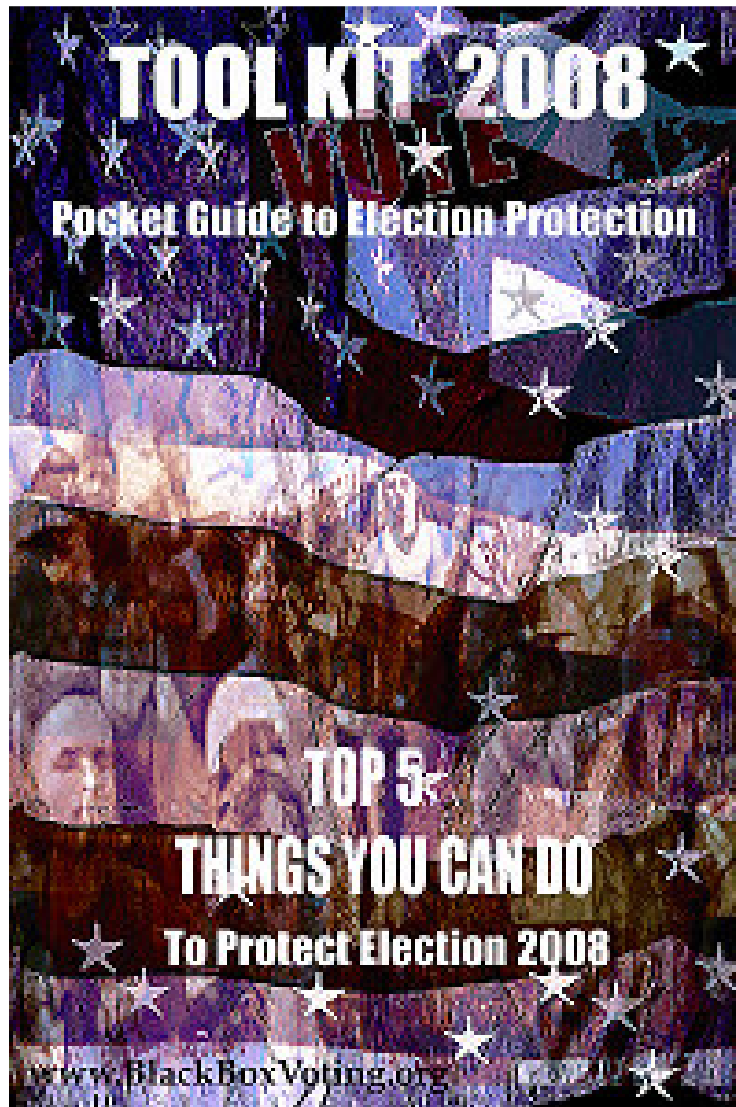


## Top 5 Things You Can Do To Protect Election 2008

By Bev Harris



**About Black Box Voting:** "America's Elections Watchdog Group" – Groundbreaking investigative work by **Black Box Voting** is reported year after year, by all major television networks, the *New York Times*, the *Washington Post*, *Time Magazine*, *Newsweek*, and the Associated Press. **Black Box Voting** is featured in the Emmy-nominated HBO documentary *Hacking Democracy*. Investigations by **Black Box Voting** helped produce two criminal convictions in Ohio and \$2.6 million in restitution payments by Diebold Election Systems to the state of California. In 2008, we are focusing on helping citizen volunteers effectively watchdog the general election.

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Government is the servant of the people, and not the master of them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.

We insist on remaining informed so that we may retain control over the instruments of government we have created.

"It isn't just about this election, or the next one. How do we establish a culture in which citizens consistently keep a watchful eye on the government, in which they understand that ALL vote-counting processes are profoundly unsafe and that we must be eternally vigilant? How do we combat the complacency of a people who believe they have the best democracy in the world and can't ever lose it?"

– Ellen Theisen, VotersUnite.org

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330 SW 43<sup>rd</sup> St Suite K PMB 547 – Renton WA 98057

## **Black Box Voting TOOL KIT 2008**

“Governments are instituted among men, deriving their just powers from the consent of the governed.”

