



confesses that he has actively instructed that this capability be intentionally intercepted in memory and subjected to an automated purge and delete loop via administrative software configurations.

Petitioner, an MIT PhD with 48 years of professional experience in the design, development, and architecture of advanced imaging systems, moves this Court to set this matter down for an immediate evidentiary hearing. Respondent cannot be permitted to use an administrative software toggle to erase a live federal voting record and thereby escape the mandatory, non-discretionary retention requirements of 52 U.S.C. § 20701.

**II. THE FICTION OF THE "NON-EXISTENT" RECORD: RESPONDENT  
INTENTIONALLY CONFUSES THIS COURT ON *RETENTION* WITH  
*POST-TABULATION AUTO-DELETION***

The entire foundation of the Respondent's Opposition rests on a single, scientifically and factually false assertion: "*Where the requested records do not and will not exist, there can be no clear-cut duty to preserve them....*" This statement demonstrates either a profound misunderstanding of the digital architecture of optical scan tabulators or the deliberate attempt to mislead this Court.

As a matter of systems engineering and digital imaging physics, the digital ballot image **is created**. It is generated in memory the exact millisecond a physical paper ballot passes past the internal high-resolution scan sensors of the ES&S DS200, DS450, or Dominion ImageCast tabulators. Respondent's own evidence conclusively proves this: the official equipment certifications state that "*both sides of the ballot are processed simultaneously with high-resolution scanners and the resulting ballot images are decoded by a proprietary recognition engine.*"

The scanner cannot “decode” or interpret voter intent from a physical piece of paper without first generating a digital image file in memory. Therefore, **the image does exist**. What Respondent describes as “disabling the capability” is, in reality, a post-tabulation instruction to **auto-delete** the generated data stream from memory before it can be written permanently to persistent flash media. **A chosen software configuration loop that executes an immediate purge of an active federal voting record does not mean the record was never created; it means the record was systematically destroyed.**

### III. ARGUMENTS IN REPLY

- 1. The Supremacy Clause Preempts Local Software Toggles** - The Respondent argues that because Massachusetts General Laws Chapter 54 does not explicitly require the retention of electronic ballot images, the Secretary is free to delete them. This completely ignores the Supremacy Clause of the United States Constitution (Art. VI, cl. 2). Federal law, specifically 52 U.S.C. § 20701, strictly mandates that *all records* generated by election officials relating to any election where a federal candidate is on the ballot must be retained for twenty-two (22) months. A state official cannot utilize a local administrative policy or a hardware software setting to systematically nullify a federal criminal record-preservation statute passed by the United States Congress.
- 2. Digital Ballot Images are Functional Audit Trails, Not Temporary Artifacts** - The Respondent attempts to characterize ballot images as mere temporary internal data fragments, akin to volatile RAM processing packets. This is scientifically false. The certified tabulator hardware captures a complete, high-resolution graphic reconstruction of the paper ballot to execute its pixel-count matrix. This image is the primary structural

foundation of the electronic vote count. By executing an automated patch or maintaining a configuration that purges these images from the system's memory cards immediately after tabulation, the Respondent is intentionally wiping out the primary electronic audit trail. This prevents candidates and the public from executing an independent, transparent verification of the federal election.

- 3. Mandamus is the Proper and Only Vehicle for Relief** - The Respondent claims that Mandamus is improper because the Secretary has "discretion" over how to administer election software. While the Secretary has discretion over administrative minutiae, **he possesses zero discretion to violate federal law.** Mandamus is explicitly designed to compel a public official to perform a non-discretionary, mandatory legal duty. Because the Secretary is bound by the supreme statutory mandates of Congress, this Court has the clear equitable authority to order him to cease the automated destruction of federal voting records.

#### **IV. REBUTTAL OF RESPONDENT'S SPECIFIC LEGAL AND FACTUAL CLAIMS**

##### **1. An Actual, Justiciable Controversy Exists Between the Parties**

Respondent asserts in Sections II and III of his brief that Petitioner's claims must be dismissed because they present "no actual controversy" and are "purely hypothetical." This claim is completely untenable.

Petitioner is not an uninjured bystander or a curious observer; Petitioner is an actively campaigning, declared, and qualified candidate for the United States Senate in the upcoming 2026

election cycle. Petitioner has mobilized hundreds volunteers, and has already collected over 12,000 signatures to likely be the first candidate on the ballot for the U.S. Senate seat from Massachusetts. The controversy is immediate, concrete, and ripe. Respondent has placed an overt admission into the record of this Court, stating under the pains and penalties of perjury that *“any ballot imaging capability will be turned off for the November 2026 election for United States Senate.”*

This is an explicit statement of intent **to destroy the electronic digital audit trail - the ballot images - of the very election in which Petitioner is a candidate.** If the margin on election night is narrow, or if voting tabulators experience software anomalies, the permanent deletion of the digital ballot images strips the Petitioner of a critical digital verification track guaranteed by federal law. The threat of injury is certain and immediate, making this case a quintessential justiciable controversy.

## **2. State Administrative Certification Standards Cannot Absolve Federal Record Retention Duties**

Respondent argues that because Massachusetts General Laws (G.L. c. 54, §§ 105A, 107, 109) dictate that physical paper ballots are the “official records” of state votes, the state has the authority to suppress and destroy all secondary electronic records. This argument directly violates the **Supremacy Clause of the United States Constitution** (Art. VI, cl. 2).

