

CODE RED:

Computerized Elections

and

The War

on

American Democracy

Election 2018 Edition

(Excerpts)

Jonathan D. Simon

www.CodeRed2018.com

Praise for *CODE RED*:

Jonathan Simon's *CODE RED* is unique, timely, easy-to-understand, and vastly important. The book uses an innovative Q&A format to enable readers to comprehend why computerized elections fraud represents an unprecedented challenge to democracy. The author has been a pioneering expert in this research, which has been widely ignored by traditional watchdog institutions and the political media. His book provides a convenient news-peg for them to start doing their jobs instead of continuing the go-along, get-along game.

Andrew Kreig, Justice Integrity Project director and author of Presidential Puppetry: Obama, Romney and Their Masters

CODE RED by Jonathan Simon, co-founder of Election Defense Alliance, is not a fun read. Nor was it fun to write, Simon admits. But that doesn't make it any less important. Simon sees our nation heading over a cliff, democratically speaking; hence, his sense of urgency. He is desperate for us to get active and do something, but without the facts we are powerless. And without familiarity with computerized election history, there is no context in which to comprehend what has happened in recent electoral contests.

As Simon says, in his Foreword, "The Big Picture of American politics has become an ugly one and one that will only get uglier with time and inaction. So let's take an unblinking look at what the hell is happening to America and what we still just might be able to do about it." He dives in with a question-and-answer section that puts the major facts out there for people to examine and evaluate for themselves. We owe it to ourselves and the tattered system we hold dear to do that. The sooner the better.

Joan Brunwasser, OpEd-News

In 2004 Jonathan Simon downloaded state-by-state CNN screenshots of the first-posted exit polls. It was the seminal event which fueled the efforts of election analysts to investigate the mathematical probabilities of the one-sided exit poll-votecount disparities. But now we know that 2004 was not unique; many elections in what Simon refers to as "The New American Century" have deviated sharply from the unadjusted exit polls—and virtually always in the same direction. It is solid mathematical evidence of systemic election fraud. Were it not for Jonathan's foresight, it is unlikely that any of this information would have come to light.

But 2004 was just the beginning. Jonathan analyzed the 2006 midterms in which the Democratic landslide was denied; the 2008 presidential election in which Obama's true margin was reduced drastically; Martha Coakley's strange "loss" in the Massachusetts special election for the U.S. Senate seat previously held by the late Ted Kennedy; and the bizarre national election that followed in November 2010. He now has taken on the even more bizarre 2014.

Jonathan writes in a clear, compelling and dramatic style—as befits his passion for the truth and the urgent need for an observable vote-counting system, as opposed to the sham that has corroded our reputation as the world's greatest democracy.

This book cannot be more highly recommended.

Richard Charnin, author of Matrix of Deceit

CODE RED lays out the case that election fraud has been occurring via the targeting and manipulation of computerized voting equipment across America.

Dr. Simon supports his conclusions with detailed and extensive data-gathering and analysis. He asks why we continue to entrust our voting process to this inherently non-transparent and vulnerable equipment. And he shows us how we can restore an observable process and reclaim ownership of our democracy.

As a professional statistician, I found *CODE RED*'s data, analyses, and conclusions compelling.

Dr. Elizabeth Clarkson; Chief Statistician, National Institute for Aviation Research, Wichita State University

Whenever a U.S. election ends with an astounding "upset victory" (of late a weirdly normal "fluke" in the United States), the watchdogs of our Free Press quickly tell us *why* the likely winner didn't win—confidently noting the fatuity of the exit polls and all the previous opinion polls; the losing campaign's glaring tactical and/or strategic errors; how this or that key bloc of voters inexplicably did not turn out, while this or that one *did*, in record numbers; these social, cultural and/or economic trends, and/or those technological advances; this or that Big Story in the news, the weeks or last few days before Election Day; and/or whatever else might help explain that inexplicable "defeat" away.

From that flash-flood of journalistic speculation, partisans on either side absorb whichever notions suit their own world-view. Thus Trump's folk ferociously repeat the media's repentant mantra that "the media got it wrong"

before Election Day, blind to Trump's "deplorable" majority support in Michigan, Wisconsin, and Pennsylvania. Thus Hillary's troopers tell each other what both Hillary and the media have all bitterly asserted since Election Day: that Hillary lost because of Putin and the FBI, Jill Stein and misogyny. Meanwhile, those who voted (or tried to vote) for Sanders and/or Stein have *their* self-serving take on Trump's outrageous victory, arguing that he prevailed because a (bare) majority (in certain states) detested Hillary as much as they do, and for the same reasons.

All that tribal yammering about the *how* and *why* of Trump's election is as credulous as it is uninformed; for there is, in fact, no solid evidence that Trump *did* win—any more than Clinton had really won her party's nomination.

As Jonathan Simon masterfully explains in this essential new edition of *CODE RED*, there *is* compelling evidence that both of those unlikely "victories" were likely products of rampant vote suppression and computerized election fraud. Those anti-democratic means seem to have been increasingly deployed throughout this century to thwart the will of the American electorate—as Simon has been warning expertly, and tirelessly, in countless articles and interviews, and in successive editions of this essential book, which *all* of us must read, so we can finally grasp what's really happened here, and know what we must do to make things right, before it really is too late.

Mark Crispin Miller, Professor of Media, Culture, and Communication, New York University; Guggenheim Fellow (2011); author of Fooled Again: The Real Case for Electoral Reform and Cruel and Unusual, and editor of Loser Take All: Election Fraud and the Subversion of Democracy, 2000-2008

On one level, *CODE RED* is straightforward and refreshingly direct. No punches are pulled. But that doesn't make it easy to absorb. So many things I used to believe must be re-thought. Amid the upheaval, I remind myself of a profoundly optimistic consequence of all this gut-wrenching shift in perspective.

I had thought democracy had just failed. People are too stupid, too easily manipulated. The power of money to corrupt politicians and to buy propaganda has just overwhelmed our democratic machinery.

But now I see we may not have given democracy a chance. Before we give up on majority rule, let's try counting the votes in an open and verifiable process. Before we talk about a revolution or a new Constitutional Convention, let's dust off the Constitution we've got, exercise the rights it gives us, and see how far it can take us.

Josh Mitteldorf, PhD

Co-author (with Dorion Sagan) of *Cracking the Aging Code*

CODE RED is a spirited, data-driven argument that our computerized voting system is frighteningly vulnerable to corruption. ... Simon—the executive director of Election Defense Alliance, a nonprofit voting-rights watchdog—argues that what at first appears to be a triumph of progress, the widespread application of new voting technology, actually generates myriad opportunities for partisan sabotage. ... [T]he allure of greater convenience comes at the price of transparency: newly secretive elections ... take place in the “impenetrable darkness of cyberspace.” ... The scope of the book is broad, covering related topics like campaign finance and gerrymandering, and includes an instructive discussion of exit polls and Internet voting... Much of the work is written in a “Q&A format,” which makes for highly readable prose, ... an often-rigorous account of an important issue.

Kirkus Reviews

Stalin is rumored to have said it best: “It’s not who votes that counts, it’s who counts the votes.” American exceptionalism notwithstanding, such thoughts have a way of crossing borders. Games are games, wherever played. What *CODE RED* refuses to do is give America a pass *because it is America*.

Jonathan Simon, whose experience in election forensics dates to the very beginning of America’s computerized voting era, doesn’t blanch at the evidence and turn politely away. Where he comes out is pretty simple: until we return to counting votes in public, we will be putting everything we value at risk. If we don’t want the rapid decline of personal freedom, democracy, and moral integrity to continue, the first thing we need to do is secure our electoral and vote-counting processes against manipulation—by anyone.

Confronting the truth may depress you, but it will also give you the knowledge and the tools to take back the country. I hope we have the individual and collective fortitude to face how negligent we’ve been and see that there is a way out, if not an easy one.

James Fadiman, PhD; author of *Personality and Personal Growth*

Jonathan Simon has provided an important public service. *CODE RED* must not only be widely read and distributed among people who care about the integrity of our elections but should provide enough fodder for a comprehensive investigation of ballot counting procedures. Such an

investigation needs to happen soon, and it cannot be conducted by congressional or other political leadership. Simon's research is thorough and his case is more than compelling.

John Zogby; Founder of the Zogby Poll

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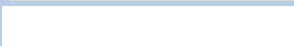
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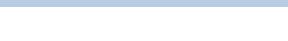
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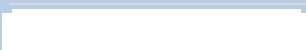
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FOREWORD to ELECTION 2018 EDITION

Voting is a profound act of faith, a belief that even if your voice can't change policy on its own, it makes a difference.

-- The New York Times Editorial Board, March 11, 2018

So here we are. Welcome to the Age of Trump. If your 'faith' is a bit shaken, if you are still wondering just how we got here, there are hundreds, perhaps thousands, of published accounts to map it all out for you. You know: the Clinton campaign this, the economy that, the white suburban voters without college the other thing . . .

As varied as they may be, what all these accounts have in common is the assumption that, one way or another, *we voted our way here*. That is to say, Americans collectively cast the billions of ballots that over the years of this New American Century added up to where we are now. As if we all got behind the wheel of the national car and somehow steered it to this destination, two wheels spinning over the edge of the cliff.

That is not the account offered by this book.

CODE RED challenges the fundamental assumption that we voted our way over the cliff. It challenges the fundamental assumption that votes have been counted as cast, that American voters have in fact been, at all points, steering the car, that we're really such awful drivers.

It instead explores the possibility that, since the dawn of the computerized vote-counting era and through a series of faith-based elections, the national car has behaved more like a self-driving car, programmer unknown. It examines those elections and the veer in American politics, culminating in the Age of Trump, that they have produced—reaching conclusions about who or what has been driving the car that are both more chilling (it's not us) and more encouraging (it's not us) than anything else you are likely to read.

Most important, it's a book to read if you're asking how we can re-take the wheel. Because, while it may be of some comfort to realize that we did not vote our way to this scary place, the correlate is that there is some serious and urgent work to be done if we are to be able to vote our way *out* of it.

It is the thesis of this book that, in this new age of easy lies, the electoral system of the United States—and particularly its vote counting component—has itself become a lie, in a sense the worst and most dangerous of all the lies. If this blunt statement is too much for you, a more agnostic framing would be that the truth of our elections, whatever it may be, is incapable of verification. Our elections—and the leadership, policy, and national direction that depend on their results—are, at best, faith-based; at worst, catastrophically corrupted at their computerized core.

If even *that* is a message you don't want to hear, let alone act on, you are hardly alone. The resistance to it—political, journalistic, psychological, personal—is very strong indeed. All evidence indicates that our current predicament has been nearly two decades in the making, and that the Big Lie long pre-dated the advent of the Big Liar. Yet even *now*, as we flirt with depravity and fascism, who has been willing to look in the cupboard marked “Alternative Facts” and open the box marked “Alternative Votes”? Certainly neither government nor media. They both blanch at the mere thought of “undermining voter confidence in our elections.” And that is precisely what gives computerized election theft such a big leg up. To pull that leg down will require undermining voter confidence in our elections—but is any confidence based on a blind-faith refusal to examine worth protecting?

Because that voter confidence has been so desperately protected, Americans—who no longer trust their leaders, no longer trust the media, and no longer trust each other—paradoxically remain the picture of trust when it comes to one thing: we trust our elections. We are about to head into the most critical set of elections in living memory *continuing* to permit our votes to be counted unobservably and without verification in the partisan, proprietary, pitch-dark of cyberspace and trusting that manifestly corruptible process to deliver the truth—an honest and accurate counting of our votes. What a strange faith to cling to in this Age of Lies and Mistrust!

If we are to survive the Age of Trump and find our way back from the brink of the cliff, it will have to start with replacing that easy faith with serious inquiry—building upon facts and not shrinking, either out of tact or on the

sage advice of the marketing department, from calling a spade anything but a spade.

Democracy begins to end when its beneficiaries go lazy and passive, when they are seduced by speed, ease, convenience, entertainment. And that happened Before Trump, and it happened before the “Russians” took an interest in influencing who won our elections. It happened when the U.S. began counting votes in the dark, entrusting that critical process to a handful of private, partisan, secretive outfits, and expecting—in fact with unshakable faith—that it would proceed honestly and accurately.

After all, we figured, we can see why someone would shoot up with PEDs to win the *Tour de France*, but who would *ever* want to steal a U.S. election?

The evidence is plentiful that the Republican (and not just Republican, but increasingly far-right Republican) hegemony at both national and state levels owes its existence—with but-for causality—to the corruption of the electoral process in the computerized vote counting era. And it is that hegemony that is enabling Trump’s romp over the rule of law and into autocracy, though it is not clear from their behavior that the Democrats have much greater interest than do their right-wing counterparts in restoring public sovereignty.

And the media? Well, aren’t they having the time of their lives! Nothing like a horny dragon to slay! But public, observable vote counting, the desperate need for *serious* electoral reform? *No, we don't go there, at least not with the urgency this crisis demands*—because that urgency would derive from consideration of the possibility that the problem is not merely one of hypothetical vulnerability. That remains a bridge too far.

The price for not crossing that bridge is nothing less than all we value. And while I enjoy, in a grim sort of way, the torrents of Trump-disparaging adjectives and adverbs, I really don't see much hope in them. On this, at least, *The New York Times* agrees. Their editorial, from which I quoted at top, is titled “Angry? Go Vote.” And it continues:

“This is a fragile moment for the nation. The integrity of democratic institutions is under assault from without and within, and basic standards of honesty and decency in public life are corroding. If you are horrified at what is happening in Washington and in many states, you can march in the streets, you can go to town halls and demand more from your

representatives, you can share the latest outrageous news on your social media feed—all worthwhile activities. *But none of it matters if you don't go out and vote.*" [emphasis added]

The *Times*, of course, is right. There is *one* official scoreboard and it is known as an *election*. But an election comes down to *vote counting*. And if that remains computerized, privatized, and secret, is there any reason to expect reason to prevail over derangement on the official scoreboards of 2018 and 2020?

We have watched the situation go from perilous to critical to surrealistic (you can follow the progression in my Forewords to the 2014 and 2016 editions). Let's hope it has not gone beyond rescue.

This edition of *CODE RED* updates the latest developments, including of course the 2016 elections and what they have bestowed on America, but also the rise and potential impact on both politics and election integrity of the Parkland students and other sprouts of genuine resistance. It considers the (dim) prospect of effective electoral reform emerging from our conventional political processes. It proposes fresh and outside-the-box solutions, both technical and political, befitting the urgency we confront. And, like the *Bulletin of the Atomic Scientists*, it sets a Doomsday Clock.

The good news is that it's not *quite* midnight. We can turn this country around, but only if we first restore public, observable vote counting to our elections. How does the old adage go? "For want of a nail . . ." It is a simple, basic thing: but until we do it, we will continue putting everything we value at risk.

It would be highly disingenuous were I to pretend to be free of strong convictions about both the policies and the personal ethics and behavior of Donald Trump. For better or for worse, the divisions of these years are as passionate as they are polarized, and if credibility is to be gained by masking them, then it is a deceptive credibility. So forgive me if at times I wear my anger on my sleeve.

I can attest, however, that such feelings have not played a part in my presentation of data, analysis, or arguments on behalf of an honest electoral system and a public, observable vote-counting process. The data are the data (the sources are all official postings and/or archives), the analyses are

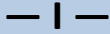
objective (with an open invitation to replicate), and the changes argued for speak to the foundations and hallmarks of democracy itself and are goals I should think we, as citizens and voters, would all share—however we feel about guns, God, gays, global warming, healthcare, corporations, regulations, immigration, trade or Trump.

There's an old joke about a guy who jumps off the top of the Empire State Building. Someone with an office on the 42nd floor sticks her head out the window and asks how's he's doing. "OK, so far!" comes the answer.

If this once applied to America in the computerized voting era, that time is past.

Jonathan D. Simon

May 9, 2018 – Felton, California



INTRODUCTION

*There's something happening here and you don't know what it is,
do you, Mr. Jones?*

– *Bob Dylan*

Who among us would trust an election where the ballots were handed to a man, dressed in a magician's costume, who took them behind a curtain and emerged sometime later, claiming he had counted and then shredded them, to tell us who won? What if the man were wearing a "So-And-So For President" button or some other partisan signifier? And what if the results of key and close elections—elections that shaped American politics by determining the balance of power in the federal government and statehouses—kept going *that same way*? How many, and what overall pattern of, strange results would it take before we insisted on going behind the curtain with him, or at least sending a trusted representative of our interests, to observe the count?

Nothing should be more self-evident than the simple statement that for an election to have *legitimacy*, the counting process must be *observable*. If the votes are counted in secret "behind a curtain," it does not matter how or by whom, no one other than the counter can really know who won and the results therefore lack legitimacy. *If you do not accept this basic statement, you may as well save yourself the time and put this book down now, because nothing else I have to say will make much of an impression.* Please take a moment, indeed as much time as you need, to think it through and decide for yourself. Would you shrug, say "Ah, what the hell," and simply trust the man behind the curtain with the fate of our nation and, given our nation's position in it, much of the world? Or would you take democracy seriously enough to demand a vote count that could be observed? If so, read on and get ready to roll up your sleeves.

Now let's look at our "real" elections, the ones that determine the leadership and direction of our towns, states, and country. The ones where we rely upon the media to tell us who won (and why). We have long employed the secret

ballot process, and for most of our nation’s history an open, public counting process was the norm. Votes cast in private, counted in public. Makes sense.

But that is no longer the case. In 21st-century America, aside from a few tiny pockets where ballots are still counted observably in public by humans, vote counting is an entirely secret enterprise, taking place on chips and memory cards concealed inside computers or, worse yet, in servers arrayed along a network, often far distant from where the votes are cast, in the full, impenetrable darkness of cyberspace.

The first alarm sounded by this book is that these elections are in practice no different from the charade of the man in the magician’s costume “counting” behind the curtain. Not one of these elections—from presidential to congressional to dog-catcher to ballot-prop—warrants the trust necessary to claim legitimacy. And an electoral system so untrustworthy that it cannot claim legitimacy, whether in a Third-World nation or here in the touted Beacon of Democracy, makes a mockery of the democratic process in which we take such reflexive pride.

Why would a nation install, and why would its people acquiesce in, such a patently untrustworthy process for making its most critical decisions and for transforming the public will into leadership, policy, and direction?

We will return to this question often in the course of this book; it has several disturbing answers. But for the moment we think it fair to observe that we live in a time and a place where *convenience is king*. Every improvement in speed, each yet slicker technological “advance,” has been embraced with reflexive zeal. Our cultural impatience (“Faster connection time! Faster downloads! Tweet! Swipe Right!”) seems to know no bounds.¹

After all, isn’t it obvious that, as the too-cute kids seated at the table with the friendly corporate suit kept reminding us in that brilliant and ubiquitous (and already ancient) TV ad for the latest happiness-bestowing smartphone, “*faster is better?*” Moreover, we seem to have a collective affinity for that which *looks* sophisticated—sleek, digital, graphic, multi-layered, multi-colored, rapid and impeccable. Isn’t a glistening iPad, quite apart from its utility, also a comforting symbol to us of how far removed and safe we are

¹ Perhaps the only real exception to our pan-cultural haste is our embrace of video review in our various sports (now trickling down even to the high school level). We accept these delays because of the importance we have come to place on accurate athletic outcomes and sports justice—i.e., because “football matters.”

from the raw, naked dangers of the pioneer's cabin, the medieval hut, the prehistoric night?

This hi-tech, hi-speed ethos is, of course, not entirely new, but the grip that speed, convenience, and sit-back-and-enjoy-the-show choreographed entertainment now hold on our culture is tight and getting tighter every minute. "Progress," so defined, has become a *habit* and appears to be inexorable. Thus when it comes to elections, there is, in effect, a mandate that virtually every one be decided within hours, if not minutes, of poll closing, and that, in our major biennial elections, the direction that America will be taking be brilliantly and artistically laid out in a *mélange* of pie-charts, blue and red blinking states, and punditory consensus, all before it is time for bed. This is such a *fait accompli*, such a *ritual*, that it is hard to remember that it wasn't *always* this way and, when it comes right down to it, isn't necessary—much less to contemplate the price paid for our convenient and entertaining experience.

The price is simply that we as citizens now have no basis for trusting it.

Behind this festive TV extravaganza—reassuringly presented as "Decision 20XX"—are those vote-counting computers and computer networks, *not one of which is one iota different from the magician behind the curtain*, a faith-based enterprise where votes are counted in secret and results announced (and accepted) with the straightest of straight faces. In fact, it is as a prop to this media production and its programmed primetime-slot narrative that the vote counting computers are deemed "indispensable."