– Declaration of Independence

2008 brings a fresh opportunity to participate in and control your government. You rule.

That is, if you choose to.

### **Top 5 Things You Can Do**

#### **#1 Get Involved**

In the end, this isn't about getting your favorite presidential candidate elected. This is about more permanent solutions: getting durable, ongoing citizen-based controls to oversee *all* elections. Elections ultimately control your daily life: your property rights, roads, the public safety, the justice system, and ultimately, the economy, your freedom, and your health.

Regardless of who your next president will be, another election will soon be on the horizon. Much work remains if we want open, fair elections.

**Tool Kit 2008** contains information distilled from six years of research and the collaboration of hundreds of dedicated, creative, and brilliant minds.

The audience for **Tool Kit 2008** is diverse – newcomers to election oversight, new voters, and sophisticated old pros; non-technical political

organizers and non-political computer experts. This little booklet contains a *ton* of information. You don't need to learn everything or do it all. Do try to do enough.

Choose an action or set of actions that makes sense to you, given your experience and skill set.

### **Shortcut:**

Skim this booklet to familiarize yourself with the issues. Then ask for a concise volunteer assignment. Identify which of the five *skill sets* below best fits you, and choose which *locations* you want to adopt. Contact any of the groups listed in Section 2 to volunteer, or create a committee with your local political group. You don't even need to work with a group – any of the actions in *Tool Kit 2008* can be done by individuals acting alone.

"Regardless of size, just 1-3 people do all the work in any group. Better to have 10 groups of 10 people than one group with 100 people. That way, at least 10 people will get things done."

– John Brakey, Co-founder - AUDIT-AZ

You *will* make a difference, whether you work alone, hook up with existing election protection groups, or form a working group within another organization.

Pick just one thing and just do it.

The next step will appear.

– Kathleen Wynne, HCPBnow.org

### **Which skill sets fit you best?**

1. **HUNTER-GATHERER:** Skill sets – Locating, collecting, organizing and sharing information. Good Internet browsing and searching skills. Good reading comprehension skills. Able to use e-mail, online forums, download and upload documents.

2. **NETWORKER:** Skill sets – Organizing, socializing, meeting, educating, connecting people.

3. **EMPOWERER:** Resource sets – Fund raising; financial donations, contributions of air miles, laptops, video cameras, portable scanners.

4. **ANALYZER:** Skill sets – number crunching, computers, legal and administrative; stats analysis, database development, reading the appropriate statutes and administrative procedures; designing and sharing guides and computer tools to help others process information quickly and easily, vetting information analyzed by others.

5. **COMMUNICATOR:** Skill sets – Writing, media, video editing, public speaking, advertising, graphics. Propagate information to the public, the media, the Internet, public officials, public interest groups, enforcement authorities.

### **Which locations do you want to focus on?**

Federal elections are administered in over 5,000 separate locations. You can find a list of every elections jurisdiction in America, together with the voting system they use, at [www.blackboxvoting.org](http://www.blackboxvoting.org).

Go to the "Forums" menu item or click the "Choose your state" link at top right on home page.

*Please consider selecting more than one location for election watch activities. Adopt locations in the same state using the same voting system if possible.*

**Swing States:** Colorado, Florida, Indiana, Iowa, Michigan, Missouri, Nevada, New Hampshire, New Mexico, Ohio, Pennsylvania, Virginia, Wisconsin

**Problem States:** Arkansas, California, Florida, Indiana, Kentucky, Louisiana, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Tennessee, Texas, West Virginia

