

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

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SHIVA AYYADURAI
vs.
WILLIAM FRANCIS GALVIN
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* Docket No.: 2684CV01614
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HEARING RE: PRELIMINARY INJUNCTION
BEFORE THE HONORABLE CATHLEEN E. CAMPBELL

APPEARANCES

FOR THE PLAINTIFF AYYADURAI:
701 Concord Avenue
Cambridge, Massachusetts 02138
By: Dr. Shiva Ayyadurai, Pro Se

FOR THE DEFENDANT GALVIN:
Office of the Massachusetts Attorney General
One Ashburton Place
Boston, Massachusetts 02108
By: Marina Pullerits, Assistant Attorney General

Boston, Massachusetts
Courtroom 306, B Session
June 16, 2026

CAROLYN SPROUL
APPROVED COURT TRANSCRIBER

I N D E X

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
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(No witnesses)

EXHIBITS:	PAGE
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(No exhibits offered)

1 (Court called to order.)

2 (2:39 p.m.)

3 (Defendant present.)

4 THE CLERK: The matter is Dr. Ayyadurai versus
5 William Galvin, Secretary of the Commonwealth of
6 Massachusetts, Civil Action Number 2684CV01614. This
7 is a hearing on preliminary injunction, Your Honor.

8 Will the parties please come forward -- Plaintiff
9 in the front; Defendant in the back -- and, please,
10 when you're speaking, speak by the microphone.
11 Introduce yourself to the Court, please.

12 MR. AYYADURAI: Hi, Your Honor. My name is Dr.
13 Shiva Ayyadurai. I'm the Plaintiff --

14 THE CLERK: Move over by the mic.

15 THE COURT: Thank you very much. Yes, if you'd
16 be so kind. You need to speak into the microphone
17 because it's recording your voice.

18 MR. AYYADURAI: Good afternoon, Your Honor. My
19 name is Dr. Shiva Ayyadurai, the Plaintiff Pro Se.

20 THE COURT: Thank you so much.

21 MS. PULLERITS: Good afternoon, Your Honor.
22 Assistant Attorney General Marina Pullerits, on behalf
23 of the Secretary of the Commonwealth.

24 THE COURT: Thank you. So, I know that this has
25 come via kind of a circular route to me, having been

1 first filed up in the Supreme Judicial Court, which
2 sat on it for quite some time before it sent it back
3 to the Superior Court here, so I tried to make
4 arrangements to have you both in in a timely manner
5 associated with this situation.

6 I just need you to know I have like an hour and
7 15 minutes to hear the two of you, so I'm happy to
8 divide the time equally, but that's all I have,
9 because I have to be at a required meeting for the
10 court after that. So why don't you have a seat while
11 I hear from your brother first, associated with his
12 motions before the Court, then I'll hear from you in
13 opposition, okay?

14 MS. PULLERITS: Thank you.

15 THE COURT: Thank you. Doctor?

16 MR. AYYADURAI: Thank you, Your Honor.

17 I'm just going to take about ten minutes. I've
18 never done this before.

19 THE COURT: Alrighty.

20 MR. AYYADURAI: So I'll try to follow the
21 procedures.

22 THE COURT: Okay. You've got one (indiscernible
23 at 2:41:00). I just know you've been waiting for a
24 long time, and according to the papers, this isn't the
25 first time that you've brought some claims associated

1 with a similar type of action, so I thought you had a
2 lot of experience, but I'm happy to hear you today, so
3 go for it.

4 MR. AYYADURAI: Good afternoon, Your Honor. May
5 it please the Court, my name is Dr. Shiva Ayyadurai.
6 I appear pro se as a declared and qualified
7 independent candidate for United Senate in the 2026
8 election cycle.

9 Now, I recognize the precise procedural posture
10 of this emergency tracking conference, and I'm
11 grateful to the Court yourself, Your Honor, and the
12 assistant clerk magistrate for fast tracking this
13 motion.