How long this irrational situation has been going on is open to question. Computers in one form or another (initially mainframes using punch cards) have been employed in vote counting since as early as the 1960s, and there is some evidence that they were sporadically being used to manipulate electoral results almost from their first deployment. So even in the "good old days" when the nation watched the votecount numbers rolling up behind such trusted icons as Walter Cronkite or David Brinkley, it did so without any real assurance that there wasn't a thumb (or two or ten) on a scale somewhere in the pipeline where computers could be programmed to add, delete, or shift votes.²

² See Collier J, Collier K: *Votescam: The Stealing of America*, Victoria House Press 1992, at <http://www.amazon.com/dp/0963416308>, for the history of electoral

What has happened since then, however, is that with rapidly advancing technology it has become *infinitely easier* to alter far more election results, with far greater effect, efficiency and precision, and far less risk of exposure. What was once highly labor-intensive, requiring a good-sized crew to hack punch cards or cover up falsified lever machine check-sheets machine by machine in a single contest, can now easily be accomplished by a single insider or hacker, even one working from outside our borders anywhere in the world. A single individual—especially one with insider access—can change the results of dozens, indeed hundreds of elections, with virtually no risk of detection. With the help of a tiny staff, such an individual can essentially stage an undetectable rolling coup. The system is *that* vulnerable, a piece of red meat lying unguarded in a yard full of salivating dogs.

Too dramatic? Too purple? Study after study, by the most prestigious researchers and institutions, tells us that we can be sure about the red meat, the vulnerability.³ But is it paranoid to imagine the *dogs*, hungry and willing to exploit it? In other words, given the opportunity, who would *want* or *dare* to steal an election, or a nation, that was lying unguarded in the yard? Who would set their sights so high and sink so low?

To answer this, we need first to make a quick sketch of our era, and the ethics of our time. Author David Callahan has done some of this work for us. In his 2004 best-seller *The Cheating Culture: Why More Americans Are Doing Wrong to Get Ahead*,⁴ Callahan is hard-pressed to find a nook of competitive endeavor where cheating or rigging to achieve some goal has not become commonplace. From students, to job applicants, to athletes at every level, to financiers, to corporations, to public officials—Callahan takes us on a grand

manipulation and its cover-up in the early computer age, before the passage of the Help America Vote Act opened the floodgates in 2002.

³ See, e.g., http://brennancenter.org/dynamic/subpages/download_file_39288.pdf, <https://www.princeton.edu/news/2006/09/13/researchers-reveal-extremely-serious-vulnerabilities-e-voting-machines-0>, <http://www.blackboxvoting.org/BBVtsxstudy.pdf>, <http://www.blackboxvoting.org/BBVreport.pdf>, <https://oversight.house.gov/wp-content/uploads/2017/11/Blaze-UPenn-Statement-Voting-Machines-11-29.pdf>, <http://www.gao.gov/new.items/d05956.pdf>. It is of interest that the comprehensive reviews undertaken by the states of California and Ohio have been removed from the official websites and are no longer available to the public.

⁴ Callahan D: *The Cheating Culture: Why More Americans Are Doing Wrong to Get Ahead*. New York: Harcourt, 2004. See also, Michael Lewis, “Extreme Wealth Is Bad for Everyone—Especially The Wealthy,” *The New Republic*, 11/12/2014 (reviewing West D: *Billionaires: Reflections On the Upper Crust*. Brookings, 2014), in which copious research is presented showing the propensity to cheat to be correlated with increasing wealth.

tour of what has been happening where and when no one is looking in today's 'just win, baby' America.

It is not pretty.

And at every turn the vast majority of us have been, at least initially, very reluctant to believe the extent of the rot, the malignancy of the tumor. It would seem that a painful cognitive dissonance with ingrained beliefs in human perfectibility, historical *semper-improvement*, and American exceptionalism has contributed to our collective naivety.

When 500-foot home runs were flying off the bats of Mark McGwire and Sammy Sosa, we desperately wanted to believe that healthier diets and better workout regimens could account for it. Few were willing to give any credence to former major-leaguer Jose Canseco's claim that these new supermen were juiced.⁵ Something did seem wrong with that picture—as something seemed wrong with Bernie Madoff's Ponzi scheme, with credit default swaps, with the anthrax in the vial at the U.N. and the supposed WMD's in Iraq—but it was not something that as a culture we were willing to acknowledge. All that taint was just too much to face, *until we were forced to*. Until we were *made* to look hard at how our high stakes "games"—from Wrigley Field to Wall Street to the White House—were actually being played.

The question we are compelled to ask—by all that once was holy; by Major League Baseball and the Tour de France; by the state-doped stable of Russian Olympians; by Bernie Madoff and Lance Armstrong and A-Rod; by the signaling cheaters exposed at the top of the impeccably-mannered contract *bridge* world;⁶ by the ring of computer hackers charged with the theft and use of 160 million credit card numbers from the likes of Citibank and NASDAQ;⁷ by the fraudsters at Volkswagen who programmed the computers

⁵ Canseco J: *Juiced: Wild Times, Rampant 'Roids, Smash Hits, and How Baseball Got Big*. New York: William Morrow & Co., 2005. *Publishers Weekly*, in describing *Juiced* as "poorly written, controversial," was typical in doubting whether Canseco "really knows anything about the problem beyond his own use." Canseco's next book, written three years later when events and investigations had borne him out, was entitled *Vindicated: Big Names, Big Liars, and The Battle to Save Baseball*.

⁶ See <http://www.newsweek.com/big-rich-cheaters-bridge-world-rocked-top-players-busted-375414>.

⁷ See <http://www.bbc.com/news/technology-23448639>. One of the ring's members, Mikhail Rytikov, was charged with having the sole role of covering up the ring's tracks. By 2018 such massive cybercrimes have become rather ho-hum, barely generating headlines. Among them the Equifax breach, the Uber breach, and the

in their cars to cheat on emissions tests, got turned in by a whistleblower, and have agreed to pay \$14.7 billion in settlement to U.S. consumers alone;⁸ by the apparent foreign-state cyber-incursion manifest in the “Sony” hack and of course the “DNC” hack of 2016;⁹ by Equifax hack and the plethora of hacking and rigging schemes that are now accepted as commonplace—is how a computerized U.S. election, vital and vulnerable as it is, could *not* be a target for skullduggery?

Are the stakes anywhere in any endeavor in the entire world ever higher than in a biennial American election? We know of no pot of gold—home runs, capital, fame, power, policy—that can compare to that at stake in American elections.¹⁰ Winning elections confers the power to reward friends and punish enemies, along with the opportunity to set policies that can engender enormous profits. But, just as dogs of many different breeds might find the unguarded hunk of beef irresistible, so those moved to rig elections may be of different breeds and driven by different hungers. Besides the obvious yearning for practical power and profit, there is the “true belief” of the political extremist and, at the other end of the spectrum entirely, the climb-Everest-because-it’s-there lure for the conscienceless “pure player,” one who, not necessarily in the service of any heart-felt conviction but just for the “rush” (and of course the money), would be the human god, the Master of

attempted hacking of what appears to be a good part of the U.S. national voter database.

⁸ See <http://www.nytimes.com/2016/06/28/business/volkswagen-settlement-diesel-scandal.html>.

⁹ As Ajay Arora, CEO of cybersecurity firm Vera, put it in warning that the DNC hack might be the new normal: “This is a bellwether of things to come. The techniques are advancing. There are strategic attacks, and then there is tactical warfare. There are parties out there now thinking, ‘hey, let’s affect outcome of whole election.’” (<http://www.aol.com/article/2016/07/26/the-worst-might-be-yet-to-come-with-the-dnc-email-hack/21439542/>). Presumably those “parties out there” have grasped that “whole election” includes the part where the votes are counted.

¹⁰ Although it is hardly possible to quantify the “net worth” of an election, it bears mention that more than \$7 billion was spent to win federal office alone in E2012 (<http://www.politico.com/story/2013/01/7-billion-spent-on-2012-campaign-fcc-says-87051.html>), and, with “dark money” taken into account, E2014 was by far the most expensive midterm election in American history. With lobbyists enjoying a “return on investment” rate of better than 100-to-1, it is not hard to see that, even calculated in cold monetary terms, the value of an election—which of course is concentrated in the relatively few key contests that determine control of the governmental apparatus at various levels—is astronomical.

the Dance who from an unseen perch alters politics on the grandest scale—and with it the course of history.¹¹

Some true-believers—who now abound in American politics, have made a successful bid for control of the Republican Party, and (as we shall see) dominate the upper echelons of the voting computer industry—are so strongly motivated and inspired by an outcome vision (whether fundamentally religious or secular in nature) that they can thoroughly rationalize an ends-justify-the-means approach to their activities. From the standpoint of such a true-believer, there *are* no ethics as compelling as that true belief. And from the standpoint of a pure player, there are no ethics, period: *if you ain't cheatin', you ain't tryin'.*

Thus an individual or group might feel justified in, say, sending “Vote Wednesday” informational flyers or making “Vote Wednesday” robocalls to the homes of opposing voters when the election is Tuesday. In fact they *have*, repeatedly.¹² Is there a bright line, we must ask, between behavior so blatantly unethical and, say, a more efficient gambit—simply offsetting the zero-counters on the memory cards of voting computers to +X for the candidate you favor and -X for the candidate you oppose, so that at the end of the day (as explained in the next chapter) the vote totals will reconcile with the poll tapes recording the number of voters, the election administrator will see and certify a “clean” election, and you will have stolen a net of 2X votes per machine so rigged? Indeed, it would be hard to resist if you were a “Vote Wednesday” kind of true-believer who had a pipeline to those memory cards, or to the cyber-networks on which millions of votes are now “processed.” And just another day on Mt. Everest for a pure player.

Consider democracy schematically as a combination of process, method, and outcome. The core *process* is the casting and counting of votes—whether by

¹¹ To the short-list of actors with a vital gaming interest in the outcome of a given U.S. national election, we can add macro traders. Macro traders make (and lose) fortunes by keeping their fingers on global, regional, or national economic and political pulses. The fate of a macro trader’s billion-dollar bet to go long or short on a currency or commodity has been known to come down to who wins a single election (see, e.g., the ruinous impact of a Brazilian presidential election result on one such trader: <https://www.newyorker.com/magazine/2018/04/16/a-sidelined-wall-street-legend-bets-on-bitcoin>). With literally billions immediately at stake for such a trader, his or her firm and clients, the ROI for the services of an election hacker or insider would be, to say the least, dangerously lucrative—and the loss of such a bet dangerously catastrophic.

¹² See <http://www.motherjones.com/politics/2012/11/election-dirty-tricks> for a record of this and other dirty tricks recently relied upon to gain electoral advantage.

the thousands or tens of millions. The *method* consists of all the various means to influence the casting of those votes—campaigning, broadly understood: strategizing, raising and spending money, telling truths and lies in the rough and tumble of the eternal political battle. The *outcome* is victory or defeat in each contest and ultimately, when those contests are summed, *power*. In theory the process is sacrosanct, the method roughly bounded, the outcomes legitimate and accepted.

But imagine an actor—and world and U.S. history have seen many such—for whom the outcome takes on a compelling priority over all respect for process. Might not such an operative address his method not just to influencing the *casting* of votes but to influencing the *counting* of those votes? In such a compulsively outcome-driven view, what cannot be achieved by campaigning might well be achieved—more directly, in fact—by manipulating the counting process where the opportunity presented itself. The more so once politics itself evolves, some would say degenerates, into the equivalent of total war—the ethos that characterizes the Age of Trump, but that has been building throughout the computerized voting era.

Considering this we must ask a hard question: Lip-service aside, just how sacred *are* elections and just how sacrosanct *is* the counting of the votes?¹³ And a follow-up: How does the democratic process *per se* stack up against a burning true belief or a boatload of money? Is it possible that, for some, “democracy”—no longer a majestic and awe-inspiring novelty—is just another *impediment* to be dealt with, something old and in the way on the path to power or reward? Just how deep and abiding a respect for democracy itself, how much pure *principle*, would it take to overcome the tremendous temptation to palm a card or two and *have things your way*, alter the course of history, and create (as George W. Bush was once praised for doing) your own reality?¹⁴

¹³ Because a major election is virtually *never* decided by a single vote, the value we place upon a single vote *in actuality* tends to be a good deal lower than our exalted rhetoric would have it. It may be that this low pragmatic value assigned the individual vote in turn colors our laissez-faire attitude toward the voting and vote-counting process as a whole.

¹⁴ There is a chilling and revealing testament to none other than Karl Rove’s fervent embrace of this approach to political action, as captured in an October 17, 2004 article written by Ron Suskind for *The New York Times Magazine*, as part of which Suskind interviews the at-the-time anonymous Rove:

The aide [subsequently identified as Rove] said that guys like me were “in what we call the reality-based community,” which he defined as people who “believe that

Now, in the Age of Trump, the “reality creation” that once seemed novel has—in the hands of such practitioners as *Breitbart News*, Kellyanne Conway, Sarah Huckabee Sanders, and of course the president himself—become standard operating procedure.

Having made a realistic appraisal of the behavior, mindset, and character of some of these political actors and operatives now on the scene,¹⁵ do we really believe that a deep and abiding respect vests in every player in the game of “democracy” as it is currently being played in The New American Century?

Even before Trump arrived on the scene, many observers had begun to question, and often deplore, the “new madness” of American politics.¹⁶ Taking in the hyperpolarization, the intransigent hyper-radicalism of the Right and what seems to be its poll- and explanation-defying endorsement at the ballot box by a traditionally moderate electorate, many wondered what was happening in and to America. Witness Thomas Mann’s and Norman Ornstein’s 2012 bestseller, *It’s Even Worse Than It Looks*.¹⁷ Many explanations were offered up, from clever messaging to voter suppression and gerrymandering to the role of dark money. Pundits, after all, are not paid to be stumped. But there remained a nagging disquiet, a sense that all these explanations didn’t quite explain enough.

Now in the Age of Trump, these same pundits are tying themselves in knots trying to explain the inexplicable, fathom the unimaginable, while most Americans seem to be walking around in a state of it-does-not-compute bewilderment. Something is happening that defies not only conventional political wisdom but plain old common sense, as if the Political Universe had

solutions emerge from your judicious study of discernible reality. . . . *That's not the way the world really works anymore,*" he continued. "We're an empire now, and *when we act, we create our own reality.* And while you're studying that reality—judiciously, as you will—we'll act again, creating other new realities, which you can study too, and that's how things will sort out. *We're history's actors ... and you, all of you, will be left to just study what we do.*" [emphases added]

¹⁵ And adding, with a nod to the likely perpetrators of the 2016 DNC and voter database hacks, states and political actors and operatives anywhere in the world who might have more than a rooting interest in American electoral outcomes.

¹⁶ See, e.g., *New York Review of Books*, 9/27/2012, cover headline: “OUR WEIRD POLITICS NOW,” featuring separate pieces on the theme by Andrew Hacker, Ezra Klein, Jacob Hacker, and Paul Pierson.

¹⁷ Mann TE, Ornstein NJ: *It’s Even Worse Than It Looks: How The American Constitutional System Collided with The New Politics of Extremism*. New York: Basic Books, 2012, <https://www.amazon.com/dp/0465096204/ref>.

been taken over by some new asymmetrical non-Euclidean geometry. There seems to be a missing force, an X-factor analogous to cosmic dark matter or dark energy, that is needed to explain what is happening to America.

We will present compelling evidence that the X-factor has been the electronic manipulation of votecounts and that, all other factors notwithstanding, what is happening here in America would *not* be happening in its absence.

For anyone persuaded by the evidence, presented in the chapters that follow,¹⁸ that the electoral process in America has been subverted, or even that it is merely vulnerable to and perhaps teetering on the brink of such subversion, our predicament takes on a nightmarish quality—one of those dreadful dreams where you are running without moving while the locomotive speeds on to its inexorable impact with the child who has wandered onto the tracks.

Virtually everything about the situation is surrealistic and absurd. Election integrity activists are told to produce “a smoking gun,” when all such “hard evidence” materials are strictly off-limits to investigation; statistical evidence, no matter how copious and consistent, is dismissed with a shrug; reform proposals such as hand-counted paper ballots for federal and statewide elections are shot down as ludicrous Luddite nonstarters; “rogue” journalists and whistleblowers are cowed, exiled, silenced, or ignored. America seems hell-bent on sticking with its faith-based election system, no matter how vulnerable it is shown to be and no matter how weirdly distorted our politics become.

And yet . . . and yet, America is one examined memory card (however obtained), one white-hat real-time election hack (“Mickey Mouse gets 4 billion votes!”), one open and honest recount, one “Opscan Party” (where citizens form a ring around an optical scanner and call for a public, observable count of the voter-marked ballots within), or even one serious article in *The New York Times* or *The Washington Post* away from *critical mass*, from the sudden explosive recognition that something thought too ghastly to imagine (even *worse* than the idea that *baseball* was not the wholesome Norman Rockwell game it seemed) will *have* to be imagined and then dealt with.

¹⁸ Election forensics is not, for better or worse, the stuff of soundbites; but neither does it have to be eye-glazingly abstruse and obscure. I have sought to balance comprehensiveness with clarity and have provided links and references for additional exploration as appropriate.

Given how unimposing the civic duty of public, observable vote counting is in actuality,¹⁹ the problem can be *dealt with* easily enough. The real challenge is not in the dealing with, but in the collective imagining—and the willingness to think seriously and rationally about the situation.

There are some indications that the American *people* at least—after a more than generation-long embrace of the private, and rejection of the public, sphere—are ready once again to invest in the common good, and perhaps even to part with a few of the expedients and conveniences that are now being seen to do us individual and collective ill.²⁰ There is an emerging, priority-reordering, “anti-seduction” culture that could come to support a demand for reform of our voting system and could be mobilized to let our representatives know that we are ready to serve and determined to defend our democracy. And of course, in the Age of Trump, there’s a renewed sense among millions that politics and elections *really matter*—a great awakening to what is at stake.

Yet there continues to be a great reluctance to connect what is happening to our nation politically with the vagaries and vulnerabilities of our computerized vote counting processes. Realistically, *absent a galvanizing catastrophe or a complete media about-face*, there have been few signs that such reforms as hand counting or even effective auditing are in the offing.

It is one thing to bewail a shocking political reality, or even to vaguely question a particular president’s legitimacy, and another thing entirely to insist upon the concrete reforms necessary to prevent the serial recurrence of fraudulent elections. In this appalling lack of traction, vote counting reform is not alone: think gun safety, climate change. *At least as now represented by our elected leaders*, we are a conservative nation, reactive rather than pro-

¹⁹ It has been calculated that hand counting the federal and statewide races would require a *maximum of four hours per lifetime from each American voter*, a civic burden far less onerous than jury duty, one that Americans of previous generations assumed and one that Canadians, Germans, and Australians, among others, perform today. A uniform, public, observable, Election Night audit process—as proposed in Chapter VII, Study VIII—for *all* contests would make about the same modest demand.

²⁰ Apart from the bevy of books and blogs blasting Walmart culture and its corporate-serving anomies, we can look around us and see the regrowth of participatory communal foci such as farmers’ markets and food co-ops. While alienation, speed, convenience, and self-interest clearly remain the dominant cultural modes, it appears that a turning point may finally be in sight.

active, simultaneously smug and insecure, paradoxically hubristic yet with a fragile self-esteem giving rise to much denial.

It does not have to be this way. The Dutch took one whiff of *our* 2016 elections and promptly decided to count *their* critical 2017 national election by hand. So did the Norwegians. Here in the Beacon of Democracy—as we rest on our wilted laurels, on guard as always against *external* enemies—it is now permitted to talk of “Russian meddling.” We are assured, though, by such watchdogs as our Department of Homeland Security that—after deciding *not* to examine a single memory card, string of code, or voter-marked paper ballot—they have determined that “no actual votes were affected” by such “meddling.”²¹ What cannot enter our national discourse, cannot thus far be debated or explored, is the possibility that, as Pogo once said, “we have met the enemy and he is us.” Meaning simply that the “meddling” is far more likely to be undertaken by *domestic* actors with ties to the vendors and programmers—insiders with keys to the front door—than by foreign hackers who have to break in through a window.²²

If, in one way or another, a massive electoral theft *were* exposed beyond all cover-up and forced upon the public consciousness, it would of course be technically and pragmatically possible to quickly restore hand counting or at least a comprehensive and effective auditing protocol. Neither is beyond our capacities—hell, did we or did we not put a man on the Moon?—and both cost a tiny fraction of what we have recently spent bringing “democracy” to foreign soils.²³

²¹ See <http://talkingpointsmemo.com/muckraker/dhs-doesnt-want-to-know-about-vote-hacks>.

²² Consider this extraordinary 2016 revelation by Roger Stone—the insider’s insider, long-time Trump advisor, veteran of Republican campaigns dating to the Nixon years, and *New York Times* best-selling author—at <http://thehill.com/blogs/pundits-blog/presidential-campaign/291534-can-the-2016-election-be-rigged-you-bet>:

“Both parties have engaged in voting machine manipulation. Nowhere in the country has this been more true than Wisconsin, where there are strong indications that Scott Walker and the Reince Priebus machine rigged as many as five elections including the defeat of a Walker recall election. . . The computerized voting machines can be hacked and rigged and after the experience of Bernie Sanders there is no reason to believe they won’t be.”

Out of the mouths of operatives. Is anyone listening?