**Local Watch counties & municipalities** (complete list, see latest at [blackboxvoting.org](http://blackboxvoting.org)): **Arkansas:** Faulkner, White; **California:** Monterey, Los Angeles, Riverside, San Diego; **Connecticut:** Bridgeport; **Florida:** Sarasota, Volusia; **Georgia:** Dekalb; **Illinois:** Cook, DuPage; **Indiana:** Lake, Madison; **Kansas:** Johnson; **Kentucky:** Bullitt, Clay, Jefferson, Knott, Knox, Pike, Whitley; **Louisiana:** Orleans; **Nevada:** Clark; **New Jersey:** Essex, Hudson, Monmouth, Ocean, Union; **New Hampshire:** Londonderry, Manchester, Nashua; **Ohio:** Cuyahoga, Franklin, Lucas, Warren; **Oregon:** Multnomah; **Pennsylvania:** Philadelphia; **South Carolina:** Dorchester, Horry; **Texas:** El Paso, Webb, Wharton; **Washington:** King; **West Virginia:** Berkeley, Lincoln, Logan, Wayne; **Wisconsin:** City of Milwaukee

## #2: HOOK UP WITH EXPERIENCED GROUPS

(If you're looking for a local group, ask one of these national groups to point you in the right direction.)

Volunteer. If you can't volunteer much time, your donations are *very much needed*. These are bootstrapped grass roots citizens groups, not grant-rich organizations funded by endowments. Donate money, air miles, laptops, stock shares, whatever you can. The groups have 501(c)3 nonprofit status. If you can't donate, contribute your time. Volunteer.

### Recommended election protection groups:

**Black Box Voting:** National

[www.blackboxvoting.org](http://www.blackboxvoting.org) • [crew@blackboxvoting.org](mailto:crew@blackboxvoting.org)

Donations: [www.blackboxvoting.org/donate.html](http://www.blackboxvoting.org/donate.html)

By mail: make out to Black Box Voting

330 SW 43<sup>rd</sup> St Suite K, PMB 547 Renton WA 98057

**Election Defense Alliance:** National

[www.electiondefensealliance.org](http://www.electiondefensealliance.org) • [admin@electiondefensealliance.org](mailto:admin@electiondefensealliance.org)

Donations: [www.electiondefensealliance.org/Donate](http://www.electiondefensealliance.org/Donate)

By mail: Make out to IHC/Election Defense Alliance

PO Box 3152 - Culver City CA 90231-3152

**Voters Unite:** National

[www.votersunite.org](http://www.votersunite.org) • [admin@votersunite.org](mailto:admin@votersunite.org)

Donations: [www.votersunite.org/donate.asp](http://www.votersunite.org/donate.asp)

By mail: make out to IHCenter/VotersUnite!

660 Jefferson Ave. Port Ludlow, WA 98365

**Voter Action:** National; focus: Voting rights litigation

[www.voteraction.org](http://www.voteraction.org) • [holly@voteraction.org](mailto:holly@voteraction.org)

Donations: [www.voteraction.org/donate](http://www.voteraction.org/donate)

By mail: make out to VOTER ACTION

2366 Eastlake Avenue East Suite 311 Seattle, WA 98102

## ***FREEDOM OF INFORMATION TIPS***

### **Before we roll up our sleeves:**

Now is the time to introduce public records as a strategy to find out what you want to know. We will use this method often in the rest of this Tool Kit.

"Government is the servant of the people, and not the master of them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.

We insist on remaining informed so that we may retain control over the instruments of government we have created."

This quote is adapted from the preamble to the West Virginia Freedom of Information Act.

All states have open records laws. You have the right to see any document (with a limited number of exceptions). Part of every public official's job is providing public records. They know it, they're used to it, there's nothing confrontational about asking to see a record, people do it all the time. Here is a wonderful compendium of summarized public records laws for each state:

<http://www.rcfp.org/ogg/index.php>

Here is a useful site to generate professional-looking records requests:

<http://www.splc.org/foiletter.asp>

It helps to see examples. You can find hundreds of actual public records requests, including the documents provided in response to them and the occasional back-and-forth between requestor and public officials, by going to [blackboxvoting.org](http://blackboxvoting.org). Use the search box at the top of the home page. Enter "records request" and it will find pages with examples for you. Choose one from your state, and just cut and paste.

