our electoral system. Whether this is in fact the case, and whether that software, or something like is, is still in operation, is a critical component of your inquiry if this indeed occurred.

Although the Los Angeles indictment against Konnech, Inc. CEO, Eugene Yu, has not been released; from what we have been able to ascertain, it pertains to an investigation "into the possible theft of personal identifying information" of election poll workers in Los Angeles County. Eugen Yu was arrested in Michigan, and charged with being a fugitive of justice.

In addition to constitutional protections, Montana has similar statutes to California (MCA Identity Theft: 30-14-1704 "Computer Security Breach" and 45-6-332 "Theft of Identity") and your office should look into the matter to see if Montana should also bring forward charges to maintain Montana's prosecutorial ability to file suit against Eugene Yu and Konnech, Inc. In addition to your general authority, our reading of 30-14-1712(3), gives you specific authority to bring criminal action or seek court injunctions, when a violation is reported.

As mentioned, to our knowledge and per the attached material, Konnech has had at least one contract and a direct connection with the State Montana as far back as 2010, according to a [Blanket Purchase Agreement](#) funded by the Department of Defense. The award paid \$91,617 to Konnech, Inc. for "RESEARCH AND DEVELOPMENT FOR AN ON-LINE WIZARD PROVIDING ABSENTEE VOTING CAPABILITY FOR THE STATE OF MONTANA."

Specific to the MT SOS McCulloch administration's initial involving Montana with Konnech, to our knowledge this occurred in 2012, when then Montana Secretary of State Linda McCulloch submitted a technical proposal [grant application](#) to the Federal Voting Assistance Program in which she referenced the contract with Konnech for the development of the state's Electronic Voting Support Wizard for UOCAVA voters.

In 2010, the Montana Secretary of State was one of 17 state election officials that participated in the Federal Voting Assistance Program's Electronic Voting Support Wizard (EVSZ) project, and was one of a handful of states that included all local jurisdictions in the program. The Secretary of State worked with the vendor who was the successful bidder for the project for Montana, Konnech Inc., to develop Montana's EVSZ; a model that was calculated by FVAP to have the highest usage rate among participating states.

Upon hearing the news of the arrest of Konnech's CEO, to their credit, Fairfax County, VA, who also uses Konnech Software, has ceased the use of election software by Konnech. They felt it

was the right thing to do to avoid the risk of personal identifiable information being used for nefarious purposes. This doesn't eliminate any risk, but it does limit any further risk. As previously mentioned, other government entities are conducting similar reviews or canceling contracts outright.

Montana should follow suit and stop the use of all Konnech software and the Attorney General's Office should move to immediately investigate the use of Konnech in the state of Montana to ensure it mitigates any risks associated with the use of the software and data being stored by the company. Montana citizens also have a right to participate in government and government operations. Many chose to do this during election time to be part of the process. They should not do so in fear of having their personal private information disclosed; to foreign governments, especially those that are abjectly opposed to our interests and our way of life.

Our own research also indicates that Konnech is using The Great Seal of the State of Montana as part of its commercial promotions and advertising. We are curious whether they were given permission to do so when former SOS McCulloch entered into a relationship with them or at anytime subsequent to those events. If not, we believe such use is improper and prohibited.

As you are aware, Montana protects its elections. As legislators we are specifically tasked with doing that. Montana also has the strongest privacy protection laws in the country. Privacy protection is a vital component of our state constitution. Given our respective responsibilities and authorities to protect these interests, we sincerely hope we can work with you to promptly address these critical issues.

We thank you ahead of time for your attention to this matter and we look forward to hearing back from you with regard to actions you plan to take to safeguard the citizens of Montana and our upcoming general elections.

Sincerely,

Sen. Theresa Manzella – SD44

Rep. Brad Tschida – HD97

Rep. Bob Phalen – HD36

Rep. Jerry Schillinger – HD37

Rep. Paul Fielder – HD13

Rep. Steven Galloway – HD24

Rep. Steve Gunderson – HD1

Attachment