²³ It is perhaps worth recalling here that our wars in Iraq and Afghanistan will end up costing the United States a total of about \$5 trillion (see <http://time.com/3651697/afghanistan-war-cost>), an *average* of nearly \$7 billion *every week* (www.costofwar.com) since their inception. A *single month* worth of those wars

Whether it would be *politically* possible would remain to be seen. When majority control at critical levels is held by those who have achieved that control as the beneficiaries of years of systemic fraud, can they be expected to willingly institute honest elections and so inevitably surrender power and go gentle into that good night? And, apart from that particular Catch-22, what would motivate a majority of elected officeholders, independent of party affiliation, who asked themselves quite reasonably, “Why mess with a system that has worked for *me* by putting me in office?”

What form and intensity of public pressure would it take to move our successfully elected lawmakers and officeholders? Would marches and sit-ins and massive demonstrations persuade our leaders to restore our sovereignty or would these—when push came to shove—rather be ruthlessly suppressed in the name of security and domestic tranquility? Would it come down to voting boycotts, mass economic actions, or general strikes? Would the simmering subliminal battle between the newly awakened public and its newly exposed oppressors come shockingly to a turbulent and violent head?

It is grim to speculate on these scenarios. *But I think it is fair to say that the later in the game this critical mass of public awareness and outrage is reached, the less likely that an ordinary political remedy will be possible.* So the first thing to be done is to engender awareness, and that right soon. Thus the urgency of this writing. It is a CODE RED.

I’d like to think this story will have a happy ending, that history will review in appreciative terms the struggle of a few activists—Cassandras really—to prod leaders and public alike to scale the towering Never-Happen-Here Wall of Denial so that they can then act together to restore the essential process of observable vote counting to our nation. Most truths eventually come out. All we can do is keep trying in every way possible to help this one find its way into the light.

would pay (at \$20/hour per counter) for hand counting our *American* ballots for a minimum of 45 biennial election cycles, or fully *three generations*.

Why, it must be asked, can’t we do this? Why, for that matter, is our computerized voting equipment, in addition to being so corruptible, also aged into obsolescence and dysfunction? Why are we so lavish with our *global* democracy-promotion follies and so ridiculously, and it would appear intentionally, cheap with our *own* democracy?

We will, in the series of questions and answers to follow, examine computerized election theft from many angles. We will explore motive, means, opportunity, and, of course, the evidence for such a ghastly criminal enterprise. We will also explore why it continues to remain hidden, the quintessential Big Lie quietly corrupting our nation and its democracy. We will look unblinkingly at democracy down and ask realistically whether there is any chance that it can get back up. We will ask you to override the powerful “naaaah” reflex and be among the first to scale with us that towering Never-Happen-Here Wall of Denial.

It will be a rough ride we are taking. For ourselves, our children, and the life that shares the Earth with us, it will be a lot rougher if we choose not to take it.

QUESTIONS AND ANSWERS

In searching out the truth, be ready for the unexpected, for it is difficult to find and puzzling when you find it.

— *Heraclitus*

Q: In 100 words or so, tell me what you believe is happening with American elections.

A: Computerized vote counting has opened the door wide, over the past 15 years, to the prospect of systemic fraud and election theft. Virtually all the vote counting equipment is produced and programmed by a few corporations with partisan ties. There is strong and consistent forensic evidence that votecounts are being shifted, altering key election outcomes. Mystifyingly, political intransigence and seeming miscalculation are being electorally rewarded rather than punished. As a result, even as the pendulum *appears* to swing, American politics has veered inexorably and inexplicably to the right. This amounts to a rolling coup that is transforming America while disenfranchising an unsuspecting public.

Q. Haven't there always been attempts to steal elections? Why is now any different?

A: Yes, political history is full of skullduggery. But, as IT expert Chuck Herrin memorably put it, "It takes a long time to change 10,000 votes by hand. It takes three seconds to change them in a computer."¹ What computerized elections have brought us, along with speed and convenience, is the opportunity to alter electoral outcomes strategically, surgically, systemically,

¹ Herrin, a Republican, was interviewed in Dorothy Fadiman's 2008 documentary *Stealing America: Vote by Vote*, <http://www.stealingamericathemovie.org/>. He concluded, "I think the most appropriate technology is what we should be going for, instead of the latest and greatest."

and covertly. And, because of selective access stemming from partisan control over the equipment itself, it is not equal-opportunity rigging—the evidence has shown that it virtually always goes in the same direction.

The “retail” fraud of the past—schemes like stuffing the ballot box in local fiefdoms—tended to wind up a net wash overall and over time, as it was a game open to both sides in their respective strongholds. The “wholesale” fraud of computerized rigging is a far more potent and incomparably more dangerous phenomenon.

Q: How do you *know* the computers on which we vote are so susceptible to fraud?

A: There is virtual unanimity among the experts who have studied electronic voting that insiders or hackers can change the results of elections without leaving a trace—at least not the kind of trace that any election administrator is likely to find. These studies have come from institutions such as Johns Hopkins, Princeton, the University of Michigan, The Brennan Center for Social Justice at NYU, the states of California and Ohio, and even the U.S. Government Accountability Office.² White-hat hackers such as Harri Hursti and Alex Halderman have demonstrated how quick and easy it is to swap or reprogram memory cards in voting machines (inserting cards with malicious code) or break into the networked vote-counting computers increasingly in use.³

² See, e.g., California Secretary of State: *Top to Bottom Review (TTBR) of Voting Systems*, <http://www.sos.ca.gov/elections/voting-systems/oversight/top-bottom-review/>; Feldman A J, Halderman J A, Felten E W: *Security Analysis of the Diebold AccuVote-TS Voting Machine*; Princeton University, Center for Information Technology Policy and Dept. of Computer Science, Woodrow Wilson School of Public and International Affairs, September 13, 2006, https://www.acm.org/binaries/content/assets/public-policy/usacm/e-voting/reports-and-white-papers/ts06_evt.pdf; Ohio Secretary of State: *Project EVEREST (Evaluation and Validation of Election Related Equipment, Standards and Testing)*, <https://votingmachines.procon.org/sourcefiles/Everest.pdf>; Hursti H: *Security Alert: Critical Security Issues with Diebold Optical Scan Design*, Black Box Voting, July 4, 2005, <http://blackboxvoting.org/BBVreport.pdf>.

For a more recent overview, see Sue Halpern, “America Continues to Ignore the Risks of Election Hacking”; *The New Yorker*, 4/18/2018, at <https://www.newyorker.com/news/news-desk/america-continues-to-ignore-the-risks-of-election-hacking>.

³ The “Hursti Hack” was demonstrated in the 2006 film *Hacking Democracy*, Simon Ardizzone director, <http://www.hackingdemocracy.com>.

Halderman, a professor of engineering and computer science at the University of Michigan, was invited, on three days’ notice, to attempt to penetrate the security of the

The level of security of all this equipment is orders of magnitude *below* that found at major banks, corporations, and governmental institutions,⁴ and yet all those *high-security* enterprises have been hacked and compromised repeatedly over the past several years, with increasing frequency.⁵ How much *easier* when the “hacker” is working from the *inside* or has been let in the door by someone who lives in the house.

Why, on what basis; *why*, by what logic; *why*, according to what understanding of human nature; *why*, from what view of history, politics, and the way high-stakes games are played by those high-rollers for whom, in Vince Lombardi’s words, winning is the *only* thing; *why*, *why*, *why* do we collectively and so blithely *assume* that hundreds of millions of votes counted in secret, on partisan-produced and -controlled equipment, will be counted honestly and that the public trust will be honored to the exclusion of any private agenda, however compelling?!

Why and how, in the face of this level of *risk*, can we just rest easy that all is going well and fairly in the depths of cyberspace where our choices have become 1s and 0s dancing by the trillions in the dark? That dance is the embodiment of our sovereignty. It is from that dance that our future emerges

new Washington D.C. internet-based voting system; within 36 hours of the D.C. system’s launch, Halderman and a group of three student assistants had not only penetrated the system’s security, but had gained “almost total control of the server software, including the ability to change votes and reveal voters’ secret ballots;” they also found evidence of other attempts to breach the system’s security originating from IP addresses in China, India, and Iran. See <https://jhalderm.com/pub/papers/dcvoting-fc12.pdf>.

⁴ This was demonstrated definitively and dramatically in the summer of 2017 at the annual DefCon convention in Las Vegas. The organizers set up what they called an ‘election hacking village’ supplied with election equipment, and let the hackers have at it. Not one voting machine was able to prevent its hacker(s) from getting in (some physically, some remotely), and accessing and altering its code—some within minutes. The stunning (to everyone except election integrity advocates) results made national news and had immediate influence in some quarters, with Virginia most notably citing the DefCon revelations as its main reason for quickly scrapping its paperless touchscreen voting in time for its November 2017 statewide election. See <https://www.forbes.com/sites/thomasbrewster/2017/07/29/def-con-hacking-election-voting-machines/#5a12bc321d55> and https://www.theregister.co.uk/2017/07/29/us_voting_machines_hacking/.

⁵ See, e.g., <http://www.wired.com/threatlevel/2012/02/anonymous-friday-attacks/>; also <http://about.bloomberglaw.com/legal-news/5-hackers-charged-in-largest-data-breach-scheme-in-u-s/>; and <http://www.informationisbeautiful.net/visualizations/worlds-biggest-data-breaches-hacks/>.

and whoever programs the computers can, if so inclined, call the dance. *Setting aside for a moment all evidence of fraud*, how can we possibly be OK with *that*?

Q: If you wanted to alter the outcome of an election, give me an example of how you might do it?

A: It depends upon the type of computer, but there are many ways to manipulate votes. One very basic scheme, where optical scanning voting computers (“opscans”) are in use,⁶ would be to set the “zero counters” on the memory card in each machine to, say, +100 for the candidate you want to win and -100 for the one marked for defeat.⁷ At the end of the day the positive and negative offsets are a wash, so the total of ballots recorded by the opscan matches the total of voters signing the log books, the election officials are satisfied that the election was “clean,” *and you have shifted a net of 200 votes on each machine so rigged*, PDQ.

This takes just a few lines of programming out of the hundreds of thousands of lines of code on the memory card.⁸ It would be detectable only by a very painstaking examination of the card and its code, but the cards are regarded as *strictly corporate property*, completely off-limits to public inspection; in fact, not even election administrators are allowed to look. The command to alter the zero counters can of course be written not to take effect until actual vote counting begins on Election Day so that the opscans pass any pre-testing

⁶ Opscans—which use sophisticated spatial programming to scan, and record as votes, marks made by voters on paper ballots—counted approximately 56% of the ballots nationwide in 2012, a percentage that had risen to above 60% by 2016 and continues to rise as election administrators turn away from touchscreen voting, see <http://www.pewresearch.org/fact-tank/2016/11/08/on-election-day-most-voters-use-electronic-or-optical-scan-ballots/>

⁷ The “zero counter” refers to the number assigned to the first vote recorded for a given candidate or proposition; i.e., where the count begins. Logically that number is “1” and if you were counting ballots by hand “zero” would be the bare table. But in a computer there *is* no fixed starting point known as “zero.” A single line of code can be inserted into the 500,000+ lines already on the memory card to start a candidate’s count at *any* number, positive or negative.

⁸ The memory card, which both controls how the computer “reads” the ballots and tallies the votes cast, is produced in such a way that code containing the rig can easily, in fact automatically, be replicated onto however many cards necessary to shift the total number of votes projected as required to alter a targeted contest’s outcome. It is worth noting that the “factory” computers used to program these memory cards are themselves as a general rule connected to the internet.

that election administrators might perform, and it can also be written in self-deleting code so that literally no post-election trace remains.

None of this is difficult or beyond the skills of even a high school-level programmer. Nor, for that matter, are rigs that instead work by shifting every n^{th} vote or simply capping one candidate's vote total and assigning all subsequent votes to her opponent. And, since opscans are programmed to "read" the marks voters make on ballots "geographically," it is easy enough to alter the code in the ballot definition files to flip votes by reading the area for Candidate A as a Candidate B vote, and vice versa,⁹ or to be more or less sensitive to inevitable stray marks on the ballot, so as to selectively void more ballots in precincts known to be strongholds of the candidate(s) targeted for defeat.¹⁰

Where "touchscreen" (also known as Direct Recording Electronic or "DRE") computers are in use, their programming can be altered to cause the screen button pushed for "A" to record instead a vote for "B." DREs that print out a "receipt" for the voter to "verify" (the vaunted "paper trail") are of little help, as it is a trivial step to program the DRE to print a vote for "A" on the receipt while recording a vote for "B" in its cumulative count. While such a rig would lead to a disparity between the paper trail and the machine count, uncovering that mismatch would require a hand count of the paper-trail and the reality is that both the voter-marked ballots deposited into opscans and the "receipts" generated by paper-trail DREs are off-limits to public inspection and virtually never see the light of day, no matter how suspect an election's results.¹¹

Where the voting equipment is networkable (that is, as is often the case, equipped with a modem), votes can be added, deleted, and shifted *at will, as*

⁹ It is also possible to expand or contract the area in which the memory card directs the scanner to "look" for the voter's mark. This more sophisticated rig can subtly but, in the aggregate, fairly predictably alter vote totals by "seeing" imperfect and off-center marks for Candidate A, while missing them for Candidate B.

¹⁰ Because memory cards must be precisely tailored for the particular ballot, down to the local level, each card is specifically earmarked for use in a given precinct (in other words, they are not generic). The destination of a memory card must therefore be known to its programmer, generally a corporate entity. Knowing the card's destination permits manipulations that are dependent on the political or racial nature of such destinations.

¹¹ An additional impediment in the case of "paper trail" DREs is the propensity of the paper rolls to jam, smear, and run out, such that a full trail is rarely if ever available for post-election verification of the computer count.

needed, in real time on Election Night. Millions of votes are sent through IP networks off-site and often out-of-state for “processing.” This saves manipulators from having to guess in advance how many votes they will need to shift, and so permits real-time-calibrated, “tidier” rigs—contests stolen with a smaller numerical footprint. Unexpected veers in the running vote totals, especially late in the evening after most of the votes have been tabulated, may, in the absence of plausible benign explanations, indicate such a “real-time” rig at work.

It has recently come to light, through the investigative and analytic work of election integrity advocate Bev Harris and programmer Bennie Smith, that in the voting equipment that uses the GEMS operating system, a “fractional vote feature” is embedded, such that votes may be recorded not as integers (1,2,3 . . .) but as decimal fractions (0.75, 0.47, 1.29 . . .).

According to Harris and Smith, this strange feature can be used to “invisibly, yet radically, alter election outcomes by pre-setting desired vote percentages to redistribute votes. This tampering is not visible to election observers, even if they are standing in the room and watching the computer. Use of the decimalized vote feature is unlikely to be detected by auditing or canvass procedures and can be applied across large jurisdictions in less than 60 seconds.” Fractionalized voting—or “fraction magic,” as some observers have dubbed it—has very little legitimate use but great potential as a tool for manipulating votecounts.¹²

...

Q: Is it really possible, in a major election, to “count every vote as cast?”

A: In theory, yes; in practice, no. There is going to be a bit of “noise” in any system that attempts to count and aggregate large numbers. So “count every vote as cast” is a quixotic and misleading standard. “Noise” is not *The Problem* and neither are so-called “voter” frauds or genuine “glitches.” Computerized election rigging is not about miscounting a vote here and there, nor even about a few people voting twice or in the wrong district. Exploits such as double voting and impersonational voting are open to both parties; are at once low-yield and labor-intensive; virtually never alter

¹² A detailed and chilling six-part walk-through of decimalized vote counting and its implications for votecount manipulation may be found at <http://blackboxvoting.org/fraction-magic-1/>.

electoral outcomes; and in the end, over time and space, wind up a wash. *You can't take over and hold onto America by hand.*

Nor will “glitches”—which, with the non-intentionality of a flipped penny, break 50-50, yielding no net advantage—turn that trick (indeed we would *accept* computerized counting if truly inadvertent “glitches” were the only problem). *Only deliberate systemic misrecording of votes and/or deliberate mistabulation at the aggregate level can do it, and only computers and their programmers have that power.*

It is beyond ironic that Republican-controlled state legislatures throughout the country, many of which came to power via the highly suspect 2010 election, have in the past few years enacted restrictive Voter-ID laws, several of which have already been ruled unconstitutionally discriminatory by the courts, to deal with a putative epidemic of “voter fraud” that turns out to be virtually nonexistent.¹³ Then President Trump himself, hot on the trail of the “millions of illegal voters” who crashed the polls and cost him his prized popular vote victory, set up an “Election Integrity” Commission—co-chaired by Mike Pence and Kris Kobach, the voter suppression-crusading Kansas secretary of state—to get to the bottom of E2016’s massive “voter fraud.”¹⁴ Yet manifestly vulnerable secret vote counting by radically partisan corporations can go merrily on its unchallenged way, pervasive red-shift disparities notwithstanding. There is a real Alice-In-Wonderland feel to it all.

Q: Who are these corporations that count our votes? What makes you think they care who wins elections?

¹³ The gates were opened to this templated campaign of voter suppression by another in a series of 5-to-4 party-line U.S. Supreme Court decisions. The 2013 holding in *Shelby County v. Holder*, gutting critical Section 4(b) of the Voting Rights Act of 1965, left states that sported a long Jim Crow history (ironically under mostly Democratic state administrations) free to install *new* Jim Crow laws and regulations without federal approval. See generally, Berman A: *Give Us the Ballot: The Modern Struggle for Voting Rights in America*. New York: Farrar, Straus and Giroux (2015); at <https://www.amazon.com/dp/1250094720/ref>.

¹⁴ The Kobach Commission was stacked with Republican heavy-hitters and included a few window-dressing Democrats who seemed to have little idea what they were there for, and no success at all in getting briefed by Kobach or the Republican majority. It held a couple of public hearings—including a notable one in New Hampshire, at which the vulnerability of computerized counting was amazingly brought to the attention of the stunned commissioners—and was shortly thereafter disbanded—having issued no report, and of course not having found those lurking hordes of illegal voters.

A: Democratic elections should by their very nature be a public trust. Instead, virtually the entire vote-counting process in America has been outsourced to a few private corporations and contractors that operate behind a heavy screen of proprietary legal and administrative protections. That's bad enough. The actual history of the shape-shifting electronic voting industry and the cast of characters that has controlled it is still worse.¹⁵

Republican Senator Chuck Hagel owned a good part of the outfit that counted the votes electing and then returning him to the U.S. Senate in Nebraska. Walden O'Dell, CEO of Diebold and a major Bush supporter and fundraiser, in 2003 penned a letter to potential donors in which he stated that he was "committed to helping Ohio deliver its electoral votes to the president next year." O'Dell was seen to be in a unique position to fulfill his commitment, as Diebold was the supplier and programmer of Ohio's voting computers in E2004. Right-winger Bob Urosevich, founder of Election Systems and Software (ES&S), was also the first CEO of Diebold Election Systems (a subsidiary of O'Dell's Diebold, Inc.); his brother, Todd, was Vice-President of ES&S.¹⁶

As of 2012 the vote-counting corporations had been whittled down to two principals—ES&S and the spookily named Dominion Voting—that between them controlled the computers that counted the vast majority of the votes in America. When you trace the pedigree of these vendors, every road seems to lead back to the right wing: wealthy Texas oilmen, fanatical Fundamentalists, major Republican donors, and prominent Republican politicians. In fact, Hart Intercivic, a junior partner to ES&S and Dominion, had a board majority controlled by an investment firm known as H.I.G. Capital, which in turn boasted Mitt Romney, his wife, son, and brother as major investors through

¹⁵ See <https://www.verifiedvoting.org/resources/voting-equipment/> for a comprehensive cataloging of voting equipment vendors and their products. See also <http://blackboxvoting.org/reports/voting-system-technical-information/> for an examination of the activities, pedigree, and affiliations of the principal vendors. The cast of characters is highlighted in Victoria Collier's 2012 article "How to Rig an Election" (*Harper's* 10/26/2012, as reprinted at <http://readersupportednews.org/opinion2/277-75/14198-focus-how-to-rig-an-election>).

¹⁶ See http://www.sourcewatch.org/index.php/Diebold_Election_Systems. Bob Urosevich turned up again more recently as Managing Director of Scytll, a Barcelona-based firm that has taken control of electronic databases in a number of states, including several where targeted electronic purges were alleged in the 2016 primaries.

the closely-held equity fund Solamere.¹⁷ Then there are the satellite corporations that do much of the actual programming, servicing, and deploying of the machines—outfits like Command Central, Triad, LHS, Kennesaw State’s Center for Elections Systems, and the late Mike Connell’s own SmarTech—secretive to outright impenetrable. Except for Diebold (R.I.P., though a fair amount of its equipment is still in service), virtually all these outfits are privately held and rather small (ES&S has only 450 employees; Command Central was operating out of a Minnesota strip mall), and thus not subject to the kinds of regulation and scrutiny that might apply in the case of publicly-traded corporations. It is, all told, one of the shadowiest industries in America.