You can find more tips for public records in the public records section of the ***2006 Black Box Voting Tool Kit***:

<http://www.blackboxvoting.org/toolkit-public-records.pdf>

### #3 PROTECT AND DEFEND AGAINST DECEPTIVE PRACTICES

**Watch for:** Last minute changes, polling place consolidation, confusing ballot design, shorting voting machines, malfunctioning machines, electronic poll book problems, supplies missing, not enough election workers, provisional ballot roadblocks, deceptive phone calls / fliers, deceptive ballot configurations, race left off some ballots, deceptive translations, snoop-friendly ballots, improper absentee ballot / envelope design, incorrect mail ballot insertions / delivery problems, cheat peeks

Part of election protection is knowing what to watch for. These things happen. The first time you see it, you can't quite believe it. That disbelief prevents citizens from taking crucial, immediate action. Elections are *time sensitive*. Keep your eyes wide open, vow to respond quickly and effectively.

The Deceptive Practices and Voter Intimidation Prevention Act was passed by the US House of Representatives and as of the time of this writing, is pending in the US Senate. This act prohibits any person, whether acting under color of law or otherwise, from knowingly deceiving any other person regarding the time, place, or manner of conducting any federal election, or the qualifications for or restrictions on voter eligibility, and it prescribes a criminal penalty for such deceptive acts.

Unfair practices are deception's cousin. They come with an "Oops Excuse" and a denial that there was intent behind them. Deceptive and unfair practices are sometimes minimized by calling them "dirty tricks."

If a toy manufacturer uses deceptive advertising, there will be penalties, regardless of whether the manufacturer attributes it to intent or negligence. Elections should be no different. Passage of the deceptive practices legislation will help, but with or without that bill, be prepared to watch for and fight deceptive and unfair tactics.

### *UNFAIR PRACTICES / MANAGEMENT PROBLEMS / VOTING IMPEDIMENTS*

#### • *Last minute changes*

Just days before the 2008 primary, the state of Indiana invoked new voter ID laws. Last-minute changes like this disenfranchise. And that's just what happened to a group of nuns, who were dismayed to find out that they could not vote in Indiana this year because they lacked newly required photo ID.

**Set news alerts:** Google.com has a "News Alert" feature which allows you to set automatic e-mail notifications. Choose key words carefully, it can generate a lot of e-mail. Another easy method is to join an election protection e-mail list like [electionreform@yahoogroups.com](mailto:electionreform@yahoogroups.com).

**Confirm polling place before voting:** Every election triggers complaints from voters when they learn that their polling place has been moved or eliminated. Of course facilities occasionally need to be changed, but we have even had reports of a husband and wife who were told to go to different polling places, even though they had lived in the same house for 20 years! This indicates a database

problem. Also, due to cost run-ups from new voting machine purchases, hundreds of counties have closed polling places.

**Don't wait until the day of the election to check your polling place.** A Santa Clara County, California man was told by his online polling place finder that his address was in Gibbon, Iowa. If he had checked just as he was running out the door to vote, he would have experienced a delay.

During the 2008 primary, Black Box Voting tested the Philadelphia County, Pennsylvania Web site "polling place-finder" using the addresses on our own donor list. Dozens of valid addresses showed a polling place not found message.

Local newspapers often print polling place locations, and you can call your local elections division. *Don't wait till the last minute, and before heading out the door, double-check the location of your polling place and help others find theirs.*

- ***Polling place consolidation issues***

One of the unintended consequences with the mad rush to voting machines was removal of neighborhood polling places. The machines cost more than expected, and less than expected was reimbursed. Costs had to be cut somewhere, and they were: by eliminating thousands of neighborhood voting places.

This makes voting more difficult for the elderly and for voters without a car, especially during inclement weather.

How convenient are these consolidated sites to public transportation lines? And how much more difficult (and expensive) will voting become for single parents who work all day and will have to tote kids around town in order to vote? Some voters may find it impossible to vote at designated polling places if they work in one place, live in another, and have to travel to yet a third place to vote.