14 I want to schedule so the hearing of this case
15 occurs before the election, and in that regard, I'm
16 only asking for a temporary order to freeze and
17 preserve the electronic voting data, known as the
18 ballot images, which are indeed created in memory, so
19 it is not overwritten while the other legal issues are
20 worked out by the parties and the case doesn't become
21 moot.

22 As an experienced election counsel has advised,
23 without this immediate relief, the respondent,
24 Secretary Galvin, will run out the clock, rendering
25 the controversy moot. If the current administrative

1 configurations remain in place, the digital ballot
2 images generated during tabulation will be overwritten
3 and destroyed before the trial. No post-election
4 recount can occur, can recover them, the subject
5 matter of this lawsuit and this Court's ability to
6 grant meaningful relief will be irreparably lost.

7 I have a few points, Your Honor, four points I'd
8 like to make briefly.

9 Now, Your Honor, respondent's opposition rests on
10 a single demonstrably false assertion that the
11 requested records "do not and will not exist." In her
12 affidavit, Director of Elections, Attorney Michelle
13 Tassinari, claims that the voting equipment "does not
14 create or store ballot images," so I must address the
15 hard engineering reality, Your Honor, claiming an
16 optical scan tabulator count votes. Without
17 generating digital ballot images, it's physically
18 impossible. In fact, I'm holding right here, which
19 you also have, Exhibit E, and if you go to page 2,
20 Your Honor, kindly, on Exhibit E, which is right here,
21 and this is the official certification signed by the
22 Secretary of State Galvin for the ES&S DS200
23 Tabulator. On page 2 it explicitly states, "Both
24 sides of the ballot are processed simultaneously with
25 high resolution scanners, and the resulting ballot

1 images" -- I repeat, "the ballot images are decoded by
2 a proprietary recognition engine." So the scanner on
3 these voting machines photographs a paper ballot,
4 creates a high-resolution digital ballot image in
5 memory and feeds that image to a recognition engine.
6 Without the digital file, the ballot image, the system
7 is blind and cannot tabulate a single vote.

8 So, what the respondent calls in their
9 opposition, "disabling the capability," is not non-
10 creation of the ballot image, but it is a deliberate
11 administrative instruction done by the Secretary of
12 State to intercept and automatically delete the
13 generated ballot image, which was indeed created
14 before permanent storage. And this, Your Honor, is
15 electronic record destruction violating federal law,
16 52 USC 20701.

17 The second point I'd like to make, Your Honor,
18 the respondent may argue that "Massachusetts uses
19 paper ballots; the physical records are safe." This
20 is a technical misdirection. The tabulator does not
21 tally the votes from the physical paper ballots. It
22 decodes it from the digital ballot images, which are
23 generated in memory.

24 Now, the ballot image forms the primary basis of
25 the electronic vote count; therefore, those electronic

1 records, the ballot images, are the primary records
2 used by the system to determine the vote count.
3 Keeping the paper is important, but it does not
4 replace the separate requirement to preserve the
5 electronic record.

6 As you may know, Your Honor, federal law, 52 USC
7 20701, treats the physical ballot, the paper ballots,
8 and the electronic records as separate, independent
9 records and dictates that both must be preserved.
10 Access to paper ballots months later, in a restricted
11 account, does not justify the real-time destruction of
12 the electronic records, the machines actually used.

13 In fact, in the Biden administration, not the
14 Trump administration, which some may argue made some
15 claims about elections, it was during the Biden
16 administration, 52 USC 20701, a guidance was issued by
17 the DOJ, and I'm specifically referencing the civil
18 rights division's official document entitled, *Federal*
19 *Law Constraints on Post-election Audits*, and it
20 explicitly states, "The materials covered extend
21 beyond papers, beyond paper ballots, include other
22 records. Jurisdictions must therefore also retain and
23 preserve records created in digital, electronic form."
24 In fact, the DOJ explicitly warns local and state
25 officials like Secretary Galvin that failing to save

1 these digital records, the ballot images, carries
2 federal criminal penalties under Section 302. This
3 isn't just a local administrative choice; it's a
4 federal record retention mandate.