All the self-promotion and self-congratulation on a sleek website like Dominion’s cannot quite obscure the fact that what these Lords of Elections are really saying is, “You may as well trust us. You have no other choice.” While the privatization of the vote-counting process gives rise to a situation in which electronic thumbs on the scale could in theory be sold to the highest bidder, the partisanship of the outfits that program, distribute, and service the voting equipment is far more likely to translate in practice to *politically selective access* or, in the language of criminologists, opportunity and means. The consistently one-sided forensic evidence in the elections of the computerized era supports this assessment. It really *is* the man in the magician’s suit with the “Vote For So-And-So” button, if not on his lapel then on the inside of his sleeve, who takes our ballots and disappears behind the curtain.

...

Q: What would you say to someone on the other side of the great political divide who believes you’ve cherry-picked your evidence or that the red shift stems from faulty polls, or who believes that Trump is legitimate but *Obama* stole the White House and it’s the *Left* that has found a way to rig American elections?

A: OK, I’m a leftie and you’re a rightie. Each of us believes the other side has been rigging elections or would be if given the opportunity. You call the polls “fake news” while I have lost faith in the votecounts. With computerized

¹⁷ See Ungar C: “Romney-linked Voting Machine Company Will Count Votes in Ohio and Other Crucial Swing States,” (10/26/2012) at http://www.salon.com/2012/10/23/romney_linked_voting_machine_company_to_count_votes_in_ohio/.

counting neither of us has any reason to trust the other side—particularly in the present political environment, so rich in anger and poor in trust. Electoral legitimacy is now being called furiously into question from all sides.

Under these conditions especially—and to say nothing of the “Russians”—aren’t we BOTH entitled to an observable counting of the votes?

Whether an unobservable computer count leads to actual rigging or not, it has now begun to invite serious, dangerous suspicion, distrust, and unrest. Isn’t an observable count, going forward, likely to be the *only* way to restore trust in an electoral system that is breaking down before our very eyes, right and left?

Doesn’t counting votes publicly and observably just make fundamental sense for our country in the state it’s in?

...

Q: How do we know for certain, independent of election results, what kind of country America is—how red, how blue?

A: We don’t. Even in a very small polity, say a town with 5,000 residents, you can’t tell much about a polarizing contest or issue without an actual vote. You may know more people who say they intend to support X, but that says more about the company you keep than about how the rest of the town, let alone the state or the country, plans to vote. This has never been truer than it is today, in a nation hyper-polarized into enclaves and bubbles. One side may have the preponderance of yard signs or radio spots, but that tells us little beyond the relative size of the campaign budgets.¹⁸ Polls might be—and obviously, in the case of major elections, are—taken *ad nauseam*. But polls are highly sensitive to the particular sampling methodology used and usually wind up dancing a fluctuating and conflicting conga when elections are close.¹⁹ Even when polls and predictions are *not* close, in the Age of Trump’s post-factual politics they are easily written off as “fake news.”²⁰

¹⁸ In today’s post-*Citizens/McCutcheon* “dark money” era, the size of respective campaign war chests is a far better indicator of private than of public favor.

¹⁹ See Chapter VII, Study V for the additional distorting effect of the vote-count-poll feedback loop.

²⁰ And increasingly ignored when it comes to the making of policy. With the fate of DACA recipients and universal background checks for gun purchasers under debate in

This is what makes voting itself so powerful and, you would think, sacrosanct. Elections are the Official Scorecard—and the *only* Official Scorecard—of American politics. *There is really no other way to know.* As columnist James Graff, having first noted the vagaries of polling, put it most succinctly when speaking of E2012, “The truth won’t come until Election Day.”²¹ What comes on Election Day is a *reality* of elected officials who will govern us, but can anyone say with genuine assurance that they know that this reality equates to the actual *truth* of the votes as they were cast?²² What if, to put it in Kellyanne Conway lingo, we are placing our faith in “alternative votes?”

Our skepticism of polls and other pulse-takings of our nation is, to an extent, justified. Our blind and absolute faith in the votecounts is *not*. What is as irrational as it is deadly is our persisting belief that *all* other measuring sticks must be flawed—a belief based squarely on the fact that they all diverge from the votecounts, which must not be questioned.

And the “truth” of which Graff spoke is more expansive than the election of Candidate X or Candidate Y. Consider the fortunes of the National Rifle Association, which has held the line against overwhelming public opinion (and passion) because it has become axiomatic that, especially for any Republican politician, to cross the NRA is to sign one’s own electoral death warrant. The NRA grew into this 800-ton gorilla because of its virtually perfect track record in defeating—generally in low-scrutiny primary elections—any candidate hinting at support for even the most tepid gun regulation. A few

Washington, for example, one would never guess that the progressive position on each high-profile issue is polling at or near 90% in favor. Republican office-holders seem strangely comfortable and confident spitting into these gale-force winds—the Age of Trump mantra being “Elections Matter!”—though this new, defiant and seemingly tone-deaf kind of political behavior is exactly what one would expect of office-holders who believed themselves immune to all electoral consequences.

²¹ See *The Week*, 10/19/2012, p.3.

²² Another, rather more personal, way of framing this question: “How much would you be willing to wager on the accuracy of a given votecount and electoral outcome—say one such as Ohio 2004 or GA-6 2017, draped in a forensic red flag—ten bucks, the farm, your life?” If not prepared to bet your life that the official computer count and a full, observable human canvass will produce the same result, can you say you “*know*?” And, if you were *not* willing to bet your life, why would you be willing to bet your country or the world?

well-targeted upsets were enough to set in stone the rules of the political game for more than a generation.²³

Our biennial elections, far more than the endless parade of opinion polls, *define* America—both in terms of who occupies its seats of power and as the single snapshot that becomes the enduring national self-portrait that Americans of all stripes carry in our mental wallets for at least the biennium and more often for an era. It is also, needless to say, the portrait we send abroad. False elections bequeath to all Americans—right, left, and center—nothing less sinister than an illusory collective identity and the living of a national lie. Think of altered electoral choices as a testamentary letter that goes out, *over our forged signature*, to the world, to the historians, to our children.

...

...

Q: Would you say that progress has been made in the years you have advocated for election integrity and reform of the vote-counting process?

A: Yes. And no. If you call decline in trust in the electoral process “progress,” then we are clearly in a “better” place now than we were 16 years ago when the Help America Vote Act was passed and the fully computerized voting era began, with barely a thought given to the safety and advisability of computerizing the casting and counting of votes. Some of that decline in trust can be attributed to the efforts of electoral integrity advocates and forensic analysts, but much of it has sprung from the evidence-free rantings of Donald Trump and his echo chamber, and much too from a recent fixation on “Russian” meddling that perversely ignores the mountains of evidence from the decade and a half *before* anyone has suggested the Russians took an interest. And perhaps some of the decline in trust, some of the concern that we may in fact have a problem, stems simply from gross discontent and suspicion across the political spectrum, itself at least in part a side-effect of the breakdown of an electoral process.

²³ For an excellent account of NRA m.o., see <https://www.newyorker.com/magazine/2018/03/05/the-nra-lobbyist-behind-floridas-pro-gun-policies>; note that the NRA’s outsized clout with a broad swath of office-holders and candidates rests ultimately on what amounts to a handful of victories in what we might term “demo” elections.

But I do think that awareness of vulnerability to fraud involving computers in general and vote-counting computers in particular has gradually infused the national consciousness. It just has not yet been treated as a national crisis demanding full and urgent remedy. This is because—to the political establishment, the media, and most of the populace—the crisis of election theft remains hypothetical, a *possibility*. The evidence of actual manipulation of vote counts has been gathered and analyzed *ad nauseam*, then ignored or dismissed as conspiracy “theory” by the government and media alike. After all, such evidence would undermine voter confidence in the electoral process!

Some of the deepest and most damning work in election forensics was done at the *beginning* of the computerized voting era, in the wake of E2004. Much, though not all, of that work was presented in Steve Freeman and Joel Bleifuss’ book *Was the 2004 Presidential Election Stolen?* It was based on time-stamped, unadjusted exit poll data I had downloaded and printed out; on a detailed, comprehensive, but evasive analysis conducted by the Edison-Mitofsky exit-polling firm into its own “errors;” on examination of the bizarre timeline and events of Election Night, including the shutdown of the Ohio state election servers and the peripatetic interstate “itinerary” of the votes that produced the Bush victory; and above all on analysis of numerical patterns that fit no conceivable benign explanation of the anomalies that emerged.²⁴

I challenge anyone who picks up and reads that book to write it all off as “conspiracy theory.” After E2006 I contributed the first two of a series of analyses,²⁵ regarding which I issue the same challenge. Many other examinations, ranging from the highly specific to comprehensive meta-analyses, have been undertaken. Together they constitute a data- and evidence-intensive body of work that can leave little doubt that the crisis of election theft in America is *not* hypothetical.

²⁴ See Freeman, Steven F.; Bleifuss, Joel: *Was the 2004 Presidential Election Stolen? Exit Polls, Election Fraud, and the Official Count*, Seven Stories Press 2006, at <https://www.amazon.com/Was-2004-Presidential-Election-Stolen/dp/1583226877/ref>.

²⁵ See Chapter VII, Studies II and III: “Landslide Denied: Exit Polls vs. Vote Count 2006, Demographic Validity of the National Exit Poll and the Corruption of the Official Vote Count” (2007) and “Fingerprints of Election Theft: Were Competitive Contests Targeted?” (2007). It should be noted that neither study was grounded on a face-value assumption of exit poll accuracy.

Today—although we are dealing with a cutback to exit polling,²⁶ a baseline-corrupting partial adjustment of first-posted exit polls, a general skepticism of all polling, and the continued withholding of all “hard” evidence like memory cards, code, and voter-marked ballots—we soldier on collecting and analyzing data for what light it can shed on what is going on in the partisan, proprietary, pitch-dark of cyberspace. The data from such recent elections as GA-6 and Alabama Senate has been remarkable, and the analyses continue to raise red flags.

If we take as our measure of progress the impact of that work on the bottom-line security of the vote counting process, we’ve gone just about nowhere. If we consider instead the growth of awareness, suspicion, and concern that concealed vote-counting is problematic and votecounts cannot be presumed gospel, then things are sort of moving along. There is something of a push for “paper;”²⁷ there is talk about digital ballot images and audits; there has been money (albeit a relative pittance) appropriated for equipment upgrades; there is something close to consensus that the Russians have come and are coming again; and potential nonacceptance of shocking, or even disappointing, electoral results seems to be in the air—a frightening state of affairs, but an apparently essential precursor to serious reform.

²⁶ For example, the elimination of 19 states from exit polling in 2012, 22 states in 2016, and the cancellation of the final five crucial exit polls in the 2016 primaries.

²⁷ Gordon Lightfoot might have been thinking of election integrity activism when he penned the line “feel like I’m winnin’ when I’m losin’ again,” and the current movement from DREs to BMDs serves as a classic example.

The vendors’ new bright idea is to replace touchscreen voting machines (DREs) with touchscreen ballot-marking devices (BMDs) and proclaim a major victory for election security and integrity: “We have paper!” But those BMDs, in most cases, are designed to print a *bar code* on that paper representing the voter’s choices. A bar code! That code is then read by the optical scanner that counts the votes—but it certainly can *not* be read by the voter who cast the vote. If you are wondering how a humanly unreadable and unverifiable bar code on a piece of paper improves election security and prevents computerized fraud, stand at the head of the class.

A few rather obvious questions: How difficult is it to gin up a stack of pre-printed bar-code ballots and feed them into the scanner? How difficult would it be to print a vote for “A” in human-readable language on the ballot and a vote for “B” in the barcode that is read by the scanner? And if the BMD breaks down—as touchscreens are famous for doing—what happens to the voters in line, who now can’t vote? There is no such problem when voters hand-mark their ballots, even when counted by opscan—20 or 30 voters can be filling out their ballots at once. Yet these new gizmos are selling like hotcakes to counties and states that have pledged to “upgrade” their election security (see <https://twitter.com/jennycohn1/status/991406567097483264> for an account; see also <http://bradblog.com/?p=12505>). “Sometimes I think it’s a sin . . .”

But we have come a long way down the computerized elections road without even tapping the brakes, let alone executing a stomp and steer. Much damage has been done to our nation and our democracy; authoritarianism is no longer unthinkable here—there are several scenarios and vectors headed in that direction. So if there has been progress, it pales before the task at hand—what needed to be done and what remains to be done.

— V —

E2016: THE CHICKENS COME HOME BIGLY

‘What is a Caucus-race?’ said Alice, not that she much wanted to know.

— *Lewis Carroll, Alice’s Adventures in Wonderland*

...

2016: The Politics of Disgust

And so we arrived at the year 2016—presidential and unfathomable. The American electorate wound up being offered a choice between the most despised, distrusted, indeed hated pair of major-party presidential nominees in living memory, if not in history: Hillary Clinton and Donald Trump carried the highest unfavorability ratings ever recorded.¹ This *prix fixe* menu was the product of a primary season featuring a series of elections as suspect as any we had yet observed in the New American Century.

Before turning to the evidence gathered in support of that assertion, let’s begin by taking note of what the American people came into this critical election year seeming to *want*. It was hard to miss the energy that swirled

¹ For a snapshot of the numbers, which of course fluctuated but consistently tunneled through the subterranean strata, see, e.g., <http://www.gallup.com/poll/193376/trump-leads-clinton-historically-bad-image-ratings.aspx>.

An entrepreneurial friend lamented to me that she had—alas, too late!—come up with the idea of selling “Election Sickness” bags, such as the airlines supply in every seat pocket, with a picture of Clinton on one side, Trump on the other, and a set of instructions for use. I have no doubt that had she gone into production in September, she would have made a fortune.

around two candidates, Trump and Bernie Sanders, who, from the right and left respectively, were screaming “ENOUGH ALREADY!!” and promising to shake up the status quo in dramatic fashion. This angry, sometimes bordering on nihilistic, energy dwarfed whatever scant enthusiasm greeted the other major candidates—from Clinton down the gamut of then-current and erstwhile Republican office-holders (Marco Rubio, Chris Christie, Jeb Bush, Ted Cruz, John Kasich, et al)—who were all perceived, wherever they attempted to position themselves on the political spectrum, as card-carrying members of the establishment.

Let us also notice that, of the two candidates who excited the voting public, the one on the right became the Republican nominee while the one on the left was stopped cold, just short of his party’s nomination. And the one on the right was bathed in a constant media spotlight while the one on the left was effectively ignored until it was no longer remotely possible to do so. It does not take an advanced degree in political science to recognize that in the parade of presidential aspirants Sanders was the only one who, from the standpoint of the power elites, was both electable and politically dangerous enough that he had to be stopped.

The R-Word Comes into Common Usage

By the time of the Democratic Convention, there were millions of hopping mad Sanders supporters, convinced not only that their hero was robbed but also that Hillary Clinton herself was the thief or at least was aware of the heist.² What these voters saw had the look of a thoroughly “rigged” game,

² We are witnessing an unobservable vote counting process giving predictable rise to chronic suspicion of fraud, knee-jerk assignment of blame, and a general breakdown in the trust necessary for a legitimate and peaceful electoral and political process.

But, while it is natural enough to assume that the *beneficiary* of a covert manipulation was in fact its *perpetrator*, there are certainly non-candidate bad actors—foreign and of course, though the media seems hell-bent on denying it, domestic—with strong motivation to influence and alter electoral outcomes, such that *the beneficiary of such activities may not only not be their perpetrator but also may be entirely unaware of their existence.*

We must ask, therefore, who besides Clinton herself had a strategic interest in making sure that Clinton and not Sanders was the Republican candidate’s opponent in November? It would make sense that any operative charged with producing a Republican victory in November would have begun his work in the Democratic primaries, helping the ultra-vulnerable, FBI-targeted Clinton to the nomination.

though it was Trump, not Sanders, who kept resorting to the R-word in reference to the nomination process.³

What was it that Sanders voters saw? To begin with, there was the specter of their candidate drawing first large, then huge and wildly enthusiastic crowds—far outstripping those of Clinton—and yet being all-but-ignored by mainstream media. They saw a candidate raise an enormous war chest from millions of individual contributions and entirely without feeding alongside Clinton (and the other candidates) at the corporate trough—a feat with the potential to revolutionize American politics that nevertheless somehow failed to impress the press. Then they saw, often up close and personal, in state after state, obstacles thrown in the path of would-be Sanders voters—sometimes as the result of legitimate, if cynical, regulations governing registration deadlines and qualifications, but often a function of what seemed to be targeted purges of voter databases and suspiciously erroneous instructions given to election administrators and to voters. Millions of voters were relegated to the dread “provisional” ballot, with an unknown proportion of those votes going uncounted. And the impact of all these schemes was all too obviously and disproportionately to Sanders’ electoral detriment.⁴

It didn’t help when a hacker’s and/or insider’s leak of emails confirmed that the Democratic National Committee, supposedly an unaligned umpire and facilitator of nomination battles, was surreptitiously promoting Clinton’s cause in a variety of ways, and that elements of the mainstream media were also in on the game.⁵ And of course there was the thick padding—the hundreds of “superdelegates” chosen not by the voters but by the Democratic Party establishment, 90 percent of whom would vote at the convention for the anointed candidate, Clinton—amounting to a nearly *20 percent handicap* operating against the delegate count of Sanders (or any other “outside” candidate who might have had the temerity to mount an intra-party challenge).

³ Trump also applied the R-word prospectively to the general election contest, giving rise to concern that results adverse to him might not be accepted as legitimate. It was ironic to contemplate the ark of election integrity being carried into battle by such a champion. Unsettling as well the sudden alarm that our electoral system might be vulnerable to *foreign-state hacking*—the “Russians”—as if the possibility of *insider rigging* by domestic operatives had never occurred to anyone.

⁴ See, e.g., https://www.huffingtonpost.com/entry/arizona-primary-problems_us_56f41094e4b04c4c376184ca.

⁵ See https://en.wikipedia.org/wiki/2016_Democratic_National_Committee_email_leak.

Those were thumbs on the scale that voters *could see*. And because, unlike in a suspect one-day November election such as E2004, the primary season extended for months, the hits kept coming and the distress and eventual outrage kept building, along with ever increasing levels of vigilance and distrust. Questions (and lawsuits) hung over the electoral procedures of many primary (and caucus) states, with egregiously visible fiascoes coming to light in, among others, Arizona, Kentucky, Ohio, New York, and California. This three-ring electoral circus was what the voters *saw*.

What the voters *couldn't see* was what was happening to the votes that had been cast. But the question naturally framed itself: If Clinton was, as it appeared, the beneficiary of all these *discoverable* thumbs on the electoral scale, how could a vote counting process that was unobservable and so highly vulnerable be blithely presumed to be immune to an *undiscoverable* thumb? And the obvious follow-up: How bright is the ethical line between mass-purging voters to suppress their votes and simply mistabulating their votes? To a multitude of Sanders supporters, at least, not very bright.

Primaries and Caucuses

Taking place in cyberspace, the vote counting process was of course not directly observable; but, as each state weighed in, numerical evidence began to emerge and pause-giving patterns become established. It was hard not to notice, as the Sanders candidacy established itself and the nomination battle heated up, a glaring divergence between the election results in primary versus caucus states. In 14 states, pledged convention delegates were chosen in caucus meetings where the principal method of counting votes was observable and where state totals could be reconciled via a traditional tabulation tree to the counts at each individual caucus. The first caucus, in Iowa, led off the nomination battle and resulted in a razor-thin Clinton victory (49.9 percent to 49.6 percent) amidst various allegations of procedural mismanagement.⁶ The second caucus, in Nevada, brought forth another narrow Clinton victory (52.6 percent to 47.3 percent) and more allegations.⁷

⁶ Concerns “ranged from the potential for incorrect vote counts due to crowding to confusion over the role of coin tosses to settle some tie results.” See <http://www.desmoinesregister.com/story/news/politics/2016/07/26/87576058/>.

⁷ This time the main problem was that many Clinton staffers and supporters were not required to register in order to vote. See <http://www.dailykos.com/story/2016/2/26/1491957/-Nevada-and-Iowa-DNC-run-caucuses-full-of-fraud-lies-vote-irregularities-wrong-winner-announced>.

Following the Nevada caucus and heading into March, it became apparent that the nomination would be a battle and not a coronation. The table below presents the results of the 12 remaining state caucuses:

2016 Democratic Party Caucuses (3/1 - 6/7)			
State (Date)	Sanders %	Clinton %	Sanders Margin
Colorado (3/1)	59.0%	40.3%	18.7%
Minnesota (3/1)	61.6%	38.4%	23.2%
Kansas (3/5)	67.7%	32.3%	35.4%
Nebraska (3/5)	57.1%	42.9%	14.2%
Maine (3/6)	64.3%	35.5%	28.8%
Idaho (3/22)	78.0%	21.2%	56.8%
Utah (3/22)	79.3%	20.3%	59.0%
Alaska (3/26)	86.1%	18.4%	67.7%
Hawaii (3/26)	69.8%	30.0%	39.8%
Washington (3/26)	72.7%	27.1%	45.6%
Wyoming (4/5)	55.7%	44.3%	11.4%
North Dakota (6/7)	64.2%	25.6%	38.6%
Average	68.0%	31.4%	36.6%

As can be seen, every caucus was won by Sanders, all by wide margins, ranging from a low of 11.4 percent to a high of 67.7 percent. *Sanders' average margin of victory was 36.6 percent—he won a better than two to one ratio of caucus voters.*

Were the caucus states a discrete and homogeneous swath of America, an identifiable bastion of Sanders support? An argument could be made that, with the exception of Maine, which could be considered penumbral to Sanders' Vermont, each of these states is located west of the Mississippi; in most of them, voters were more likely to be white (though not young) than in the primary states where Clinton built her narrow margin of pledged delegates. There was, however, substantial political and cultural diversity

within the caucus set (Minnesota, Colorado, Washington, and Hawaii hardly mirror Utah, Idaho, Kansas, and Nebraska).

