



3. Ballot images constitute “records and papers” within the meaning of federal law because they are used to tabulate, audit, verify, and potentially contest the results of federal elections.

4. The Secretary of the Commonwealth has ultimate supervisory authority over elections in Massachusetts, including responsibility for ensuring compliance with federal election laws by state and local election officials.

5. Mandamus relief is necessary because failure to preserve ballot images would irreparably impair voters’ rights, frustrate federal law, and render any post-election audit, recount, or contest meaningless.

## **II. JURISDICTION AND VENUE**

6. This Court has original jurisdiction to issue writs of mandamus pursuant to M.G.L. c. 211, § 3 and Mass. R. Civ. P. 81(b).

7. Venue is proper in Suffolk County because the Respondent is a statewide constitutional officer whose official residence is in Boston, Massachusetts.

## **III. PARTIES**

8. Petitioner Dr. Shiva Ayyadurai is a registered voter and citizen of the United States and the Commonwealth of Massachusetts.

9. Respondent William Francis Galvin is the Secretary of the Commonwealth of Massachusetts and is responsible for the administration and supervision of elections.

## **IV. STATUTORY AND LEGAL FRAMEWORK**

10. 52 U.S.C. § 20701 requires retention and preservation of “all records and papers relating to acts requisite to voting for federal elections for 22 months.”

11. The statute is interpreted broadly to include electronic and digital records, including ballot images, as reflected in 52 U.S.C. § 21081(b), which governs electronic voting systems and their record-keeping and audit requirements.

12. 52 U.S.C. § 21081 (a)(2)(A) states “The voting system shall produce a record with an audit capacity for such a system”.

## **V. FACTUAL ALLEGATIONS**

13. Following the September 1, 2020 Massachusetts Republican primary election for United States Senate, Dr. Shiva Ayyadurai requested election records via FOIA<sup>1</sup>, in order to verify the accuracy and integrity of the reported election results, including digital ballot images and related electronic records generated during the vote tabulation process.

14. On September 24, 2020, legal counsel for the Secretary of the Commonwealth, Michelle Tassinari, responded by email stating that ballot images generated in Massachusetts elections were not retained and had been deleted.

15. Counsel’s statement constituted an admission by the Secretary’s office that ballot images generated in a federal election were not preserved for the twenty-two-month period required by 52 U.S.C. § 20701.

16. Petitioner requested identification of any Massachusetts statute authorizing or requiring deletion of ballot images, but no such statute was ever provided.

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<sup>1</sup>On or around September 20, 2020, Dr Ayyadurai and his volunteers, after receiving data from seven (7) of the fourteen (14) towns/cities pursuant to FOIA, discovered in every one of those seven (7) towns/cities that there were more votes than voters. For example, Boston had approximately 4,100 more votes than voters; Newton had approximately 1,700 more votes than voters.

17. Once such digital election records are destroyed or overwritten, they cannot be reconstructed, resulting in irreparable harm to candidates and voters seeking transparency, accountability, and compliance with federal election law.

18. Massachusetts voting systems used in recent elections generate digital ballot images as part of the vote-tabulation process. These images are capable of being preserved, copied, and archived without interfering with election administration.

19. The 2026 United States Senate election is a federal election subject to the requirements of 52 U.S.C. § 20701.

20. Absent a clear directive enforced by the Secretary, there exists a substantial risk that ballot images may again be destroyed, altered, or prematurely deleted by local election officials or vendors.

## **VI. GROUNDS FOR MANDAMUS RELIEF**

21. Mandamus is appropriate where:

- (a) the Respondent has a clear legal non-discretionary duty;
- (b) the Respondent has failed or refused to perform that duty;
- (c) the Petitioner has a clear legal right to performance of that duty; and,
- (d) no adequate alternative remedy exists.

22. The Secretary has a non-discretionary duty to ensure compliance with federal election record-retention and preservation laws.

23. Petitioner's right to transparent, lawful federal elections would be irreparably harmed absent enforcement.

24. Post-hoc remedies are inadequate because the non-storage or premature destruction of election records cannot be undone.

25. Respondent's prior admission that ballot images from a federal election were deleted establishes actual knowledge of the federal preservation duty and demonstrates a concrete risk of future noncompliance absent judicial intervention.

26. The evidentiary burden for mandamus is satisfied because the statutory duty is clear, the risk of repetition is concrete, irreparable harm is certain if records are destroyed, and no adequate alternative remedy exists.

## **VII. REQUESTED RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

A. Issue a Writ of Mandamus ordering the Secretary of the Commonwealth to:

1. Require the retention and preservation of all election records, including ballot images, generated in connection with the 2026 United States Senate election for a minimum of twenty-two (22) months, consistent with 52 U.S.C. § 20701;
2. Prohibit the destruction, alteration, overwriting, or non-storage of ballot images during the federally mandated retention and preservation period;
3. Issue binding written guidance to all local election officials and vendors regarding ballot-image preservation obligations; and

4. Require the Secretary to certify under penalty of perjury that all ballot images and related electronic records have been preserved in compliance with federal law and that notice of this obligation has been provided to all subordinate officials and vendors.

B. Declare that ballot images constitute “records and papers” under 52 U.S.C. § 20701;

C. Enjoin any policy or practice inconsistent with federal record-retention and preservation laws;

D. Grant such other and further relief as this Court deems just and proper.

#### **VIII. VERIFICATION**

I, Dr. Shiva Ayyadurai, hereby declare under the pains and penalties of perjury that the foregoing facts are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink that reads "Shiva Ayyadurai". The signature is written in a cursive, flowing style.

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DR. SHIVA AYYADURAI, Ph.D.

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Petition for Writ of Mandamus, together with all accompanying documents, will be served upon the following parties by a duly authorized constable in accordance with Massachusetts Rule of Civil Procedure 4:

William Francis Galvin

Secretary of the Commonwealth

One Ashburton Place

Boston, MA 02108

and

Office of the Attorney General

One Ashburton Place

Boston, MA 02108

Signed under the pains and penalties of perjury.