5 And two final points, brief points, Your Honor.
6 The respondent argues that 52 20701 provides no
7 private right of action, but it lacks standing in
8 filing my writ of mandate -- mandamus. What they're
9 doing is conflating the damages -- standard damages
10 lawsuit with the petition for writ of mandamus. I
11 would like to invoke this court's common-law authority
12 to compel a state official to perform a
13 nondiscretionary, ministerial duty imposed by federal
14 law. The statute commands that every election officer
15 "...shall retain and preserve" -- not may, not
16 possibly, shall -- these records. The duty is
17 mandatory. Stripping the secretary of state, be it
18 Galvin or any secretary of state, of discretion under
19 the supremacy clause of the U.S. Constitution, Article
20 6, Clause 2, it binds respondent Galvin directly.

21 And, Your Honor, in closing, or one final point.
22 If state agencies -- Your Honor, this is extremely
23 important. I'm not speaking as a citizen, not just as
24 a candidate, but an engineer. If state agencies can
25 nullify federal record retention laws, which were

1 hard-fought, some of them during the civil rights
2 movement, by a simple software switch, every
3 congressional transparency statute becomes
4 meaningless, so this court has an obligation to
5 enforce the supreme law of the land.

6 And finally, what I'm bringing up is not some
7 outlandish claim, it's not novel or partisan. In
8 fact, in *Geraldine Thompson v Laurel*, a Florida
9 litigation -- By the way, Florida is a republican
10 state, Massachusetts is seen as a democratic
11 establishment -- their candidates across both parties
12 challenge this identical policy of disabling ballot
13 image storage, which is what Secretary Galvin is
14 doing. Florida officials advanced the same "ephemeral
15 image of defense."

16 Courts and litigation expose that many counties
17 already preserve these images by simply leaving the
18 manufacturer's sitting on with no disruption to
19 operations. In fact, in Miami-Dade County they
20 entered agreements to retain the ballot images and,
21 finally, the physics of the DS200 tabulator, whether
22 it's in Boston or in Miami, they're identical. This
23 is a nonpartisan systems engineering issue, a very
24 commonsense issue. The Florida experience proves a
25 simple turnkey solution exists.

1 Your Honor, I would like to -- I know I submitted
2 -- I have two --

3 THE COURT: Counsel -- I'm sorry -- Doctor,
4 you've got to stay close to the microphone.

5 MR. AYYADURAI: I'm sorry.

6 THE COURT: When you move and you turn your head
7 --

8 MR. AYYADURAI: I'm really sorry.

9 THE COURT: -- it's not recording what you're
10 saying, sir. I just want you to have a full record.

11 MR. AYYADURAI: Okay. Did everything else get
12 on?

13 THE MONITOR: Yes.

14 MR. AYYADURAI: Okay. So, Your Honor, I have two
15 others -- one in my right hand; one in my left hand.
16 The first order is a procedural scheduling order to
17 move this case along to an early trial, long before
18 the election, and I appreciate the clerk and Your
19 Honor bringing up the fact that it sat in the SJC for
20 far too long, so that's the first order. I'd also
21 like to -- Would you like to have a copy of this?

22 THE COURT: Did you give a copy to the assistant
23 --

24 MR. AYYADURAI: Yes. I also made copies for her.
25

1 THE COURT: Okay. Well, make sure that you give
2 a copy to your sister. You can give a copy of what
3 you'd like passed up to me to the court officer as
4 well, okay? Just make sure that you give her one as
5 well, okay? Thank you.