Then there was the divergence of the Dakotas, North and South. In South Dakota, a primary state, Clinton edged Sanders 51.0 percent to 49.0 percent; in North Dakota, a caucus state, Sanders blew out Clinton 64.2 percent to 25.6 percent. The black population of each state is 1 percent. The North Dakota caucus and the South Dakota primary were held on the same date, June 7. Is it unreasonable to wonder what, other than the method of counting votes, might account for such a dramatic difference in outcomes—greater than 40 percent—in these neighboring and demographically similar states? And more generally, *what would account for the entire run of Sanders caucus blowouts?* For there is nothing subtle here in these numbers, nothing that can be reassuringly written off as a figment of race, age, gender, or any other all-encompassing demographic or political explanation.⁸

2016 Exit Polls: A Tale of Two Parties

...

In examining the performance of the E2016 primary season exit polls it would be natural to conclude that each party's primaries had been handled by a *separate* polling outfit, or at least that different methodologies and protocols were employed for the Democratic versus the Republican polls. Of course neither of these things was true: all voters, Democratic and Republican, were polled by the same firm, Edison Research, using the same methodological approach, on the same days, at the same precincts, in the same weather, with the same strict protocols. How then to explain the resulting pattern? Why did the polls perform superbly throughout the run of Republican primaries,⁹ while they were such a fiasco in the Democratic primaries that

⁸ One explanation worthy of further investigation attributes much of Sanders' caucus-state strength to the personal and public nature of caucus proceedings and the aggressive, at times allegedly intimidating, behavior of Sanders partisans at these events. It is, however, hard to imagine that the Clinton campaign, with the muscle of the DNC behind it, would have wilted in the face of such behavior; and Clinton certainly did not have the luxury of writing off these 12 states.

⁹ Time-stamped screen-capture data, necessary for EP/VC comparison, was available for 23 out of the 25 Republican primaries that were exit polled.

exit polling was *abruptly and quietly canceled* with the elections in New Jersey, New Mexico, and (critically) California remaining on the schedule?¹⁰

How stark was the contrast? The mean “error” or exit poll-votecount (EP/VC) disparity for the 23 Republican primaries for which data was available was 0.6 percent.¹¹ In only *two* of the 23 elections were EP/VC disparities outside the Total Survey Error (TSE),¹² about what we would expect from the rules of probability. Of the individual election disparities greater than 1 percent, 11 favored Donald Trump while nine favored his opponents, again the kind of balance indicative of both accurate polling and accurate vote tabulation. This level of performance over a long string of elections confirms the competence of the pollsters and the soundness of their protocols and methodology.¹³

It is a competence and a soundness that seem to have vanished when polling Democratic voters. In the 25 Democratic primaries, the mean error or EP/VC disparity was 6.0 percent, *or ten times that in the Republican primaries*. In 10 of the 25 elections the EP/VC disparities exceeded the Total Survey Error; we would normally expect to see *one* such failure. And of the individual election disparities greater than 1 percent, *three* favored Bernie Sanders while 21 favored Hillary Clinton.¹⁴ You can see why Sanders voters began to wonder what might be happening to their votes, questioning the counting process along with the registration process and the various thumb-on-the-scale party rules.

¹⁰ Other primaries not exit polled took place in Delaware, Kentucky, Montana, South Dakota, Oregon, and Puerto Rico. Although cancellation of the exit polls in 19 states in E2012 was noted by the MSM at the time, a search of *NY Times* and *Washington Post* websites revealed not a single article of any genre regarding the sudden cancellation of the 2016 exit polls.

¹¹ We treated the Republican primaries as a contest of Trump against “the field” of his opponents. We took this approach both because, while Trump was a constant in all of the primaries, the rest of the field varied as candidates dropped out; and because it facilitated an apples-to-apples comparison with the Clinton/Sanders contest. Analysis of the performance of the exit polls in the Republican primaries, although it became somewhat more complex, did not change significantly in result when EP/VC disparities were viewed candidate by candidate.

¹² Total Survey Error, while built on the mathematical Margin of Error (MOE) for a purely random sample, is generally somewhat larger than the MOE because it takes into account certain non-random factors in the administration of an exit poll. We employed TSE for both Republican and Democratic primaries.

¹³ The exit polls for the hotly-contested 2008 Democratic primaries also exhibited an expected level of accuracy.

¹⁴ For the complete tables, compiled by statistician Theodore Soares, see www.tdmsresearch.com.

The Great Exit Poll Debate Redux of course focused on this run of disparities and whether it was in any way probative of systemic problems with the vote counting process. On the one side were those who saw in the exit polls *proof* that the Democratic primaries had been rigged. They looked at the math, much as we did in E2004 and other red-shifted elections of the computer-count era, and saw a pattern of disparities that, from a statistical standpoint, was all but impossible. On the other side were those who saw the exit polls as essentially worthless, crude instruments with no probative value at all when it comes to assessing the accuracy of a given votecount or of the entire vote counting process. As in many such polarized disputes, the truth most likely falls somewhere in between.

A key point of contention—given that the Republican polls were essentially spot-on, attesting to the general competence of the exit polling operation and the soundness of its methodology—was whether the Democratic exit polls were distorted by an “enthusiasm gap” between Clinton and Sanders voters. According to the “enthusiasm gap hypothesis”—similar in nature to the (debunked) “reluctant Bush responder” hypothesis of E2004—younger and more enthusiastic Sanders voters were more likely to participate in the exit poll when selected than were older and presumably less enthusiastic Clinton voters.

Of course there is no dispositive evidence either way, since enthusiasm—unlike gender, race, or age—is not a visible trait subject to quantification in those refusing to participate. But we do know that the exit pollsters keep careful count—by gender, race, and approximate age—of refusals to participate, and use this count in weighting their polls. Thus if, as the critics suspect, young voters were more apt to respond to the exit poll when selected, they would be down-weighted accordingly to bring their age cohort in line with its actual proportion of the voting public. And, because enthusiasm and youth were acknowledged to be strongly correlated, the age-based weighting would have neutralized most if not all of any enthusiasm gap.

It is unfortunately the nature of the Great Exit Poll Debate to come down to skirmishes like “reluctant Bush responder” and “Sanders enthusiasm gap,” which most often cannot be decisively settled with the information and data

made available.¹⁵ But for those who seek to dispel concerns about the vote counting process, a “tie” is as good as a win. The political timeframe during which elections hang in the balance, such that interest and passions peak, tends to be very short (it often ends with a losing candidate’s concession), while the timeframe for in-depth academic debate over the subtleties of data analysis can be measured in weeks, months, often years. Once a debate becomes “academic” in nature, the political “moment” is almost guaranteed to pass and with it, regardless of whether or how the debate resolves, passes all prospect of action. In the case of the 2016 Democratic primaries, concession took place, the Convention following, a time for “healing” and “pulling together.” The next battle loomed, the next election, the next exercise in blind faith.

...

The Election of Donald Trump

...

Donald Trump is, legitimately or illegitimately, in fact our president. And his enablers in Congress are, legitimately or illegitimately, in fact in office. This is, whether by fair play or fraud, the Age of Trump. The nation is, perhaps to even a greater degree than predicted in earlier editions of this book, riven—its people made enemies and divided into red and blue fortresses, as close to war as they are to meaningful and constructive dialogue.

We have, in this and the preceding chapters, traced many of the steps down this path—the rolling, if not always linear, impact of one suspect computer-age election after another—right up to the cliff’s edge. Let us now trace the last big step and tumble, into the 2016 General Election and its still unfolding aftermath.

An election year is made up of innumerable events and constant flux. If we take an alpha-to-omega overview of the 2016 presidential election, the first

¹⁵ An unprecedented legal action to obtain the data that might resolve such debates, *Johnson v. Edison Media Research, Inc.*, was filed in federal court in Ohio in July 2016, seeking the release by the exit polling firm of the raw data from the 2016 exit polls. It was dismissed in May 2017 (see <https://law.justia.com/cases/federal/district-courts/ohio/ohsdce/2:2016cv00670/195214/8/>). Various other recent legal actions to obtain such hard evidence as voter-marked ballots for vote-count verification purposes have also failed. The fate of such legal initiatives reflects the thoroughly non-transparent and non-public status of the vote counting process.

thing that jumps out from the thousands of event pixels is the fact that America entered 2016 with the near consensus recognition that something serious needed to be done to deal with runaway economic inequality. The year ended, however, with a president-elect and cabinet carrying water for the 1 percent and wine for the 0.1 percent, portending not merely a step but a giant leap *away* from economic equality and toward outright plutocracy.

The nation that came into the year coalescing around the need to seriously address climate change and the easy availability of guns, exited it in the hands of a climate change denier and new darling of the NRA. A nation that seemed anxious about the relatively mild pay-to-play concerns raised by the Clinton Foundation, wound up with an all-but-branded White House, its chief and ancillary occupants boasting more and deeper conflicts of interest than any in our long history.

In reviewing the year 2016, which culminated shockingly in the Age of Trump, we will want to ask how we wound up, in virtually every dimension, zigging when we meant to zag. How did such a seemingly fundamental reversal of public will (and taste) come to pass? How did the gears of our electoral process mesh (or slip) to lead us to such a pass? Are we here—as virtually every pundit, every best-selling “How Did It Happen?” and “Who Are We?” book tells it—because of some strange but ultimately organic conjunction of developments in our body politic? Did a candidate who got trounced in every debate, boasted of his success as a sexual predator, and made dozens of campaign gaffes, any *one* of which would have sunk the candidacy of any of his forerunners, genuinely manage to secure enough votes to put him over the Electoral College top and into the White House? Did the “Russians” help and, if so, how? Or was it ultimately decided by the trillions of 1s and 0s and the masters (i.e., programmers) of their dance in the dark?

...

Did the Russians Really Come?

While the recount efforts were being beaten back and squelched, the “Russian meddling” story was gathering steam. Various new semi-public investigations got underway, joining others that had been simmering on the secret counterintelligence stove. “RussiaGate” has its own distorted-mirrors Fun House in the Age of Trump Theme Park. Whole books could be, and have been, written following the allegations, revelations, refutations, implications, and bloviations to date. If anyone, including Special Counsel Robert Mueller,

knows what shoes will drop, how big, how many, and when, he or she is not telling.

The gist of it is that the intelligence community seems prepared to stake its reputation on the charge that various Russians, more likely than not to have been acting at the behest of the Kremlin, went to bat for Donald Trump and against Hillary Clinton in a variety of ways. Indictments have so far come down charging attempts to influence voters through various social media messaging schemes¹⁶—essentially the most indirect and therefore least pernicious form of meddling (and, of course, something the U.S. has been doing for decades in various nations around the world).¹⁷ There are also investigations into the hacking of DNC servers and various personal email accounts; possible funneling of funds to various pro-Trump organizations such as the NRA; and apparent attempts to hack into state voter databases.¹⁸ Hanging over all of it, the word “collusion”—the ultimate question of whether Trump and/or his campaign, associates, or family had knowledge of, or took part in, any of this skulduggery.

Shadowy, tantalizing, riveting stuff! Some argue that Trump is *acting* so guilty—firing FBI Director James Comey, having to be put into a virtual chokehold to prevent his firing of Mueller, refusing to release his tax returns, screaming “WITCH HUNT!” and “NO COLLUSION!” at every turn—that he must be in it up to his eyeballs. Some, on the other hand, see RussiaGate as a neocon or even “Deep State” plot to revive Russia as a global enemy, make sure Trump was preempted in his signaled embrace of Putin, and gin up “Cold War 2.0.” And finally someone thought to ask, “What about E2018?” It appears that what the Russians did (or didn’t) meddle with once, they could very well meddle (or not meddle) with again. And what about the North Koreans, the Chinese, the Iranians, Liechtenstein?!

Lost in all this is a fundamental absurdity. However vulnerable E2016 may have been (and E2018 and E2020 may yet be) to foreign states or outsiders hacking our computerized vote-counting processes, those processes were—and are—far more vulnerable to the “meddling” of insiders with far easier

¹⁶ See <https://www.usatoday.com/story/news/politics/2018/02/16/read-robert-muellers-indictment-13-russian-nationals-election-meddling/346688002/>.

¹⁷ See <https://www.nytimes.com/2018/02/17/sunday-review/russia-isnt-the-only-one-meddling-in-elections-we-do-it-too.html>.

¹⁸ See <https://www.nbcnews.com/politics/elections/russians-penetrated-u-s-voter-systems-says-top-u-s-n845721>.

access to the partisan, proprietary, pitch-dark cyberspace in which they take place. And they have *been* this vulnerable to domestic operatives since the dawn of the computerized vote-counting era, long before even the most ardent cold-warrior is alleging the Russians took an interest or hatched a plan. Yet all attention is focused on the Russians—what they may have done and what they might do—and *none* on those with a short, direct pipeline into the system and the luxury of *programming* in, rather than hacking in, election theft. It is as if, in setting out to guard our electoral house, we are checking every window for signs of forced entry while ignoring completely the crew of shady characters with keys to the front door. It is a security plan worthy of Inspector Clouseau.

Actually, though, we haven't even been doing much of a job of checking the *windows*. The public has been fed at every turn some version of the “there's no evidence that any votes were actually affected or electoral results changed” line. The “Russians” may have tried to get into our *heads*, but there was no way they could have gotten into our opscans, DREs, or central tabulators. See, our voting equipment is so decentralized and, what's more, it's not hooked up to the internet—which means that it's not vulnerable to foreign state (or individual) hacking. Whew! Such assurance being given first by none other than then-FBI Director James Comey,¹⁹ one could almost hear the “Praise the Lord!” Of course the Obama administration echoed and re-echoed that blanket reassurance. Voters, be confident!

The only problem was that neither “whew” was true. Eighty percent of the equipment was produced by two outfits, ES&S and Dominion Voting, which held the keys to its programming and were potential vectors for manipulation by insiders and outsiders alike. And it turns out that the ES&S DS200 optical scanners, used in Wisconsin and elsewhere, are indeed equipped with a cellular phone signal modem that exposes them and their programming to outsider hacking and is an effective connection to the internet.²⁰ Further, as IT experts like Andrew Appel have made clear, even individual voting machines that are *not* modem-equipped or directly connected to the internet

¹⁹ See <http://www.homelandsecuritynewswire.com/dr20160929-hackers-poking-around-u-s-voter-registration-sites-in-more-than-a-dozen-states-comey>.

²⁰ See <https://www.alternet.org/it-doesnt-take-foreign-government-hack-our-flimsy-election-system>.

have to be *programmed*, most often with code uploaded from computers that *are* connected to the internet, providing yet another vector of attack.²¹

Then there are the streams of vote counts from the precinct to the county and state levels, which often pass through an internet transmission pipeline, leaving the data vulnerable to internet-based hacking, commonly known as a man-in-the-middle attack. Central tabulators are particularly vulnerable and, because the internet provides a two-way connection, it is possible for hackers targeting central tabulators to simultaneously alter the upstream data in precinct computers during its upload—thereby making sure that altered aggregate data reconciles with its correspondingly altered precinct-level sources in the (unlikely) event of investigation.

Apart from telling us that the equipment is decentralized and not hooked up to the internet, the Department of Homeland Security took pains repeatedly to assure us that, any vulnerabilities or attempted intrusions notwithstanding, it “had found no evidence that any votes were actually affected, or any election outcomes changed.” In somewhat finer print, DHS acknowledged that it had found no such evidence *because it had made a command decision not to look for it.*²²

Indeed, not a single memory card, packet of code, or voter-marked ballot from E2016 was included in whatever investigation DHS may have undertaken—at least not any that DHS was willing to acknowledge having examined. Which is like Deflategate without an air-pressure gauge or indeed the footballs! It strains credulity to think that corporate property rights trumped a *DHS* investigation of a possibly rigged election—making the hard evidence as off-limits to DHS (to the point that they knew better than to even try to obtain it) as it has always been to lesser lights trying to follow the trail of statistical disparities and anomalies. But then, much about the conduct of our elections strains credulity, so it is among the possibilities to be considered.

There is also the possibility that evidence of any such interference, especially if it had been found to have compromised the outcome of the election, would

²¹ See <https://freedom-to-tinker.com/2016/09/20/which-voting-machines-can-be-hacked-through-the-internet/>.

²² See Sam Thielman, “Were Voting Machines Actually Breached? DHS Would Rather Not Know,” at <https://talkingpointsmemo.com/muckraker/dhs-doesnt-want-to-know-about-vote-hacks>.

meet the fate of the sections of the Warren Commission Report that were sealed away until some future time when the matter would be of primarily historical interest.²³ Perhaps the DHS and related investigators really *did* decide not to even peek at any of the hard evidence of what happened in E2016’s cyberspace; perhaps it *began* to peek and didn’t like what it saw; perhaps it saw enough to sound the alarm but *chose* not to, wisely (perhaps) deciding to direct energies to protecting future elections without triggering a national crisis over what it had discovered about this one. The anathema of “undermining voter confidence” in our elections has long been the election rigger’s best moll.

...

Explain This Night in Georgia

Then came the first Big One of 2017, the runoff for the special election to replace Rep. Tom Price (R-GA) of Georgia’s Sixth Congressional District (GA-6), who had been chosen for Trump’s cabinet as Secretary of Health and Human Services, with the challenge to get Obamacare repealed or be fired.²⁴ Of little pragmatic significance, given the unassailable Republican House majority, this election was nonetheless the focus of extraordinary attention and expenditure. More than any of the other 2017 special elections, GA-6 was seen as a proxy for approval or disapproval of the Trump presidency and as a clue to the Democratic prospects for retaking the U.S. House in 2018. Held in a district that had long been solid Republican but that had given Trump the barest 1.5 percent plurality in 2016, the GA-6 Special was also the subject of intense media focus.

The Democratic candidate, 30-year-old Jon Ossoff, a former Congressional staffer and first-time office-seeker, faced a crowded field of 17 other candidates in a preliminary contest held in April. Among them was Karen Handel, former Republican Secretary of State of Georgia, along with a host of less serious challengers. If no candidate polled 50 percent of the total vote, the two top finishers would meet in a June runoff. With the wave of Trump disapproval mounting ever higher, Ossoff was seen to be closing on the 50

²³ See <https://www.usatoday.com/story/news/nation/2013/08/17/jfk-files-still-sealed/2668105/>.

²⁴ Price, whose conflicts of interest had been subject to repeated inquiry during the course of his legislative career, was forced to resign in disgrace on Sept. 29, 2017, after racking up over \$400,000 in expenses for charter flights. This Trump-like behavior did not sit well with a president whose pledge to “drain the swamp” had already been exposed as a mockery.

percent mark going into the April 18 election. On Election Night, as the returns were coming in, Ossoff held steady at just over 50 percent until a supposed “glitch” in Fulton County (the three counties in the Atlanta suburbs that comprise GA-6 are Fulton, Cobb, and DeKalb) paused the returns for several hours. When reporting resumed, Ossoff’s total had dropped below 50 percent, where it remained through the final count. Ossoff finished at 48.12 percent; Handel finished second with just over 19 percent of the vote and went through to the June runoff against Ossoff.

A “glitch” out of central casting; the fact that all but the mailed-in and “provisional” ballots were cast and counted on DRE computers with no paper record and no capacity for recount, audit, or verification; and the extraordinary security breaches uncovered at the Kennesaw State University Election Center,²⁵ the outfit entrusted with the programming of the computers and the management of voter databases: each of these factors raised red flags of suspicion about what was reported as a “disappointing” Democratic result, as Ossoff fell 1.9 percent short of the magic 50 percent number required for the outright win of the seat (and instant humiliation for Trump and the GOP that was trying to figure out whether to disown or embrace him).

The stage was then set for the June 20 runoff. The perceived proxy significance of this election was mirrored in the funds that poured in for both sides—more than \$50 million, an all-time record for a congressional seat.²⁶ The tracking polls averaged to a dead heat.²⁷ With the exception of a single poll conducted by Trafalgar (a polling firm identified in aggregate poll charts with an “R”²⁸—that is, as working exclusively for Republican clients), however, Handel never held a lead in the polls in the six weeks going into the runoff election. Nonetheless, based on my own experience observing and

²⁵ See Kim Zetter, “Will the Georgia Special Election Get Hacked?” in *Politico*, at <https://www.politico.com/magazine/story/2017/06/14/will-the-georgia-special-election-get-hacked-215255>.