**Here's how you can help:** See if you can arrange to take the day off work. Help with transportation for those who need to go the extra distance to vote now. If you have a flexible schedule, vote mid-day and offer to help with the kids so working single-parent friends can get to the polls.

**Multiple ballot styles** (due to consolidating different voting districts into the same location) will increase the likelihood that voters will get the wrong ballots. Be vigilant on Election Day, report problems promptly if you see them.

- ***Confusing ballot design***

2008 will introduce unprecedented numbers of new voters into the election system. You can help make it a voter-friendly process. Check over the ballots as soon as they are available. It's better to catch problems weeks ahead rather than on Election Day. You can look at sample ballots ahead of time.

Encourage others, especially first-time voters, to take a copy of the sample ballot with them when they vote. (Sample ballots are clearly marked with *SAMPLE* across the ballot face to avoid confusion.)

What if your location still uses touch-screens, or DREs? Elections officials produce "proofs" of the voting screens ahead of time. Someone in your local elections office is required to sign off on these. Elections officials have e-mailed copies of these electronic ballot screens to **Black Box Voting**, and they'll probably e-mail them to you too, if you ask. If the layout confuses you, think how difficult it might be for a new voter.

- *Shorting voting machines / malfunctioning machines / electronic poll book problems / supplies missing / not enough election workers*

We see it in every election. Voters get stalled, frustrated and sometimes just plain throw up their hands and leave without voting to avoid losing their job. To help deter and prevent disenfranchisement due to shortages, you can:

**Check the history of problems.** These will give you an idea of the number of problems to expect. Highlight problems that can cause a delay in the election. Double or triple that figure for the 2008 presidential election. Identify repeating problems and seek answers from elections personnel on how these will be eliminated in November.

**Locations that provide an empty incident history** probably have even more problems than those that log at least a few problems. If they say they have no problems, request the "election day technician logs", "poll worker logs" and "call logs" for the last election. If they say they don't have those, ask for a specimen of every form they use on

Election Day. If they don't track problems, this is a location with poor internal controls. Share that information with others and recommend more scrutiny of the location.

**Get the allocation formulas and voting machine assignment roster** for each precinct. If you are unable to get the records, they ignore you, or if they send you something that is nonresponsive to what you asked for, you are dealing with a location that has poor management skills or is obstructive to public oversight. Let others know about the problem and recommend increased scrutiny.

- *Provisional ballot roadblocks*

Will poll workers in your location be told to make phone calls for permission before providing voters with provisional ballots? This happened in Palm Beach County in 2004 and in Pennsylvania in 2008. It gums up the works. See if you can get a copy of the poll worker instructions for provisional ballots ahead of time, and fight obstructive tactics like this.

What poll worker requirements for handling provisional ballots can disqualify the ballot? If the poll worker neglects to seal the envelope, or puts two ballots in it, or doesn't write the reason on the envelope, will the voter be disenfranchised? Voters should not be disenfranchised due to actions they cannot control, performed by someone else. Push for fair procedures that do not disenfranchise voters due to poll worker actions the voter could not control.

## ***DECEPTIVE PRACTICES***

### **• *Deceptive phone calls / fliers***

In 2006, a Virginia voter was dismayed to receive an official-sounding phone call telling him that it had been determined he was registered to vote in New York and therefore would not be allowed to cast a vote in Virginia. If he did, the caller warned, he would be criminally charged. This call did not come from an official source and the voter was indeed registered in Virginia, not New York. This was a deceptive tactic designed to fool voters into not participating.

**Listen and read:** Don't hang up on automated calls and don't ignore mailers and flyers. Instead, listen and look because you may catch deceptive practices. Flyers have been distributed that told one party to vote on Nov. 4, the other on Nov. 5. Sometimes obnoxious automated phone calls or unethical-sounding flyers purport to come from one candidate, but actually come from the opposition. These are fraud tactics. Report deceptive information to candidates or political parties and to public interest groups and the media.