6 MR. AYYADURAI: So I have two orders here. This
7 is for you and this is for Your Honor.

8 THE COURT: Thank you.

9 MR. AYYADURAI: So I have put two orders forward
10 there. The first order -- should I read it? Is that
11 all right?

12 THE COURT: I'm sure that I can read it. This
13 summarized --

14 THE COURT: Yes. The first order is a scheduling
15 order to move it up so we actually have a hearing
16 before the election, and it doesn't become moot. The
17 second order is a temporary emergency preservation
18 order. It simply instructs the respondent to ensure
19 that the native built-in software switch is configured
20 to on for the upcoming election cycle.

21 So these auto-generated, electronic records are
22 balloted and the images are indeed saved to the hard
23 drive. This temporary solution requires no taxpayer
24 money, no new taxpayer money, no custom programming,
25 and no hardware changes. The manufacturer already

1 built this option directly into the system's menu.
2 It's as simple as setting a checkmark on your phone
3 setting, and a technician can do it in less than 60
4 seconds from setting the auto delete, which they
5 should not be doing, violation of federal law, to on,
6 so there's no administrative burden here. It's a
7 simple choice to save the digital ballot images.

8 In conclusion, Your Honor, I respectfully ask
9 this court to sign scheduling order and issue the
10 preservation directive today. Thank you, Your Honor.

11 THE COURT: Thank you. I won't be signing
12 anything today. I need to review the information and
13 the arguments before I do anything, so I appreciate
14 your -- I understand. I tried to get the matter
15 before the court in a timely manner after it was
16 remanded by the SJC, but I do my best right away.

17 MR. AYYADURAI: Right.

18 THE COURT: Okay?

19 MR. AYYADURAI: Thank you, Your Honor. I'm most
20 grateful to Your Honor, to the Court, and the clerk
21 magistrate for fast-tracking this.

22 THE COURT: I'm sure. I just don't want to
23 mislead you.

24 MR. AYYADURAI: Thank you very much.

25 THE COURT: Thank you so much, sir.

1 MR. AYYADURAI: Can I sit down?

2 THE COURT: If you just want to have a seat, I'm
3 going to hear from your sister at this point.

4 MR. AYYADURAI: Okay.

5 THE COURT: Thank you.

6 MS. PULLERITS: Good afternoon, and thank you,
7 Your Honor. Once again, Assistant Attorney General
8 Marina Pullerits on behalf of the Secretary of the
9 Commonwealth.

10 Your Honor, I want to begin by just briefly
11 addressing the procedural history of this case, just
12 for the clarity of the record, and then proceed to
13 addressing the factual and legal arguments raised by
14 the plaintiff.

15 First, Your Honor, procedurally, this case was
16 first filed on April 17, 2026, so a little under two
17 months ago, before the single justice and SJC. At
18 that time, the plaintiff filed his petition seeking
19 mandamus, among other things. Our opposition was
20 found approximately a month later. That was on May
21 21, 2026, and relatively shortly thereafter the single
22 justice sent the matter to the Superior Court, so this
23 particular matter has only been in existence, Your
24 Honor, for a little bit under two months.

25 It does have a broader history, Your Honor, in

1 the sense that the same plaintiff has requested
2 similar relief previously in the wake of the 2020
3 election, in which he ran as a candidate and in which
4 he claimed there had been deletion of ballot images.
5 At that time, Your Honor, the Secretary argued, as it
6 does now, that there was no such deletion, that no
7 deletion had ever taken place, and to the contrary,
8 that in the state of Massachusetts there is no
9 retention of these ballot images, by nature of the way
10 that Massachusetts elections are conducted and the way
11 that our votes are tabulated, Your Honor.

12 And by way of background, to setback and address
13 that factual argument, Your Honor, in Massachusetts
14 votes are tabulated in a number of ways. There are
15 some municipalities in the state of Massachusetts that
16 use tabulators to do that, so rather than counting
17 ballots by hand, they purchased a tabulating device,
18 that device is federally certified, as well as
19 certified by the Secretary of the Commonwealth, and it
20 can then read paper ballot images, reach a number of
21 votes for one or another, but in all cases, Your
22 Honor, the physical ballot is the paper ballot.