²⁶ See <https://www.politico.com/story/2017/05/06/georgia-special-election-spending-record-238054>.

²⁷ See https://www.realeclearpolitics.com/epolls/2017/house/ga/georgia_6th_district_runoff_election_handel_vs_ossoff-6202.html. Note that all polls were conducted using the Likely Voter Cutoff Model (see Chapter VII, Study V) for sampling, a methodology that is recognized to disproportionately eliminate Democratic-leaning constituencies such as renters, students, and less-affluent voters from the sample, thereby advantaging Republican candidates in the poll results.

²⁸ See <https://drive.google.com/file/d/0B4lhKxf9pMitSUE2X2ItLWhoYVU/view>.

handicapping U.S. elections in the computerized voting era, I publicly predicted²⁹ (speaking at a conference on June 2) with complete confidence that Ossoff would lose to Handel. Indeed I promised that it was such a lock that, should Ossoff win, I would cease all election integrity activities and concede that I was nothing more than a wild-eyed, tinfoil-hat “conspiracy theorist” after all. Fortunately for my career, Handel came through with flying colors and won by 3.7 percent, 52.87 percent to 48.13 percent.

Laughing Their #Ossoff

Presidential Counselor Kellyanne Conway (of “alternative facts” fame³⁰ and an unpunished serial Hatch Act violator³¹) summed up the reaction among leading Republicans when she tweeted “Laughing my #Ossoff.”³² The Democrats, oh-for-five at that point in 2017 special elections and seemingly unable to win *anything* despite Trump’s lead-balloon unpopularity, started wailing about new strategies and new leadership. Ossoff’s defeat was another serving of the bounteous and bitter fruits respectively of apparent victory and apparent defeat, having profound effect upon political expectations and strategies, and indeed upon all aspects of political behavior, going forward.

Prior to the election, legal action to require that votes be cast on paper (and counted by optical scanner), to provide a durable record for verification purposes, failed when the judge ruled that it would be too burdensome on the state to print ballots for GA-6 and to use its existing optical scanners (which were already being used to count mail-in ballots) to count Election Day ballots.³³ As a result, only mail-in ballots and provisional ballots—approximately 10 percent of total votes—were cast on paper and in any way verifiable. The remaining 90 percent? For that we’d just have to trust Kennesaw State Election Center; its director, Merle King,³⁴ and their already-breached security protocols.

²⁹ See <https://www.youtube.com/watch?v=i9Ap1IjAsq0&feature=youtu.be>.

³⁰ See https://www.washingtonpost.com/news/the-fix/wp/2017/01/22/how-kellyanne-conway-ushered-in-the-era-of-alternative-facts/?utm_term=.c0431f5cb139.

³¹ See <https://osc.gov/Resources/Conway%20HA-18-0966%20Final%20Report.pdf>.

³² See <https://twitter.com/KellyannePolls/status/877355893905666048?ref>.

³³ See http://www.slate.com/blogs/future_tense/2017/06/13/georgia_judge_throws_out_request_to_use_paper_ballots_in_the_upcoming_special.html.

³⁴ See https://www.washingtonpost.com/news/the-fix/wp/2016/08/31/theres-almost-no-chance-our-elections-can-get-hacked-by-the-russians-heres-why/?utm_term=.be124d0f7cec,

It is worthy of note that this was a *single-contest election* that *could* easily have been counted *observably, in public, by hand*, within two hours of poll closing, at minimal expense (though plenty of *volunteers* would have poured in). The Dutch, having taken one whiff of our 2016 elections, and aware of the security holes for computerized counting, had changed their protocol after two days of consideration and counted their critical 2017 national election by hand,³⁵ joining a growing list of other advanced democracies.

Verifiable vs. Unverifiable Counting: An Enormous Disparity

The Georgia Secretary of State Elections website helpfully breaks down vote totals by type of ballot cast.³⁶ There are four types of voting: Election Day in-person voting, Early in-person voting, Vote-By-Mail, and provisional ballots. The first two are cast and counted on DREs, which permit no meaningful verification, whether by audit or recount. Mail-in and provisional ballots, on the other hand, are cast on paper and counted on Opscans, the paper then being retained by federal law for 22 months—which would, at least in theory, permit verification processes to be undertaken, sharply raising the risk factor for manipulation of such votes.

The results for each type of voting are shown in the table below:

Results in GA-6 June 20 Runoff by Type of Voting/Counting			
Type of Voting	Handel %	Ossoff%	Ossoff Margin
Absentee By Mail (paper)	35.8%	64.2%	28.4%
Provisional (paper)	27.0%	73.0%	46.0%
Advance In Person (DRE)	49.3%	50.7%	1.4%
All Early Voting (Mail + In Person)	46.7%	53.3%	6.6%
Election Day (DRE)	58.2%	41.8%	-16.4%
Total Vote	51.8%	48.2%	-3.6%

Source: Georgia Elections website;

<http://results.enr.clarityelections.com/GA/70059/Web02-state/#/cid/30600>

which, while presenting the world of election integrity according to King, may additionally serve as an “Exhibit A” of credulous reporting.

³⁵ See <https://www.theguardian.com/world/2017/feb/02/dutch-will-count-all-election-ballots-by-hand-to-thwart-cyber-hacking>. The right-wing candidate was soundly defeated.

³⁶ See <http://results.enr.clarityelections.com/GA/70059/Web02-state/#/cid/30600>.

We see that, after winning the verifiable Vote-By-Mail voting by a stunning 28.4 percent margin (and the provisional voting by an even more lop-sided margin of 46.0 percent), Ossoff also polled a narrow win in the unverifiable Advance-in-Person voting—only to be blown out by 16.4 percent in an unverifiable Election Day landslide. With the election already under a cloud of known security breaches at Kennesaw State, the larger cloud of known vulnerability to hacking and rigging of unverifiable DREs, and the still larger cloud of more than 15 years of virtually unidirectional vote counting anomalies and red flags in the computerized voting era, this glaring disparity obviously warranted deeper investigation.

The first point to be made—and it is a familiar one—is that neither the Ossoff campaign nor the Democratic Party had any interest in pursuing such an investigation. And, not surprisingly, neither did *The New York Times*—to which we sent critical data, and with which we engaged in lengthy discussion—nor any other MSM outlets. To be clear, Handel’s landslide victory in Election Day voting was *absolutely shocking*. It was not remotely predicted by a single poll, not even the Republican-identified poll by Trafalgar referred to above, which was the *only* poll to show Handel ahead (by 2 percent). Even this outlier poll showed Handel with a mere 1.6 percent lead among likely voters yet to cast their votes a week before Election Day.³⁷ This begged two obvious questions: 1) Did anything happen to swing voters so strongly for Handel or against Ossoff? And 2) Did the huge Vote-By-Mail Ossoff margin simply reflect that Democratic voters in GA-6 are more prone than are Republican voters to cast mail-in ballots?

The answer to the first question is fairly clear: there was no gaffe or scandal in the week before Election Day. Ossoff did not get crushed in a debate, urinate in public on a statue of Robert E. Lee, or get caught in bed with a farm animal. Handel did not give a speech for the ages or pick up any critical late endorsement. The money and endorsements pouring in from both sides had already done their work—hardly anyone (a scant 3.88 percent of those planning to but yet to cast a vote, according to the Trafalgar poll) remained “undecided” and up for grabs.³⁸ The Ossoff get-out-the-vote operation, which helped Ossoff to his 6.6 percent overall lead in early voting, did not run out of money, and there was no shortage of volunteers.

³⁷ See Trafalgar poll, at <https://drive.google.com/file/d/0B4lhKxf9pMitQkVYeExaaV9PczQ/view>.

³⁸ *Ibid.*, p. 3.

The only incident of note was the “baseball practice” shooting in Virginia, in which a Republican congressman as well as several others were seriously wounded a week before the GA-6 election.³⁹ Although Republicans happened to be targeted by an obviously disturbed individual, the attack was also widely seen as a symptom of a hyper-polarization and breakdown in norms of civility and decency in which Trump’s inflammatory rhetoric was regarded by many, including Republicans, to have played a key role.⁴⁰ There was a strong sense as well that, in that hostile “Age of Trump” environment, either side might be the target of such violence. And, of course, the usual fleeting concern about the easy availability of assault weapons, which skews Democratic. I also checked with several colleagues on the ground in GA-6, who responded that there was no sign that Election Day voting in GA-6 was swung sharply by either this incident or any other late-breaking news event.

The second question required a bit more digging. If it turned out that GA-6 Democrats had displayed a historical tendency to mail in their ballots, that would have sufficed to establish a benign explanation for the verifiable/unverifiable disparity. It was a simple enough exercise to download and organize the archived data for the past several GA-6 elections from the Georgia Elections website. As shown on the chart below, it is not Democrats but *Republicans* who consistently prefer to vote by mail in GA-6.

That is, until 2017. In the three preceding elections, from 2012 through 2016, the Republican candidate’s margin among Mail-In/Opscan voters exceeded his margin among DRE voters by an average of 11.1 percent. Suddenly—in the two Ossoff elections, preliminary and runoff—that pattern spun on its heels. Now the Republican candidate (Handel) couldn’t seem to *buy* a Mail-In/Opscan vote, *trailing* her DRE showings by 59.0 percent and 36.0 percent respectively. So it seemed that suddenly it was *Democrats* (or, more precisely, voters who selected the Democratic candidate⁴¹) who flocked to the mailbox to vote.

³⁹ See <https://www.cnn.com/2017/06/14/politics/congressional-shooting-victims/index.html>.

⁴⁰ See <https://www.aol.com/article/news/2017/06/15/gop-rep-mark-sanford-trump-partially-blame-rhetoric-scalise-baseball-shooting/22305640/>.

⁴¹ The distinction is significant. Analysts were able to obtain the voter registration data necessary to determine what portion of the Ossoff mail-in vote was cross-over by Republicans, a determination of great forensic significance. Using this data, in a drilldown too complex for presentation here, it was shown that no plausible benign scenario existed that could account for the radical disparity in voting patterns between

A Comparison of Vote-By-Mail Patterns For Voters in Georgia Sixth Congressional District 2012 - 2017

ELECTION YEAR	%Total Vote Margin (R win = +)	%DRE ¹ Vote Margin	%OPSCAN ² Vote Margin	%OPSCAN Vote Margin Minus %DRE Vote Margin ³
2012	29.0%	28.1%	43.1%	15.0%
2014	32.0%	31.9%	38.4%	6.5%
2016	23.4%	22.7%	33.0%	10.3%
2012 - 2016 Aggregate	28.1%	26.9%	38.0%	11.1%
2017 - Prelim ⁴	3.8%	5.8%	-53.2%	-59.0%
2017 - Runoff	3.8%	7.6%	-28.4%	-36.0%

1. DRE voting includes at-poll and early in-person voting.
2. OPSCAN voting includes only Vote-By-Mail voting.
3. A positive (+) percentage in this column indicates Republican performed better in OPSCAN vote than in DRE vote; i.e., Republican voters were more likely than Democratic voters to use Vote-By-Mail to cast their votes.
4. In 2017 Preliminary contest, D = Ossoff, R = All other candidates (12 R, 4D); Ossoff <50% = Runoff.

Or did they? What if the Ossoff mail-in vote advantage reflected not simply a flood of Democratic voters suddenly breaking with habit and deciding to vote by mail,⁴² but instead the verifiability of those paper ballots and their consequent relative resistance to risk-free manipulation? What if the mail-in votes as cast were not so wildly divergent from the in-person votes as cast? What if, instead, the unverifiable in-person votes were manipulated, *when*

votes cast and counted verifiably (i.e., on opscans) and unverifiably (i.e., on DREs). See <https://voterga.files.wordpress.com/2017/10/6th-district-runoff-statistical-analysis.pdf>.

⁴² Some were led to speculate that the surge of Democratic mail-ins in the June runoff might perhaps have been prompted in part by the Ossoff campaign's encouraging of vote-by-mail as a protection against DRE-based fraud. Having combed the campaign literature for that specific message, what we found was that the *Handel* campaign inserted vote-by-mail applications into at least one of its mailings, while the Ossoff campaign did not. Such "benign" explanations, where remotely plausible, certainly warrant serious investigation. *But so do the hardware and software that recorded and counted 90 percent of the GA-6 vote in invisible strings of 1s and 0s.*

they needed to be, with a big Ossoff lead to overcome on Election Day? What if one of the numerous known security breaches was exploited to alter the result of the election?

If these questions seem far-fetched, we owe it to ourselves (and to democracy) to ask the “opposite” question: What proof exists that the 90 percent of the vote count conducted on unverifiable and manifestly vulnerable DREs was *not* hacked or maliciously programmed, altered in the pitch-dark of cyberspace?

We might ask Kennesaw State Election Center Director Merle King or Georgia Secretary of State Brian Kemp for that proof, since it was in their possession and easy enough to furnish. And indeed legal action was pursued,⁴³ in which the server used by the state to tally the votes in the Handel-Ossoff contest—which held the programming for both the April 18 (preliminary) and June 20 (runoff) special elections—was sought in evidence. But—far from providing the sought-after proof—*four days after the filing of that suit*, officials at the Kennesaw State Center for Election Systems destroyed the key piece of hard evidence by completely erasing the server.⁴⁴ Ooops.

As justification, it was pointed out that the FBI had been given a copy of the server—but of course it was an *old* copy, given to the FBI in March 2017, prior to the programming of Handel-Ossoff. Then two other backup copies—the only ones known to exist with Handel-Ossoff programming—were located by Kennesaw State Center for Election Systems. For good measure, they were scrubbed by the Center on August 9—using a process called “degaussing” that magnetically and permanently destroys all data—the day after the suit was moved to federal court, according to the Georgia attorney general’s office.⁴⁵

⁴³ See [http://bradblog.com/Docs/CURLINGvKEMP\(2\)-ComplaintWithVerificationAndExhibits_070317.pdf](http://bradblog.com/Docs/CURLINGvKEMP(2)-ComplaintWithVerificationAndExhibits_070317.pdf).

⁴⁴ See <https://www.nbcnews.com/politics/politics-news/georgia-election-server-wiped-after-lawsuit-filed-n814581>. The scrubbing of the server occurred on July 7, 2017.

⁴⁵ For a full narrative of these maneuvers, see “Georgia Elections Data Destruction Audit,” at <https://voterga.files.wordpress.com/2018/04/georgia-elections-data-destruction-audit.pdf>. The “oops” defense was also on display in infamous Broward County, Florida, where the paper ballots from the August 2016 Democratic primary—in which challenger Tim Canova took on former DNC Chairwoman Debbie Wasserman Schultz for her U.S. House seat—were “inadvertently” destroyed while the subject of a public-records legal proceeding. The Florida Circuit Court recently ruled in plaintiff Canova’s favor (see <http://www.hollerbackfilm.com/blog/canovawinscase>) but, alas, the award of damages and attorney’s fees won’t bring back the ballots. Like the telltale

Even viewed in isolation, such blatant and brazen destruction of evidence fairly screams coverup. When viewed in the context of the election integrity movement’s 15-year no-hitter when it comes to access to the hard evidence, living witnesses, or “smoking guns” that are demanded as the ante to even begin a discussion, it screams ten times louder.⁴⁶

...

Things as They Are

I have found no solid ground for optimism that either the legislative or the judicial process will step up with the urgency and bravery required to steer our electoral ship off the shoals where it is foundering in time for our critical upcoming elections in 2018 and 2020. Some have attributed my depiction of this whole situation to cynicism. Aside from the fact that it would be tough to be a card-carrying cynic and continue for 15-odd years quixotically to advocate for election integrity in America, there is a world of difference between cynicism and a realistic appraisal of the cynicism of others.

There is nothing in my observation and understanding of human nature, modern American politics, or the specific behavior of those now in control of the federal and key state governments that leads to any real hope at all of imminent legislative reform to a secure, accountable, and above all observable, vote counting process for America. An encryption algorithm here,

data on the Georgia servers (and like the ballots from 58 Ohio counties in 2004, destroyed while under a standing federal court order), they are gone for good.

⁴⁶ Before leaving GA-6, I wish to cite it as a recent example of what I have called “electoral resonance”—the impact of elections *beyond* their determination of who is to occupy a given office. Handel-Ossoff—that is, Handel’s victory and Ossoff’s defeat—has already found its way into quite a few narratives of the zeitgeist and various trends of the Age of Trump, often quite far afield from mere political handicapping.

One example I came upon recently was a *Times* review by Katha Pollitt of a new book by Cecile Richards, the outgoing president of Planned Parenthood (at <https://www.nytimes.com/2018/04/25/books/review/cecile-richards-make-trouble.html?rref>). In her review at one point, Pollitt—referring to the 2012 fiasco in which the Susan G. Komen Foundation pulled its funding from Planned Parenthood, only to abruptly reverse course amidst a firestorm of protest—takes Richards gently to task for an omission: “But she [Richards] doesn’t say that the woman behind Komen’s ill-fated plan, Karen Handler (sic), defeated Jon Ossoff in a much-publicized Georgia congressional race.” The “fact” of Handel’s victory takes its place in support of Pollitt’s larger query: “I would have liked to read why [Richards] thinks the enemies of reproductive rights have been so [politically] successful.” That’s a question I would have been happy to take a forensic crack at.

a machine audit, paper trail or ballot-marking device there: these *a la carte* tweaks, and accompanying lip-service, should not be confused with meaningful reform to an observable process that warrants public trust.

Our electoral process was *designed* to be concealed. That concealment is fortified with a host of ancillary provisions designed to impede and ultimately thwart efforts, like the 2016 “recounts” or the post-election challenge in GA-6, to un-conceal it—and the office-holders (of either party) it has elected have no compelling incentive to change that.

They are very unlikely to be moved by ringing appeals to “fairness” or “democracy,” by letters or petitions or protests. As for “lobbying”—or, we might say, *buying* a little electoral integrity—well the EI forces have yet to tap into quite the cash reserves of Big Oil, Big Pharma, or Big Finance.

As I argue in proposing action steps in the next chapter, it is critical that we take stock of things as they are, not as we would wish them to be, so that we can begin to plan, organize, and do what needs to be done.

— VI —

THE WAY FORWARD

Those who make peaceful revolution impossible make violent revolution inevitable.

-- John F. Kennedy

I guess by now you've seen enough—more than enough, I hope—to be saying something like, “My God, this is serious. What can we, what can I, do about it?” The answer is, a lot. Let's begin with what we are, and what we're not, asking for.

...

But we neither expect, nor indeed seek, to remedy past fraud, to re-do elections, to unseat even the most suspiciously elected officeholders. We can't go back to E2014, let alone E2010 or E2004; even actionable investigation into 2016's putrescent elections has long exceeded its sell-by date and become academic, the “Russians” notwithstanding. There *is* no going back. That is all water under the bridge and, even if we suspect it is filthy and polluted water, there is nothing in the real world to be done about it.

The only remedy we seek is prospective—that we *begin*, in our communities and as a nation, to count our votes once again in public and not in the partisan, proprietary, pitch-dark of cyberspace. That is the very most or, to put it another way for those fearful of upheaval or instability, the very “worst” that can come of all our efforts to have the matter of vote counting in America taken seriously.

An observable count of votes will not immediately undo the anti-democratic damage that has been inflicted upon our electoral and political systems during the era of computerized voting. Districts will remain gerrymandered;

voter suppression schemes will still be on the books; *Citizens United* will remain the law of the land and floods of corporate cash will not be readily diverted; the federal courts will stay stacked. The Age of Trump may have arrived by fraud but it will not turn out to have been fake news. It is a very, very deep hole America has dug. *But without observable vote counting Americans will have not even a shovel with which to try to dig our nation out.*

...

How to Get There from Here?

At this point in prior editions I proposed steps like counting or auditing mock elections as training for the real thing and to show it could be done.¹ I'm going to skip over that now—we're past it. We're in the Age of Trump, the Age of Lies, a fractured nation living on the edge, and the time is short. The Dutch took a whiff of our 2016 election and then took one weekend to decide to count their 2017 national election by hand in public; the Norwegians not much longer. If we are going to allow a plutocratic oligarchy to rule our country, we really don't have to *bother* with elections. But if we're *going* to bother with elections, we'd damned well better restore their integrity before fatal damage is done, and done in our name.

...

But what if the Parkland students and their host of followers went one step farther? They quickly recognized that *marching* wasn't enough, that it would take *voting*. What if they grasped that *voting* wasn't enough, that it would take ensuring the honest and accurate *counting* of those votes? And what if they took it even one step *farther* and said, "That's a job we can do!" and then produced *another* contract, also consisting of a single, simple sentence:

"I [name of student/parent/teacher] promise that I will be available to serve as a volunteer counter or auditor of votes in one primary or general election in my county in 2018."

¹ Having participated in a pilot for such an undertaking, I am happy to report that even the counting of mock ballots in what we all knew was a mock election brought out a genuine *esprit de corps* in every one of the two dozen or so counters. Two hours flew by and, although the election was "mock," the feeling of civic pride in the room was very real.

How powerful would that be! How “Ask not what your country can do for you
...!”

...