**Try to find out who paid for deceptive messages.** If you have a knack for research, try to follow the money trail. In the **Black Box Voting 2006 Tool Kit**, check out the "Following the Money Trail" module:

[www.blackboxvoting.org/toolkit-money-trail.pdf](http://www.blackboxvoting.org/toolkit-money-trail.pdf)

## ***Deceptive ballot configurations***

In Palm Beach County during the 2000 presidential election, the mark for Pat Buchanan appeared to be for Al Gore. Many voters cast ballots for Buchanan thinking they voted for Gore.

In Los Angeles County during the 2008 presidential primary, over 100,000 voters fell through the trap door on their ballots. They missed a hard-to-find extra oval. They didn't mark poorly instructed and hard to find double bubbles, which only *some* voters were required to mark. Only litigation and a fight got those votes counted.

**You can review sample ballots**, ideally before they are mailed to absentees: Elections officials are required to have sample ballots available for review by the public. There will be several different "styles" (ballots with different candidates depending on district). You can ask to see a sample of every ballot style. Read the whole ballot carefully. Look for clarity in instructions and design.

**If too late to change, you can do public awareness:** Ballot printing is done by specialized printers and requires significant lead time. If the problem is serious, work with campaigns or public interest groups to litigate.

### **• *Race left off some ballots***

This has occurred both with DRE machines (where the screen layout is the "ballot") and with paper ballots. With DRE screen ballots, election officials tend to blame the voter, saying they were

careless or just didn't see it. Only when an extraordinary number of missing votes show up is this taken seriously. With paper ballots, this is often blamed on accidentally "giving a few voters the wrong ballot", in other words, giving them a ballot for a district the candidate wasn't running in.

Go over ballots carefully to make sure they have all the races and ballot questions. If voting on a DRE and something is missing, prevent election workers from blaming it on you by calling a poll worker over to witness the problem. Insist that the poll worker make a written report of the incident to get it into the public record. Report to candidate, party voting rights centers and to election protection groups. Mention problems to others.

- ***Deceptive translations***

Areas with substantial non-English speaking populations are required to provide voter information in appropriate languages. In one California location, the Spanish language voter information provided the wrong date for an election. In a New Mexico election, the Spanish description of a ballot item was so misleading that new ballots had to be mailed, leading to confusion over which ballot to use. In a Connecticut election, instructions which in English said "Vote for any two" said, in Spanish: "Vote for any *of* the two", a translation which will literally cut votes in half for Spanish language voters.

It's important for language minority advocacy groups to review the non-English ballots,

voter pamphlets and other election materials as far in advance of the election as possible. If you find a deceptive translation, find out who is responsible for checking translations to make sure they are accurate and what firm did the translation. Demand correction and report to all stakeholders and advocacy groups, including the appropriate ethnic advocacy groups.

- ***Snoop friendly ballots***

Absentee ballot tracking software allows you to check whether your ballot arrived. Tracking software should *only* be affixed to the outer envelope, never to the inner envelope. *No unique bar codes or serial numbers should be affixed to the ballot itself.* Most ballots will have bar codes or dashes, because these identify the precinct or ballot style. These marks should be identical for two people in the same precinct. What is illegal is a bar code or serial number that is *unique to the ballot* and which *remains affixed to the ballot* after voting.

Tracking software, when implemented correctly, does not compromise your political privacy. It should only appear on the *outside* envelope, and your ballot should remain secret inside a second envelope, called a "privacy envelope." By the way, tracking software may or may not work.

**Unique bar code or serial numbers should not appear on ballots.** When San Juan County, Washington citizens learned that an additional tracking mechanism had been inserted *on the ballot* – creating snoop-friendly ballots that violate the law, they filed a lawsuit. Citizens in Boulder

County, Colorado discovered snoop-friendly ballots being used by the Hart optical scan system for *both mail-in and polling place ballots*. Hart showed Boulder County officials how to disable the snoop feature but Boulder has refused, even though this violates the Colorado Constitution.