23 People in Massachusetts vote by paper ballot and
24 that ballot, in some municipalities, is tabulated by a
25 tabulator that we get a result. Those paper ballots,

1 of course, Your Honor, are maintained, they are
2 sealed, and they are kept by the state in the event
3 of, for example, Your Honor, a recount request, in
4 which case it is those paper ballots, Your Honor, that
5 are recounted, subject to the procedures outlined in
6 Chapter 54 of the Massachusetts General Laws.

7 Some tabulators, Your Honor, in Massachusetts are
8 ones like the one to which the plaintiff pointed in
9 State's Exhibit E, to its opposition, which was filed
10 in the single justice session, and I believe then
11 docketed in this court, which states that there is a
12 capacity to capture digital images of each ballot,
13 that the function can be disabled. That capacity,
14 Your Honor, does not mean that those images do in fact
15 exist in retained form. It just means that there is
16 the ability for a machine to take, essentially, a
17 photograph of a ballot. That does not happen in
18 Massachusetts, Your Honor.

19 Those images simply do not exist in stored form
20 in this state. In fact, the reason that this is
21 included in the certification is that in Massachusetts
22 -- allow me to speak very clear, that it is the paper
23 ballots that are the official records of these
24 elections.

25 Moreover, Your Honor, although some of the

1 tabulators do indeed have this capacity, although
2 again, as I said, it is not used in Massachusetts,
3 other tabulators do not have that capacity. Some
4 capacities do not have the ability to store ballot
5 images, and so certain municipalities using other
6 types of tabulators don't have what the plaintiff
7 referred to as an on-off switch to capture that sort
8 of data, because the tabulators they use do not have
9 it.

10 And importantly, Your Honor, they do not need to
11 have it because the plaintiff has pointed to no
12 federal and no state law that requires the existence
13 of ballot images. What's required is the preservation
14 of existing records, which certainly happens in
15 Massachusetts, Your Honor, pursuant to the detailed
16 procedures outlined in Chapter 54.

17 And third, Your Honor, as I said, some
18 municipalities have tabulators that can capture but do
19 not capture ballot images, some have tabulators that
20 cannot store ballot images, and some municipalities
21 continue to proceed by paper ballot, Your Honor. That
22 means that there is hand counting of the paper ballots
23 and so there simply is no tabulator that could have
24 any sort of capacity to take a digital image, whether
25 the plaintiff requests because, essentially, they are

1 counted by hand. They are not run through a machine
2 that can then take digital image.

3 And again, Your Honor, all of that is very
4 clearly permissible under the federal laws, which do
5 not require the generation of ballot images. All they
6 require is the preservation of existing records. And
7 moreover, Your Honor, the federal laws, including the
8 very federal laws in which plaintiff relies, make it
9 exceedingly clear that the paper ballot system,
10 including the system used in municipalities that hand
11 count their votes, is permissible and allowable under
12 federal law. There is no requirement that there be a
13 valid image to be reviewed.

14 To the contrary, Your Honor, so long as there
15 isn't an official record and that record is subject to
16 preservation for 22 months under the federal law, as
17 it is in Massachusetts, there is no conflict
18 whatsoever, Your Honor, with the federal laws. For
19 that reason the request propounded by the plaintiff,
20 which is a request for future preservation of these
21 images, is one that the Court simply cannot allow,
22 because it would require the preservation of images
23 that do not and will not exist, in some cases because
24 they're paper ballots, in some cases because they're
25 tabulators that cannot capture an image even if we

1 program them in a different way, and in some cases
2 because the tabulators are not programmed to capture
3 those images pursuant to the certification
4 requirements under Massachusetts law.

5 For all those reasons, Your Honor, the reference
6 to preserving records, it's simply a misnomer because
7 those records, as requested, do not exist. And again,
8 I must emphasize that that does not mean that there is
9 no record of these votes, that there is no way to
10 check those votes should there be a request for
11 something like a recount. They exist, they are
12 stored, they are sealed, they are carefully monitored,
13 Your Honor, they are carefully counted.