Like the Parkland students, we all have causes, we all have passions (especially now), and we all have a stake. One way or another, we will have to come together and work together in our demand for observable vote counting. And we will have to *focus* that demand and apply it like a welder’s torch to the joints of the electoral system—from the local administrators who are responsible for many of the decisions impacting the conduct of our elections, to the federal and state governments that could provide comprehensive reform with the stroke of a pen.²

We will also have to be prepared to back up our demand for observable vote counting with civil action and, to the extent that all more cooperative tactics have been exhausted, with civil disobedience.

Why such a drastic call to action? Why not just start, or continue, writing letters to the editors and our representatives? Why not just keep gathering data, doing analyses, comparing exit polls and votecounts, making alarming statements about this or that aspect of a process that has long been a rock of national faith, quite likely the very first thing that comes into your mind when you think of the great achievements of America?

Because the system has proven itself terminally unresponsive. And because it has been designed, or re-designed, to withhold its best evidence, to tease us with exit polls and baselines, anomalies and upslopes, while keeping concealed the only data that could definitively answer the critical questions of whether the vote counting was honest and accurate, and who actually won each and every election.

And because the national crisis that is the Age of Trump has changed the game and drastically shortened what was already an urgent timeframe.

² In the short term—given the manifest vulnerability of E2018 and given that, in many if not most states, recounts are effectively unobtainable—an immediate push must be made for legislation opening the door (and removing the insurmountable hurdles, both financial and administrative) to recounts when reasonable questions arise regarding the computer counts in contests this November. See <https://www.opednews.com/articles/US-Elections-Under-Attack-by-Allegra-Dengler-Elections-And-Campaigns-Elections-Candidates-Funding-Hackers-180426-397.html>.

...

What is needed is the immediate restoration of a public, observable vote counting process—achieved either through the manual counting of voter-marked paper ballots or through a uniform, public, and statistically sufficient manual auditing process. Nothing less will serve to protect our electoral process from both foreign and domestic meddling. And nothing less will provide a basis for the restoration of public trust in the legitimacy of our electoral results.

With conventional approaches having shown their inadequacy to this purpose—the reform being far too little and far too slow—and with the voting process itself so likely compromised and the power of the vote itself thereby effectively negated, where can we as a public turn? Put very bluntly, what are our remaining weapons in this fight?

...

STUDY II.

Landslide Denied: Exit Polls vs. Vote Count 2006

Demographic Validity of the National Exit Poll and the Corruption of the Official Vote Count

Jonathan Simon, JD, and Bruce O'Dell¹
Election Defense Alliance

Pre-Election Concern, Election Day Relief, Alarming Reality

There was an unprecedented level of concern approaching the 2006 Election (“E2006”) about the vulnerability of the vote counting process to manipulation. With questions about the integrity of the 2000, 2002 and 2004 elections remaining unresolved, with e-voting having proliferated nationwide, and with incidents occurring with regularity through 2005 and 2006, the alarm spread from computer experts to the media and the public at large. It would be fair to say that America approached E2006 with held breath.

For many observers, the results on Election Day permitted a great sigh of relief—not because control of Congress shifted from Republicans to Democrats, but because it appeared that the public will had been translated more or less accurately into electoral results, not thwarted as some had feared. There was a relieved rush to conclude that the vote counting process had been fair and the concerns of election integrity proponents overblown.

Unfortunately, the evidence forces us to a very different and disturbing conclusion: there was gross votecount manipulation and it had a great impact on the results of E2006, significantly decreasing the magnitude of what would have been, accurately tabulated, a landslide of epic proportions. Because much of this manipulation appears to have been computer-based, and therefore

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invisible to the legions of at-the-poll observers, the public was informed of the usual “isolated incidents and glitches” but remains unaware of the far greater story: The electoral machinery and vote counting systems of the United States did not honestly and accurately translate the public will and certainly cannot be counted on to do so in the future.

The Evidentiary Basis

Our analysis of the distortions introduced into the E2006 votecount relies heavily on the official exit polls once again undertaken by Edison Media Research and Mitofsky International (“Edison/Mitofsky”)² on behalf of a consortium of major media outlets known as the National Election Pool (NEP). In presenting exit poll-based evidence of votecount corruption, we are all too aware of the campaign that has been waged to discredit the reliability of exit polls as a measure of voter intent.

Our analysis is not, however, based on a broad assumption of exit poll reliability. Rather we maintain that the national exit poll for E2006 contains within it specific questions that serve as intrinsic and objective yardsticks by which the representative validity of the poll’s sample can be established, from which our conclusions flow directly.

For the purposes of this analysis our primary attention is directed to the exit poll in which respondents were asked for whom they cast their vote for the House of Representatives.³ Although only four House races (in single-district states) were polled as individual races, an additional nationwide sample of more than 10,000 voters was drawn,⁴ the results representing the aggregate vote for the House in E2006. The sample was weighted according to a variety of demographics prior to public posting, and had a margin of error of +/- 1%.⁵

² Warren Mitofsky, the inventor of exit polling, died suddenly on September 1, 2006, of an apparent aneurysm, while fine tuning the exit polling system to be used by the National Election Pool in E2006. His successors at Edison/Mitofsky were, if anything, less cooperative in sharing information about their operation.

³ Edison/Mitofsky exit polls for the Senate races also present alarming disparities and will be treated in a separate paper. The special significance of the House vote is that, unlike the Senate vote, it offers a nationwide aggregate view.

⁴ The sample size was roughly equal to that used to measure the national popular vote in presidential elections. At-precinct interviews were supplemented by phone interviews where needed to sample early and absentee voters.

⁵ We note with interest and raised brows that the NEP is now giving the MOE for their national sample as +/-3% (<http://www.exit-poll.net/faq.html#a15>). This is rather curious, as their published Methods Statement in 2004 assigns to a sample of the same

When we compare the results of this national exit poll with the total vote count for all House races we find that once again, as in the 2004 Election (“E2004”), there is a very significant exit poll-vote count disparity. **The exit poll indicates a Democratic victory margin nearly 4%, or 3 million votes, greater than the margin recorded by the vote counting machinery.** This is far outside the margin of error of the poll and has less than a one in 10,000 likelihood of occurring as a matter of chance.

The Exit Polls and The Vote count

In E2004 the only nontrivial argument against the validity of the exit polls—other than the mere assumption that the vote counts *must* be correct—turned out to be the hypothesis, never supported by evidence, that Republicans had been more reluctant to respond and that therefore Democrats were “oversampled.” And now, in E2006, the claim has once again been made that the Exit Polls were “off” because Democrats were oversampled.⁶ Indeed this claim of sampling *bias* is by now accepted with something of a “so what else is new?” shrug. The 2006 Exit Poll, however, contains *intrinsic yardsticks* that directly refute this familiar and convenient claim. But before turning to the yardstick questions themselves, we need to clarify certain aspects of exit polling data presentation that have often proven confusing.

size and mode of sampling the expected MOE of +/-1% (see Appendix 2 for both NEP Statements). Perhaps the NEP intends its new methodology statement to apply to its anticipated effort in 2008 and is planning to reduce the national sample size by 75% for that election; we hope not. It of course makes no sense, as applied to E2004 or E2006, that state polls in the 2000-responder range should yield a MOE of +/-4%, as stated, while a national poll of more than *five times* that sample size should come in at +/-3%. It would certainly be useful in quelling any controversy that has arisen or might arise from exit poll-vote count disparities far outside the poll’s MOE, but it is, to our knowledge, not the way that statistics and mathematics work.

⁶ See for example David Bauder, AP, in a November 8 article at <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/08/AR2006110800403.html>. Oddly enough, “oversampling” of Democrats has become a chronic ailment of exit polls since the proliferation of e-voting, no matter how diligently the nonpartisan collection of experts at the peak of their profession strives to prevent it. Of course the weighting process itself is undertaken to bring the sample into close conformity with the known and estimated characteristics of the electorate, including partisanship; so the fact that more of a given party’s adherents were actually sampled, while it would be reflected in the unpublished raw data, would not in fact bias or affect the validity of the published *weighted* poll. *That is the whole point of weighting*, in light of which the hand-wringing about Democratic oversampling strikes us as misunderstanding at best, and quite possibly intended misdirection.

Any informed discussion of exit polling must distinguish among three separate categories of data:

- 1) **“Raw” data**, which comprises the actual responses to the questionnaires simply tallied up; this data is never publicly released and, in any case, makes no claim to accurately represent the electorate and cannot be usefully compared with votecounts.
- 2) **“Weighted” data**, in which the raw data has been weighted or stratified on the basis of numerous demographic and voting pattern variables to reflect with great accuracy the composition and characteristics of the electorate.
- 3) **“Forced” or “Adjusted” data**, in which the pollster *overrides* previous weighting in order to make the "Who did you vote for?" result in a given race match the votecount for that race, however it distorts the demographics of the sample (that's why they call it "forcing").

Because the NEP envisions the post-election purpose of its exit polls as being limited to facilitating academic dissection of the election's dynamics and demographics (e.g., “How did the 18-25 age group vote?” or “How did voters especially concerned with the economy vote?”), the NEP methodology calls for “correcting” or “adjusting” its exit polls to congruence with the actual vote percentages after the polls close and actual returns become available. *Exit polls are “corrected” on the ironclad assumption that the votecounts are valid.* This becomes the supreme truth, relative to which all else is measured, and therefore it is assumed that polls that match these votecounts will present the most accurate information about the demographics and voting patterns of the electorate. A *distorted* electorate in the adjusted poll is therefore a powerful indicator of an invalid votecount.

We examined both “weighted” and “adjusted” exit polls of nationwide vote for the House of Representatives published by the NEP. On Election Night, November 7, 2006 at 7:07 p.m., CNN.com posted a national exit poll that was demographically weighted but not yet adjusted to congruence with the votecounts.⁷ We call this the **Weighted National Poll**. At various intervals over the next 18 hours, as polls closed and official tabulations became available, the results presented in the Weighted National Poll were progressively “corrected” to match the official vote totals, culminating in a

⁷ The 7:07 p.m. poll reported a 10,207 sample size and, in accordance with NEP methodology, the raw data had been weighted to closely match the demographics of the electorate.

fully adjusted national exit poll posted on CNN.com at 1 p.m. November 8, 2006. We call this the **Adjusted National Poll**. We will make reference to both polls in the analysis that follows.

The 2006 national vote for the House, as captured by the Weighted National Poll, was 55.0% Democratic and 43.5% Republican—an 11.5% Democratic margin. By 1:00 p.m. on November 8, the Adjusted National Poll reported the overall vote for the House as 52.6% Democratic and 45.0% Republican, just a 7.6% margin.⁸ This 7.6% Democratic margin of course matched the tabulated vote count but was 3.9% smaller than that recorded by the Weighted National Poll the night before. *This was a net difference of 3 million votes fewer for the Democrats.*

Did the 2006 Exit Poll Oversample Democrats? Cross-tabs Answer this Question

The national exit poll administered by Edison/Mitofsky for the NEP is not, as some may imagine, a simple “Who did you vote for?” questionnaire. It poses some 40 to 50 additional questions pertaining to demographic, political preference, and state-of-mind variables. Voters are asked, for example, about such characteristics as race, gender, income, age, and also about such things as church attendance, party identification, ideology, approval of various public figures, importance of various issues to their vote, and when they made up their minds about whom to vote for.

When the poll is posted, these characteristics are presented in a format, known as “cross-tabs,” in which the voting choice of respondents in each subgroup is shown. For example, respondents were asked whether they thought the United States “is going in the right direction.” In the Weighted National Poll, the cross-tab for this characteristic (see below) shows us that 40% said Yes and 56% said No; and further that, of the 40% subgroup who said Yes, 21% voted Democrat and 78% voted Republican for House of Representatives, while, of

⁸ Analysts noticing the substantial increase in “respondents” between the Weighted (10,207) and Adjusted (13,251) National Polls may understandably but erroneously conclude that the shift between the two polls is the result of a late influx of Republican-leaning respondents. This is not the way it works. Since these are both weighted polls, each is in effect “tuned” to a profile of the electorate assumed to be valid—the Weighted National Poll to a set of established demographic variables and the Adjusted National Poll to the vote count once it is tabulated. The published number of respondents is *irrelevant* to this process and has significance only as a guide to the poll’s margin of error. 10,000+ respondents is a *huge* sample (cf. the 500 – 1500 range of most tracking polls), and obviously an ample basis on which to perform the demographic weighting manifest in the Weighted National Poll.

the 56% who said No, 80% voted Democrat and 18% voted Republican. We also see that this question is quite highly correlated with voting preference, with fully four-fifths of the “pessimists” voting Democratic.

IS U.S. GOING IN RIGHT DIRECTION?		
TOTAL	Democrat	Republican
Yes (40%)	21%	78%
No (56%)	80%	18%

Cross-tabs vary greatly in the degree to which the characteristic is correlated with voting preference. The more strongly correlated, the more important the cross-tab becomes in assessing the poll’s validity as an indicator of the vote.

Prior to public posting the exit poll data is weighted according to a *variety* of demographics, in such a way that the resulting cross-tabs closely mirror the expected, independently measurable characteristics of the electorate as a whole. The cross-tabs, in turn, tell us about the sample, giving us detailed information about its composition and representativeness. This information is of critical importance to our analysis because among the many questions asked of respondents there are several that enable us to tell whether the sample is valid or *politically biased* in one direction or another. These are the “intrinsic yardsticks” to which we have made reference.

Among the most salient yardstick questions were the following:

- Job Approval of President Bush
- Job Approval of Congress
- Vote for President in 2004

With respect to each of these yardsticks the composition of the sample can be compared to measures taken of the voting population as a whole, giving us a very good indication of the validity of the sample. Examining these cross-tabs for the Weighted National Poll—the 7:07 p.m. poll that was written off by the media as a “typical oversampling of Democrats”—this is what we found:

- Approval of President Bush: 42%
- Approval of Congress: 36%
- Vote for President in 2004: Bush 47%, Kerry 45%

When we compare these numbers with what we know about the electorate as a whole going into E2006, we can see at once that the poll that told us that the Democratic margin was 3 million votes greater than the computers toted up was not by any stretch of the imagination an oversampling of Democrats. Let's take each yardstick in turn.

Presidential Approval Rating

We can compare the 42% approval of President Bush in the Weighted National Poll with any or all of the host of tracking polls measuring this critical political variable in the weeks and days leading up to the election. It is important when comparing approval ratings to make sure that we compare apples with apples, since the question can be posed in different ways leading to predictably different results. The principal formats of the approval measure are either simply "Do you approve or disapprove. . .?" or "Do you strongly approve, somewhat approve, somewhat disapprove, or strongly disapprove. . .?" We can call these the *two-point* and *four-point* formats respectively. By repeatedly posing the question in both formats on the same days, it has been determined that the four-point format consistently yields an approval rating 3-4% higher than the two-point format.⁹

Bearing this in mind and comparing the Weighted National Poll respondents' approval of President Bush with that registered by the electorate going into the election, we find very close parity. PollingReport.com catalogues 33 national polls of Presidential approval taken between October 1 and Election Day using the two-point format, with an average (mean) approval rating of 37.6%.¹⁰ This translates to a 41% approval rating in the four-point format used for the Weighted National Poll. A direct comparison is also possible with the Rasmussen tracking poll, which unlike the other tracking polls uses the four-point format. The Rasmussen approval rating for October 2006 is also 41%, with 57% disapproving.¹¹ Thus, the 42% approval of President Bush in the

⁹ See http://www.rasmussenreports.com/public_content/politics/polling_methodology_job_approval_ratings. As Rasmussen notes, the 3-4% upwards adjustment in the four-point format impounds the virtual elimination of the "Not Sure" response obtained with greater frequency in the two-point format.

¹⁰ See <http://www.pollingreport.com/BushJob.htm>. Typical of the national polls included are Gallup, AP-Ipsos, Newsweek, Fox/Opinion Dynamics, CBS/New York Times, NBC/Wall Street Journal, and ABC/Washington Post. The median approval rating is 37.4%, indistinguishable from the mean, and there is no discernible trend up or down over the Oct. 1 – Nov. 7 period.

¹¹ See http://www.rasmussenreports.com/public_content/politics/political_updates/president_bush_job_approval. The rating combines "strong" and "somewhat" approve and is the average of Rasmussen's daily tracking polls conducted throughout the month.

Weighted National Poll matches the figure established for the electorate as a whole going into the election; in fact, it is 1% “over par.” As Bush approval correlates very strongly with voting preference (see below), an oversampling of Democrats would unavoidably have been reflected in a lower rating. The rating at or above the established level thus provides the first confirmation of the validity of the Weighted National Poll.

TOTAL	Democrat	Republican
Approve (42%)	15%	84%
Disapprove (58%)	83%	15%

Congressional Approval Rating

As with the Presidential approval yardstick, comparison between the 36% of the Weighted National Poll sample that approved of how Congress was handling its job and the value established for the electorate in numerous tracking polls corroborates the Weighted National Poll’s validity. The mean of the 17 national polls catalogued by the PollingReport.com measuring approval of Congress between October 1 and Election Day (all employing the two-point format) was 27.5% approval.¹² Translating to the four-point format used for the exit poll yields a comparable approval rating of 31%, a full 5% *below* the Congressional approval given by the Weighted National Poll respondents. As with the Presidential rating, approval of what was at that point a Republican Congress correlates strongly with voting preference (see below). We would have expected an oversampling of Democrats to give a *lower* approval rating to Congress than did the electorate it was supposedly misrepresenting. Instead the Weighted National Poll yielded a significantly *higher* Congressional approval rating—indicative, if anything, of an oversampling of Republicans.

TOTAL	Democrat	Republican
Strongly Approve (5%)	29%	70%
Somewhat Approve (31%)	25%	73%
Somewhat Disapprove (32%)	62%	37%
Strongly Disapprove (30%)	81%	16%

Vote for President in 2004

¹² See <http://www.pollingreport.com/CongJob.htm>.

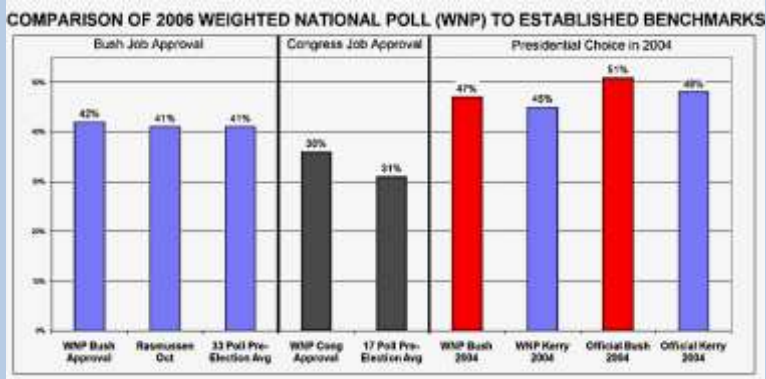
Edison/Mitofsky asked all respondents how they had voted in the 2004 Presidential election. The Weighted National Poll sample included 45% who said they had voted for Kerry and 47% who said they had voted for Bush (8% indicating they had not voted or voted for another candidate). This Bush margin of +2% closely approximates the +2.8% margin that Bush enjoyed in the official popular vote count for E2004.

VOTE FOR PRESIDENT IN 2004		
TOTAL	Democrat	Republican
Kerry (45%)	93%	6%
Bush (47%)	17%	82%

While poll respondents have often shown some tendency to indicate they voted for the sitting president when questioned at the time of the next presidential election (i.e., four years out), Bush’s historically low approval rating, coupled with his high relevance to this off-year election, and the shorter time span since the vote in question, make such a generic “winner’s shift” singularly unlikely in E2006.

And while we present the reported 2.8% Bush margin in 2004 at face value, it will not escape notice that the distortions in vote tabulation that we establish in the current paper were also alleged in 2004, were evidenced by the 2004 exit polls, and were demonstrably achievable given the electronic voting systems deployed at that time. We note that, if upon retrospective evaluation the unadjusted 2004 exit polls prove as accurate as the 2006 exit polls appear to be, and their 2.5% margin for *Kerry* in 2004 is taken as the appropriate baseline, a correctly weighted sample in 2006 would have included even more Kerry voters and even fewer Bush voters than Edison/Mitofsky’s Weighted National Poll, with a substantial consequent up-tick in the Democratic margin beyond the 3 million votes thus far unaccounted for.

These critical comparisons between measures taken of the Weighted National Poll sample and established benchmarks are presented together in the chart immediately below.



There should be little question that the three yardsticks presented above conclusively refute the glib canard that the National Exit Poll disparity was due to an oversampling of Democrats. Two additional cross-tabs are, however, worthy of note in this regard: Vote by Race and Vote by Party ID.

Vote by Race

The Weighted National Poll sample, as can be seen below, is 80% White, 10% African-American, and 8% Latino in composition, with Whites splitting their vote evenly between the parties while Latinos and particularly Blacks voted overwhelmingly Democratic.