There must be *no* unique bar code or serial number that remains affixed to ballots after votes are cast. *Detachable* serial numbers (placed in a separate ballot box) are a good check and balance, and can help reduce the likelihood of counterfeit ballots. If a unique serial number or bar code is affixed to the ballot, it should be removed before casting the vote.

Absentee ballots should always have two envelopes. After authenticating the signature and confirming receipt using the tracking software, the inner privacy envelope should be removed and taken to another area before opening.

**Snoop features are an insidious, dangerous, and usually illegal practice.** They may be the next frontier for wholesale election tampering. Consider litigation if officials refuse to correct the situation.

- ***Improper absentee ballot / envelope design***

**Defective envelope design can produce disenfranchisement.** In Lucas County, Ohio during the 2008 primary, the inner envelope was too small. Many voters didn't put the ballot into the undersized inner ballot, using only the outer envelope. These ballots were disqualified until citizens complained.

**Folded ballots cause inaccurate tallies.** Optical scan machines do not count folded ballots

reliably. If the mark for your candidate will appear on a spot likely to be folded, machines will fail to accurately read some of his votes. Look to see if one candidate's votes are located on a fold area. Avoid folding ballot on a vote mark. Insist on hand counting for all ballots with fold marks on vote.

- ***Incorrect ballot insertions/delivery problems***

Ballot mailing is an automated process. Bulk mailing automation is not new technology and there is no reason to send out packets containing the wrong ballots or missing pages. Nevertheless, a California county missed a page for absentee packets in a recent election. You can't put Humpty back together on this one. Who is missing a ballot? What if you send replacements to everyone and some people vote on both of them, thereby invalidating their vote? By the time the affected voters notice, it's too late to recover. You can correct your own situation by going to the elections office and getting the right voting materials. What you can't do is correct all the other insertion problems.

An immediate public awareness campaign is a partial mitigation. The elections division and their automated mailing vendor should cover the cost of sending correct materials and the public awareness campaign.

- ***Cheat Peeks***

Early and absentee voting provide opportunities for "Cheat peeks" – illegal peeks at results before Election Day.

In Pima County, Arizona audit logs show that early results were run in a controversial election. Candidates spend heavily on pre-election polling. Political polls sample a few hundred registered voters, who hopefully provide truthful answers to questions designed to elicit how they really will vote. **Imagine now that one candidate (but not the other) gets access to something much more valuable:** not hundreds, but tens of thousands of voters; not answers that are *probably* truthful, but the *actual vote data*.

No one – insider or outsider – should scan a single ballot before the end of Election Day. Some state laws specify that the ballots can be run through the tabulator if no one looks at the results (Hah!) and in Oregon, apparently, "insiders" can look if they don't tell. (Hah!)

- **Get audit logs:** Tabulator audit logs will show the cheat peeks, although insiders can alter the audit logs. You can request copies of the audit logs daily. If the logs themselves have not been tampered with, you will find an evidence trail showing when results reports were run.
- **Prosecute:** If you find that results have been run before the polls close, look at state election regulations to find out if this is legal. If it is not legal, turn copies of your evidence over to the district attorney, the state attorney general, the FBI and to candidates and election protection groups.

#### #4: PROTECT AND DEFEND VOTER LISTS

**Help with:** Register people to vote, confirm registration, save evidence, get photo ID;

**Watch for:** Slowdowns or crashes in statewide voter registration databases, racial profiling, failure to enter new or updated registrations into the database timely, names left off list (no explanation), category switching, incorrect online feedback, problems with hyphenated names & typos, impossible numbers;

**Advanced tools:** Statistics, voter list tracking

**Register people to vote.** Make sure forms are filled out completely. Get new registrations to the elections division *as soon as possible* to protect voters from staffing and database problems.

**Help people confirm that they are registered** as an "active voter" (see distinctions between active, inactive, pending and cancelled). Get voters on "inactive" status reactivated.