Under 52 U.S.C. § 20701, the mandate to retain all records and papers related to an “act requisite to voting” in a federal election is absolute and non-discretionary. When Congress exercises its

supreme authority over federal elections under the Elections Clause (Art. I, § 4, cl. 1), state-level definitions and domestic certification rules are completely preempted. The Department of Justice has formally affirmed that electronic data, cache files, and digital images – ballot images - generated by modern voting machines during tabulation are covered under the mandatory 22-month federal preservation window. Respondent cannot write a local regulation or toggle a software feature to bypass an explicit federal criminal statute.

### **3. Disputed Technical Facts Require an Immediate Evidentiary Hearing**

Respondent’s entire opposition relies heavily upon the technical assertions made in the Affidavit of Michelle K. Tassinari. Attorney Tassinari explicitly asserts that voting equipment in Massachusetts “*does not create or store ballot images*” because the feature has been disabled. This statement blends a physical falsehood (“does not create”) with a software policy choice (“does not store”). As an expert with nearly five decades of professional domain expertise in system design and advanced image architectures, Petitioner possesses the unique qualifications required to challenge the technical accuracy of the state's affidavits. **The mechanical scanners *must* capture the image in memory to process the matrix and count the ovals.**

It is the Petitioner’s position that Attorney Tassinari intentionally lied to this Court when she stated explicitly that voting equipment in Massachusetts “*does not create or store ballot images*” because the feature has been disabled. Because the parties are in a profound, direct dispute regarding the mechanical operations, internal workflows, and hardware capabilities of the state's certified tabulators, a writ of mandamus cannot be dismissed on the papers. This Court must order an

evidentiary hearing, permitting the introduction of expert testimony and manufacturer documentation to uncover the true nature of the state's automatic deletion protocols.

#### **V. THE DEMAND FOR EXTRAORDINARY RELIEF IS ENTIRELY APPROPRIATE**

Respondent argues that mandamus is unavailable because Petitioner lacks a “clear-cut right” and Respondent lacks a “clear-cut duty” to preserve records that are auto-deleted by design. To the contrary, **52 U.S.C. § 20701 strips the Respondent of all administrative discretion.** The statute uses the mandatory command “**shall.**” Once an election device generates an auditing artifact in its memory during a federal election, the Secretary has a ministerial, non-discretionary duty to ensure it is not destroyed. Because no post-election state remedy can reconstruct digital memory blocks once they are scrubbed and overwritten, an immediate pre-election writ of mandamus and a preliminary injunction are the only available mechanisms to prevent an irreversible violation of federal law.

#### **VI. CONCLUSION AND REQUESTED RELIEF**

For the reasons stated above, the Respondent's administrative practice of systematically disabling and deleting digital ballot images violates the federal record-retention requirements of 52 U.S.C. § 20701. Petitioner respectfully requests that this Honorable Court:

1. **ORDER an immediate, emergency expedited review of this Reply and the concurrent filings, bypassing standard tracking delays to prevent the impending November 2026 U.S. Senate election issues from becoming permanently moot;**
2. **DENY** Respondent's Opposition to the Petition for Writ of Mandamus;

3. **GRANT** the Petition for Writ of Mandamus and enter an Order compelling Respondent William Francis Galvin to issue immediate, binding written directives to all municipal election officials throughout the Commonwealth, instructing them to configure all certified electronic voting tabulators to actively save, retain, and preserve all digital ballot images generated during the 2026 federal election cycle;
4. **ISSUE** an immediate Emergency Preliminary Injunction prohibiting the Respondent, his agents, and local election officers from implementing any software configuration or administrative policy that permits the deletion, overwriting, or non-storage of digital ballot images for a minimum period of twenty-two months following the 2026 federal election; and
5. **ENTER** a Declaratory Judgment establishing that digital ballot images generated by electronic optical scanning machines constitute “records and papers” under the mandatory protection of 52 U.S.C. § 20701.

Respectfully submitted,

Dated: June 9, 2026

A handwritten signature in cursive script that reads "Shiva Ayyadurai". The signature is written in black ink and is positioned above the typed name of the petitioner.

**Dr. Shiva Ayyadurai** *Petitioner, Pro Se / Candidate for U.S. Senate 2026*

701 Concord Avenue

Cambridge, MA 02138

[vashiva@cytosolve.com](mailto:vashiva@cytosolve.com)

**CERTIFICATE OF SERVICE**

I, Dr. Shiva Ayyadurai, hereby certify that a true and correct copy of the foregoing *Petitioner's Reply and Response to Respondent's Opposition* was served via electronic mail on this 9th day of June, 2026, upon the counsel of record for the Respondent:

Marina Pullerits, Esq.  
Assistant Attorney General  
Government Bureau  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108  
Marina.Pullerits2@mass.gov



**Dr. Shiva Ayyadurai** *Petitioner, Pro Se / Candidate for U.S. Senate 2026*

701 Concord Avenue

Cambridge, MA 02138

[vashiva@cytosolve.com](mailto:vashiva@cytosolve.com)