VOTE BY RACE		
TOTAL	Democrat	Republican
White (80%)	49%	49%
African-American (10%)	88%	12%
Latino (8%)	72%	28%
Asian (1%)	65%	35%
Other (2%)	59%	38%

We can compare these demographics with an established measure of the electorate published by the University of Michigan Center for Political Studies. The ANES Guide to Public Opinion and Electoral Behavior is a longitudinal study of many aspects of the American electorate, including racial

composition.¹³ The chart below presents the ANES results for the past six biennial national elections.¹⁴

	'94	'96	'98	'00	'02	'04
White :	78	72	74	74	75	70
Black :	12	14	12	13	12	16
Asian :	2	2	1	3	2	3
Native American:	3	5	3	3	2	4
Hispanic :	6	8	9	7	8	8
Other :	-	-	-	-	2	-

As can be seen by comparing the charts above, in *none* of the past six elections was the White participation as high or the Black participation as low as represented in the Weighted National Poll.¹⁵ The average White proportion of the electorate was 74%, 6% below the exit poll’s representation of Whites, while the average Black proportion was 13%, 3% above the exit poll’s representation of Blacks. The relative under-representation of every strong Democratic constituency in this cross-tab, in favor of the least Democratic voting bloc, hardly jibes with the “Invalid: Oversampled Democrats” label cheerfully pasted on the Weighted National Poll.

Vote by Party ID

Though Vote by Party ID generally fluctuates relatively modestly from one election to the next, it is, not surprisingly, nonetheless sensitive to the dynamics of atypical turnout battles. While we will address the E2006 turnout dynamics more fully in a later section, for the present we will simply note that a Democratic turnout romp was generally acknowledged in 2006, Republican voters having a number of late-breaking reasons for staying home.

¹³ The American National Election Studies; see www.electionstudies.org. Produced and distributed by the University of Michigan, Center for Political Studies; based on work supported by the National Science Foundation and a number of other sponsors.

¹⁴ The full chart, dating to 1948, may be referenced at http://www.electionstudies.org/nesguide/toptable/tab1a_3.htm.

¹⁵ Asian and Native American voters, also strong Democratic constituencies, likewise seem to be significantly under-represented in the Weighted National Poll. The ANES results for 2006 are due to be published later this year. In *E2004* the Weighted National Poll was 77% White and 11% Black, as opposed to the ANES proportions of 70% and 16% respectively. It was this disproportionately White sample—supposedly short on “reluctant” Bush responders, but in reality overstocked with White voters who favored Bush by a margin of 11% and under-stocked with Black voters who favored Kerry by a margin of 80%!—that gave Kerry a 2.5% *victory* in the nationwide popular vote.

In the Weighted National Poll, Democratic voters comprised 39% of the sample to 35% for the Republicans, as shown below.

TOTAL	Democrat	Republican
Democrat (39%)	93%	6%
Republican (35%)	9%	90%
Independent (26%)	58%	38%

Only 20 states register their voters by party so there is no direct comparison to be made to actual registration figures. But the ANES Guide once again proves useful. The chart below records party identification amongst the electorate as a whole on a seven-point scale, but the comparison is convincing.¹⁶

	'94	'96	'98	'00	'02	'04
Strong Democrat :	15	18	19	19	17	17
Weak Democrat :	19	19	18	15	17	16
Independent Democrat :	13	14	14	15	15	17
Independent Independent:	11	9	11	12	8	10
Independent Republican :	12	12	11	13	13	12
Weak Republican :	15	15	16	12	16	12
Strong Republican :	15	12	10	12	14	16
Apollitical :	1	1	2	1	1	0

In each of the past six biennial national elections through 2004, self-identified Democrats have outnumbered Republicans. The margins for 1994, 1996, 1998, 2000, 2002, and 2004 have been +4%, +10%, +11%, +10%, +4%, and +5% respectively. If Independent leaners are included, the Democratic margin increases every year, to +5%, +12%, +14%, +12%, +6%, and +10% respectively. These are very consistent numbers confirming a consistent plurality of self-identified Democratic voters from election to election.¹⁷ The 4% Democratic plurality in the Weighted National Poll sample is seen to be at

¹⁶ The full chart, dating to 1952, may be referenced at http://www.electionstudies.org/nesguide/toptable/tab2a_1.htm.

¹⁷ It is worth noting that among the most suspicious demographic distortions of the Adjusted National Poll in *E2004* was the Party ID cross-tab, which indicated an electorate *evenly* divided between self-identified Democrats and Republicans at 37% apiece. Not only was this supposed parity unprecedented, but it flew in the face of near-universal observational indications of a major Democratic turnout victory in 2004: not only in Ohio but nationwide, long lines and hours-long waits were recorded at inner-city and traditionally Democratic precincts, while literally no such lines were observed and no such complaints recorded in traditionally Republican voting areas (see EIRS data at <https://voteprotect.org/index.php?display=EIRMapNation&tab=ED04>).

the extreme *low* end of the margins recorded since 1994, matching only the 4% Democratic margins recorded in the major *Republican* victories of 1994 and 2002. But E2006 was a major *Democratic* victory and, as will be seen, a likely *turnout landslide*.

While it would probably insult the intelligence of the media analysts who proclaimed that the E2006 Weighted National Poll was “off” because it had oversampled Democrats to even suggest the possibility that one or more of them took the 39% - 35% Democratic ID margin in the poll to be indicative of Democratic oversampling—such misinterpretation quickly spreading among, and taking on the full authority of, the Election Night punditry—it is very difficult to comprehend by what *other* measure the Election Night analysts, and all who followed their lead, might have reached that manifestly erroneous, though obviously comforting, conclusion.

In short, there is no measure anywhere in the Weighted National Poll—in which the Democratic margin nationwide was some 3 million votes greater than tabulated by the machines—that indicates an oversampling of Democrats. Any departures from norms, trends, and expectations indicate just the opposite: a poll that likely undersampled Democratic voters and so, at 11.5%, *understated* the Democratic victory margin.

The Adjusted National Poll: Making the Vote-Count Match

In the wake of our primary analysis of the validity of the Weighted National Poll, consideration of the Adjusted National Poll is something of an afterthought, though it does serve to further reinforce our conclusions.

As we described earlier, in the “adjusted” or “corrected” poll the pollster overrides all previous weighting to make the “Who did you vote for?” result in a given race (or set of races) match the vote count for that race, however it distorts the demographics of the sample. In the Adjusted National Poll, which appeared the day after the election and remains posted (with a few further updates not affecting this analysis) on the CNN.com website, Edison/Mitofsky was faced with the task of matching the tabulated aggregate results for the set of House races nationwide. This translated to reducing the Democratic margin from 11.5% to 7.6% by giving less weight to the respondents who said they had voted for a Democratic candidate and more weight to the respondents who said they had voted Republican. Of course this process, referred to as “forcing,” also affects the response to every question on the questionnaire, including the demographic and political preference questions we have been considering.

The most significant effect was upon “Vote for President in 2004.” In order to match the results of the official tally, the Adjusted National Poll was forced to depict an electorate that voted for Bush over Kerry *by a 6% margin* in 2004, more than twice the “actual” margin of 2.8%, taken charitably at face value for the purposes of this analysis.

TOTAL	Democrat	Republican
Kerry (43%)	92%	7%
Bush (49%)	15%	83%

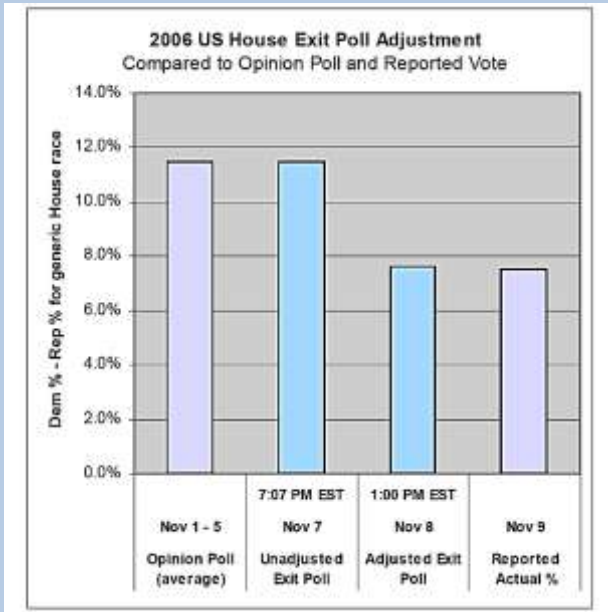
As might be expected, other yardsticks were also affected: Bush approval increases to 43%; Congressional approval to 37%; and Party ID shifts to an implausible 38% Democratic, 36% Republican.

There were, as we identified earlier, indications that the Weighted National Poll itself may have undersampled voters who cast their votes for the Democratic House candidates.¹⁸ The Adjusted National Poll compounds such distortions in order to present an electorate cut to fit the official vote totals. If such an adjusted poll yields inaccurate and distorted information about the demographics and voting patterns of the electorate, then very basic logic tells us that the votecount it was forced to match is itself invalid. This of course corroborates the story told by the Weighted National Poll, as well as by the pre-election polls, as shown in the graph below.¹⁹

¹⁸ To the extent that weighting is based on prior turnout patterns, a significant shift in the turnout dynamic, as was apparent in E2006, would be one cause for this undersampling. A second and more disturbing cause: “actual” results from recent elections, which themselves have been vulnerable to and distorted by electronic mistabulation, fed into the weighting algorithms.

¹⁹ The 11.5% Democratic margin in the Weighted National Poll was strictly congruent with the 11.5% average margin of the seven major national public opinion polls conducted immediately prior to the election. Indeed, this 11.5% pre-election margin was drawn down substantially by the appearance of three election-week “outlier” polls, which strangely came in at 7%, 6%, and 4% respectively. To put this in perspective, excluding these three polls, 30 of the 31 other major national polls published from the beginning of October up to the election showed the Democratic margin to be in double-digits, and the single exception came in at 9%. See http://www.realclearpolitics.com/epolls/2006/house/us/generic_congressional_ballot-22.html.

It is also worth noting that most pre-election polls shift, in the month before the election, to a “likely-voter cutoff model” (LCVM) that excludes *entirely* any voters not highly likely (on the basis of a battery of screening questions) to cast ballots; that is, it excludes *entirely* voters with a 25% or even 50% likelihood of voting. Since these are disproportionately transients and first-time voters, the less educated and affluent, it is also a correspondingly Democratic constituency that is disproportionately excluded.



See Appendix 1 for detailed tabular presentation of the above data.

Plausible Explanations?

Since, as we have seen, the Weighted National Poll’s inclusion of Democratic voters (or, better put, voters with characteristics making them likely to vote Democratic) either jibes with or falls somewhat short of established benchmarks for the electorate, there are only two possible explanations for the

Ideally these voters should be down-weighted to their estimated probability of voting, *but that probability is not 0%*. By excluding them entirely, these pre-election polls build in a pro-Republican bias of about 2-5%, which *anomalously* in 2006 appears to have been offset by the significantly greater enthusiasm for voting on the part of the Democrats, reflected in an elevated LCVCM failure rate among Republicans responding negatively or ambivalently to the battery question about their intention to vote in E2006. Dr. Steven Freeman, visiting professor at the University of Pennsylvania’s Center for Organizational Dynamics, has examined this phenomenon in great detail.

Of course, one of the reasons for the recent shift to the LVCVM—a methodology that pollsters will generally admit is distorted but which they maintain nonetheless “gets it right”—is that pollsters are *not* paid for methodological purity, *they are paid to get it right*. From the pollster’s standpoint, getting it right is the measure of their success whether the election is honest or the fix is in. The reality is that distorted vote counts and a distorted but “successful” pre-election polling methodology wind up corroborating and validating each other, *with only the exit polls (drawn from actual voters) seeming out of step*.

dramatic disparity between it and the official vote count: either Republicans unexpectedly turned out in droves and routed the Democrats in the E2006 turnout battle, or the official vote count is dramatically “off.”

To our knowledge no one has contended the former. With good reason: there are a plethora of measures, including individual precinct tallies and additional polling data that we will examine in the next section, that confirm the obvious—the Democrats were the runaway winners of the 2006 Get-Out-The-Vote battle. Indeed, it is generally acknowledged that Republican voters stayed home in droves, dismayed and turned-off by the late-breaking run of scandals, bad news, and missteps.²⁰

Hence it must be the reported nationwide vote tally which is inaccurate. Although this is, to put it mildly, an unwelcome finding, it is unfortunately consonant with the many specific incidents of vote-switching and mistabulation reported in 2006, with an apparent competitive-contest targeting pattern,²¹ and with a host of other evidence and analysis that has emerged about electronic voting technology as deployed in the United States.

So Why Did the Republicans *Lose*?

It will no doubt be objected that if such substantial manipulation of the vote counts is possible, why would it stop short of bringing about a general electoral *victory*? While we would naturally like to credit the heightened scrutiny engendered by the untiring efforts of election integrity groups, an awakening media, and a more informed and vigilant public; an alternative, more chilling, explanation has emerged—simply that the mechanics of manipulation (software modules, primarily; see Appendix 3) had to be deployed before late-breaking pre-election developments²² greatly expanded the gap that such manipulation would have been calibrated to cover.

²⁰ Indeed, once on-going analysis fully quantifies the extent of the Democrats’ turnout victory, it will be time to recalculate upward the magnitude of the vote miscount in 2006.

²¹ Our paper on competitive contest targeting is scheduled for publication in August 2007.

²² The powerful impact of the succession of lurid scandals (Foley, Haggard, Sherwood, et al) is clear from the Weighted National Poll responses in which voters were asked about the importance of “corruption/ethics:” 41% responded “extremely important” and another 33% “very important,” *the highest response of all the “importance” questions*, outstripping even the importance of “terrorism.” Iraq, another source of late-breaking negatives for the GOP, also scored high on the importance scale (36% extremely, with this category breaking for the Democrats 61% -38%).

To quantify the extraordinary effect of the various “October surprises,” we reference below the Cook Political Report National Tracking Poll’s Generic Congressional Ballot, ordinarily a rather *stable* measure:²³

GENERIC CONGRESSIONAL BALLOT (Most Likely Voters)

Date	This Poll	
Sample Size/MoE	807/3.5%	
MLV	Dem	Rep
Oct. 26-29	61	35
Oct. 19-22	57	35
Oct. 5-8	50	41
Sept. 27-30	51	35
Sept. 21-24	49	41

Thus the Democratic margin among most likely voters increased from 9% (50% - 41%) to 26% (61% - 35%) during the month of October, an enormous 17% jump occurring *after* the vote-shifting mechanisms were, or could be, deployed.

It should be noted that among the various tracking polls, there were some that did not pick up the dramatic trend reflected in the Cook poll. Indeed, Cook’s own parallel tracking poll of all *registered* voters (not screened for likelihood of turnout) found only a modest gain of 2% in the Democratic margin over the same period. This is indicative of the phenomenon to which we have already made reference: what most boosted the Democrats during the month of October was an extraordinary gain in the relative *motivation and likelihood of turning out* among their voters. It supports our belief that it was primarily the exceptional turnout differential, understandably missed by exit polls calibrated to historical turnout patterns, that would have given the Democrats an even greater victory than the 11.5% reflected by the Weighted National Poll, in an honestly and accurately counted election.

²³See <http://www.cookpolitical.com/poll/ballot.php>.

Implications

The 2006 Election gave the Democrats control of both houses of Congress, by margins of 31 seats (233 – 202) in the House and two seats (51 – 49) in the Senate. The Democrats won 20 House races and four Senate races by margins of 6% of the vote or less.²⁴ The odds are very good that the outcomes of most if not all of these races would have been reversed a month earlier, post-deployment of vote shifting mechanisms but pre-October surprises, before the resulting dramatic movement to the Democrats as reflected in the 17% Generic Ballot jump. The ballpark *sans*-October Surprise numbers: 222R – 213D in the House and 53R – 47D in the Senate.

Absent a very Blue October, which came too late to be countered by deployment of additional vote-shifting mechanisms, we can conclude that, with the assistance of the vote-shifting mechanisms already deployed, the Republicans would almost certainly have maintained control of both houses of Congress.

This should be a rather sobering observation for Democrats looking ahead to their electoral future and assessing to what extent the system is broken as they contemplate the various legislative proposals for reform.²⁵

Conclusion

There is a remarkable degree of consensus among computer scientists,²⁶ security professionals,²⁷ government agencies,²⁸ and independent analysts²⁹

²⁴ In the House: four races by 1%, four races by 2%, one race by 3%, five races by 4%, one race by 5%, five races by 6%, one race by 7%, five races by 8%, two races by 9%; in the Senate: two races by 1%, one race by 3%, one race by 6%, one race by 8%.

²⁵ If we are correct in our assessment that the limitations on vote shifting were more temporal than spatial—that is, had more to do with timing of deployment than with the potential size of the shift—then only extraordinary and unanticipated eleventh-hour pre-election surges *a la* E2006 will suffice to overcome future foul play. However, whatever quantitative limits may apply to electronic vote shifting, *it should obviously not be necessary to enjoy super-majority support in order to eke out electoral victories.*

²⁶ For instance, <http://www.acm.org/usacm/weblog/index.php?cat=6>.

²⁷ See the credentials of the interdisciplinary Brennan Center Task Force membership at <http://brennancenter.org/programs/downloads/About%20the%20Task%20Force.pdf>.

²⁸ See <http://www.gao.gov/new.items/d05956.pdf>.

²⁹ See <http://www.blackboxvoting.org/BBVtsxstudy.pdf>, <http://www.blackboxvoting.org/BBVtsxstudy-supp.pdf>, and <http://www.blackboxvoting.org/BBVreport.pdf>.

that U.S. electronic vote tallying technology is vulnerable both to unintentional programming errors³⁰ and to deliberate manipulation—certainly by foul-play-minded insiders at voting equipment vendors, but also by other individuals with access to voting equipment hardware or software.³¹

We have arrived at a system of “faith-based” voting where we are simply asked to trust the integrity of the count produced by the secret-software machines that tally our votes, without effective check mechanisms. In the context of yet another election replete with reported problems with vote tallying,³² the continuing mismatch between the preferences expressed by voters as captured in national exit polls and the official vote tally as reported to the public is beyond disturbing. It is a bright red flag that no one who values a democratic America can in good conscience ignore.

False elections bequeath to all Americans—right, left, and center—nothing less sinister than an illusory identity and the living of a national lie. Our biennial elections, far more than the endless parade of opinion polls, *define* America—both in terms of who occupies its seats of power and as the single snapshot that becomes the enduring national self-portrait that all Americans carry in their mental wallets for at least the biennium and more often for an era. It is also, needless to say, the portrait we send abroad.

While the reported results of the 2006 election were certainly well-received by the Democratic Party and were ballpark-consistent with public expectations of a Democratic victory, the unadjusted 2006 exit poll data indicates that what has been cast as a typical midterm setback for a struggling president in his second term was something rather more remarkable – a landslide repudiation of historic proportions.

We believe that the demographic validity of the Weighted National Poll in 2006 is the clearest possible warning that the ever-growing catalog of reported vulnerabilities in America’s electronic vote counting systems are not only *possible* to exploit, *they are actually being exploited*. To those who would rush to find “innocent” explanations on an *ad hoc* basis for the cascade of mathematical evidence that continues to emerge, we ask what purpose is served and what comfort is given by relying on a series of implausible alibis to dispel concerns and head off effective reform?

³⁰ Credible reports of voting equipment malfunctions are all too common; one good starting point is <http://www.votersunite.org/info/messupsbyvendor.asp>.

³¹ For example, <http://brennancenter.org/programs/downloads/SecurityFull7-3Reduced.pdf>.

³² Election 2006 incidents at <http://www.votersunite.org/electionproblems.asp>.

The vulnerability is manifest; the stakes are enormous; the incentive is obvious; the evidence is strong and persistent. Any system so clearly at risk of interference and gross manipulation cannot and must not be trusted to tally the votes in any future elections.

ABOUT THE AUTHOR

Jonathan Simon is Executive Director of Election Defense Alliance, a nonprofit organization founded in 2006 to restore observable vote counting and electoral integrity as the basis of American democracy.

As a result of his prior experience as a political survey research analyst in Washington, Dr. Simon became an early advocate for an exit poll-based electoral "burglar alarm" system, independent of media and corporate control, to detect computerized vote shifting in Election 2004.

In the absence of such a system, he was nevertheless able to capture and analyze official exit poll data briefly posted on the web prior to its Election-Night disappearance, realizing as the following day dawned that he was in fact the only person in the world in possession of this critical data, which went on to serve as the initial basis for questioning the validity of the 2004 presidential election.

Dr. Simon has gone on to author, both individually and in collaboration, numerous papers and articles related to various aspects of election integrity. He has worked in cooperation with many election integrity organizations; appeared in several election integrity-related films, including *Stealing America: Vote by Vote* and *Uncounted: The New Math of American Elections*, and as an interviewee on dozens of live broadcasts. He tweets @JonathanSimon14 and invites all interested in corresponding to connect with him through LinkedIn, the *CODE RED* website www.CodeRed2014.com, or by email at jscodered2014@gmail.com.

Dr. Simon is a graduate of Harvard College and New York University School of Law. He is admitted to the Bar of Massachusetts.