14 To the extent that there is a request for
15 something like a recount, there's procedures outlined
16 for those recounts to take place via the paper ballads
17 and so there has been, firstly, surely no likelihood
18 of success on the merits and also no demonstration of
19 harm, because as a result of that process, which is
20 clearly outlined in Chapter 54, there is a process for
21 checking the ballots should there be any question in
22 the wake of the 2026 election.

23 For all those reasons, Your Honor, the Secretary
24 of the Commonwealth asks that you deny the petition.

25 THE COURT: Thank you very much. Thank you.

1 So I'll read over the material once again. I had
2 had an opportunity to read some of your findings, not
3 everything that's been filed as of this time, so I'll
4 take it under advisement and issue a decision. Thank
5 you very much for coming in today. Thank you.

6 MR. AYYADURAI: Can I make any points, Your
7 Honor, or no?

8 THE COURT: I'm sorry. You can ask whatever
9 you'd like. It doesn't mean that I can grant what you
10 want, but what is that?

11 MR. AYYADURAI: I just want to make one short
12 point of fact.

13 THE COURT: Sure.

14 MR. AYYADURAI: So, the kind sister here is
15 conflating to the Court storage and capture, and it's
16 unfortunate that's being done. I just want to clarify
17 this. When a paper ballot goes through a tabulator, a
18 ballot image is created. It is in the manual. If a
19 ballot image is not created and it exists, no vote can
20 ever be counted.

21 What she's talking about is storing it, which is
22 supposed to be stored by federal law, so she's
23 conflating or denying the fact that an image actually
24 is created, and this will come out in a hearing, that
25 it is indeed being created. The same, frankly,

1 duplicitious argument was made in Florida and was
2 struck down. An image must be created by simple
3 physics, and that image is what is used by the
4 recognition software to count the vote. It's not
5 looking at the paper; it's looking at the image.

6 Now, the issue is why is that image not being
7 saved. That is a discretion that the secretary's
8 doing in violation of federal law.

9 Thank you, Your Honor.

10 THE COURT: Thank you very much. Thank you.
11 Anything further?

12 MS. PULLERITS: Yes, Your Honor. Just briefly in
13 response, if I may?

14 The plaintiff has repeatedly referred now to
15 federal law requiring this storage. No such federal
16 law has been cited in the papers, Your Honor. I'm not
17 aware of the federal law requiring the creation of any
18 such ballot images, and so I just wanted to bring that
19 to the Court's attention as well.

20 THE COURT: Thank you very much. Thank you.

21 MR. AYYADURAI: Would you like me to cite the
22 federal -- the guidance?

23 THE COURT: I think that you've cited the law
24 that you wanted to cite here, and I've heard both of
25 you.

1 MR. AYYADURAI: Thank you very much, Your Honor.

2 THE COURT: Thank you so much.

3 MS. PULLERITS: Thank you, Your Honor.

4 (The Hearing concluded at 3:01 p.m.)

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C E R T I F I C A T E

I, Carolyn Sproul, an Approved Court Transcriber, do hereby certify that the foregoing is a true and accurate transcript, prepared to the best of my ability, from the audio recording produced by Court Personnel of the Superior Court Department court proceedings in the above entitled matter.

I, Carolyn Sproul, further certify that the foregoing is in compliance with the Administrative Office of the Trial Court Directive on Transcript Format.

I, Carolyn Sproul, further certify that I neither am counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interested in the outcome of the action.

(The proper name spellings herein, unless otherwise indicated, are phonetically spelled.)

/s/ Carolyn Sproul

7-13-26

Carolyn Sproul

Date

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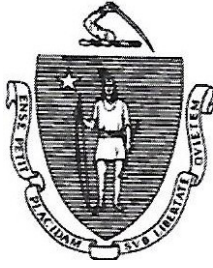
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