

Petitioner further requests an immediate emergency order enjoining the Respondent from configuring optical scan electronic voting tabulators to disable image-saving capabilities pending a final determination on the merits.

Absent immediate interlocutory intervention by a Single Justice, the default judicial tracking schedule ensures that the electronic evidence used to tabulate the votes and central to this dispute will be permanently destroyed, rendering this action entirely moot and causing irreversible constitutional and statutory harm.

I. STATEMENT OF THE ISSUE FOR REVIEW

Whether the lower court committed an egregious error of law and abused its discretion by denying preliminary injunctive relief in a common-law action for a Writ of Mandamus, on the sole ground that 52 U.S.C. § 20701 lacks a private right of action, while completely failing to recognize:

1. That Petitioner seeks a Writ of Mandamus to compel a state officer to perform a non-discretionary ministerial duty to cease the active, administrative configuration of voting tabulators to delete data;
2. That the U.S. Department of Justice has formally determined that digital ballot images constitute federal election records under 52 U.S.C. § 20701; and
3. That by relegating this matter to a May 31, 2029 "Average" civil tracking schedule, the court ensures the ongoing, rolling destruction of 2026 federal election records, inflicting immediate, structural, and irreparable constitutional harm upon an active candidate that cannot be remedied post-election.

II. SUMMARY OF RELEVANT FACTS AND PROCEDURAL HISTORY

1. The Petitioner: Petitioner Dr. Shiva Ayyadurai holds a Ph.D. in systems engineering from the

Massachusetts Institute of Technology (MIT) and is a formally declared, active Independent candidate for the United States Senate in Massachusetts for the upcoming November 2026 federal election cycle.

2. The Admission of Data Destruction: Respondent William Francis Galvin, the Chief Election Officer of the Commonwealth, admitted under penalty of perjury in the lower court proceedings that the electronic optical scan voting tabulators deployed across Massachusetts possess the native, automated capability to generate high-resolution digital ballot images during vote tabulation, but that he explicitly commands local election officials to configure the software settings to turn image-saving capabilities "OFF."

3. The Mandamus Foundation: This action is brought strictly as a Petition for a Common Law Writ of Mandamus. Petitioner does not seek civil damages or the execution of federal criminal penalties under Title III. Instead, Petitioner seeks to compel the Respondent to execute his clear, non-discretionary ministerial duty to maintain uniformity and transparency in federal elections by preserving records automatically generated by the Commonwealth's voting systems.

4. The DOJ Precedent on Ballot Images: Under 52 U.S.C. § 20701, every election officer is strictly mandated ("shall") to retain and preserve for twenty-two (22) months all records and papers relating to any "act requisite to voting" in a federal election. The United States Department of Justice has explicitly and consistently articulated that electronic digital ballot images generated by optical scan voting tabulators are federal voting records within the meaning of 52 U.S.C. § 20701. Respondent's position that the physical retention and preservation of paper ballots satisfies his legal burden is an error of law; a state officer cannot choose to satisfy a federal record retention mandate by retaining one class of records while actively implementing software configurations to auto-delete another.

5. The Lower Court's Order and 2029 Tracking Defect: On June 22, 2026, the Superior Court denied Petitioner's emergency application, ruling that because 52 U.S.C. § 20701 does not contain an explicit private right of action, Petitioner has no likelihood of success on the merits. Simultaneously, the Court issued a Civil Tracking Order placing this active federal election dispute on a multi-year track with **a final resolution date of May 31, 2029 - nearly three years after the conclusion of the November 2026 election cycle!**

III. ARGUMENT FOR IMMEDIATE EMERGENCY INTERVENTION

A. A Writ of Mandamus Is the Proper and Only Vehicle to Remedy a State Officer's Failure to Follow Federal Law - The lower court's reliance on *Ayyadurai v. Galvin*, 560 F.Supp.3d 406 (D. Mass. 2021) to find a lack of standing is a fundamental error of law. While federal statutes may lack an implied private cause of action for damages, a citizen and federal candidate may always bring a common-law action for a Writ of Mandamus to compel a state official to comply with clear statutory mandates. **Mandamus does not enforce a private right; it enforces a public duty.** Respondent has a non-discretionary ministerial obligation to ensure that Massachusetts election procedures do not actively subvert federal record retention guidelines.

B. The Lower Court's Finding on Irreparable Harm Defies Systems Architecture and Logic - The lower court erroneously concluded that Petitioner failed to demonstrate a risk of irreparable harm. Under the current "Average" tracking order, this case will not be resolved until May 31, 2029. However, the software switches configuring the tabulators to turn image-saving

capabilities “OFF” are being deployed on a rolling basis for the 2026 cycle - an election which will occur in less than five (5) months.

Once those digital ballot images are deleted in short-term memory during vote tabulation, the electronic evidence is permanently destroyed. The loss of unique digital data can never be compensated by a future legal victory in 2029. For an active candidate for the United States Senate, the destruction of the ballot images - which are the actual “ballots” that are tabulated - required to mathematically verify the vote count of his own election inflicts an immediate, irreversible constitutional injury. **On electronic voting machines - to reiterate - the votes are tabulated based on the ballot image NOT the paper ballot, thus the ballot image is the primary source for vote count. This fact cannot be overemphasized.**

C. The Federal Mandate Requires Uniformity, Not a Lawless Patchwork - The Department of Justice's own guidance establishes that digital ballot images must be preserved under 52 U.S.C. § 20701. Numerous states across the country comply with this mandate by keeping their voting tabulators’ native image-saving features toggled to “ON.” Respondent's active policy creates a fragmented, non-uniform patchwork where Massachusetts operates outside of federal oversight. The Supremacy Clause dictates that a state election officer cannot execute administrative rules that actively delete records that federal authority has deemed vital to election integrity.

IV. CONCLUSION AND RELIEF SOUGHT

The lower court's order permits the open destruction of federal election records under a timeline that insulates the Chief Election Officer from judicial accountability until 2029.

Wherefore, the Petitioner respectfully requests that the Single Justice:

1. Vacate the Superior Court's June 22, 2026 Order.
2. Issue an Immediate Preliminary Injunction ordering the Respondent to immediately direct all local election authorities to configure electronic voting tabulators to retain and preserve all digital ballot images for the upcoming 2026 election cycle.
3. Order an Expedited Evidentiary Hearing on the merits of the Writ of Mandamus before this Court.

Dated: July 4, 2026

Respectfully submitted,

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

Dr. Shiva Ayyadurai *Petitioner, Pro Se*

Candidate for U.S. Senate 2026

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Emergency Petition for Interlocutory Review was served via electronic mail this 4th day of July, 2026, upon counsel for the Respondent:

Office of the Secretary of the Commonwealth

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