**Save communications** from the elections office as evidence. Urge all voters to *save all communications mailed out by elections offices*. If there is any wrongdoing, these items may provide important evidence.

**Help people get photo ID.** Urge everyone to bring it to the polling place, *whether or not* the state requires it. It's ammunition. It takes away excuses. Remind new and first-time voters to bring ID (this is a new regulation).

**But it's not going to be enough to register voters and help them vote.** We already know that systematic voter disenfranchisement has been part of

the game plan in the past. This year let's get off the defense and play some offense, and don't expect the old playbook to be repeated tit for tat.

You may have heard about voter list purging. Figures vary, but estimates of the number of voters wrongfully purged from 2000 Florida voter rolls range from 50,000 to over 90,000. Wrongfully purged voters were disproportionately Black. These eligible voters were not allowed to vote at all.

In 2008 for the first time, all 50 states will be using new statewide computerized voter registration databases. Most of what we're going to see in 2008 will not be called "purging." This year, we're going to find voter disenfranchisement in the statewide voter lists, especially in the "**pending**" area (new voter registrations not entered into the system, and registrations stuck in "pending" status); "**change categories**," as voters are switched from one voter registration status to another, registrations are updated, and in **typos and database quirks** that make database searches fail.

The term "purged" nowadays refers to just one type of voter list removal. Voters can be switched to the "inactive" category any time the registrar of voters believes they may no longer live at a particular address. If "inactive" category voters fail to vote in two federal elections, they are supposed to be purged from the database. Other voters get dropped, or "cancelled" when they move out of the jurisdiction or die. These cleanups often take place in July, August and September.

Voters who believe they are registered but don't appear on the voter list are now entitled to a **provisional ballot**. However, these votes *will not count unless* someone can prove that the voter actually was registered.

**Provisional ballots** are a last resort. They are second class ballots. They are not counted on Election Night and they do not figure into the media's projections for who wins. Several days later, a determination is made as to whether voters who cast provisional ballots were actually registered to vote. If so, and if all other procedures were properly followed, some of which are not under the voter's control, the ballots will be counted. If the ballots didn't disappear and were properly accounted for and the chain of custody stayed intact.

**Statewide computerized voter registration databases** were not uniformly in place in 2004, and in some states were not in place in 2006. The statewide databases provide new centralized control processes, but at the same time, they give unprecedented access for a handful of people to the records of every voter in the state.

This year instead of 50-90,000 voters purged, we are looking at the potential to see five to 10 million voter registrations stalled, changed, hit with typos or miscategorized.

These are exceptionally unwieldy problems and it is difficult to come up with meaningful citizen oversight actions, but with over 100 million voters on these new computerized lists, we need to try.

## *New Election Protection Terrain*

- Slowdowns or crashes in the statewide voter registration database. *Impact:* Disenfranchisement
- Flaws in voter registration database that prevent it from handling data correctly. *Impact:* Provisional ballots or disenfranchisement
- Failure to enter new or updated registrations into the database timely. *Impact:* Disenfranchisement
- Failure to clean deceased, moved voters from list. *Impact:* Potential vote-stuffing.
- Classifying eligible voters as ineligible. *Impact:* Disenfranchisement.
- Classifying ineligible voters as eligible to vote. *Impact:* Potential vote-stuffing.
- Incorrect or missing Web site feedback. *Impact:* Vote suppression.

## *Voter Lists: Procedural issues*

- Switching eligibility status, ie., from "active" to "inactive." *Impact:* Can suppress votes.
- Failure to count qualified provisional ballots. *Impact:* Disenfranchisement
- Impossible numbers (ie, more registered voters than population). *Impact:* Potential vote-stuffing.

**Variations:** Some states, like Maine, New Hampshire, Iowa, and Wyoming, allow same-day registration which alleviates some of the problems with disenfranchisement, though it still leaves room for vote stuffing. North Dakota is unique in that it does not require voters to register.

**Actions you can take:** Finding problems in any of these areas may affect *tens of thousands* of voters.

- **Gather information:** You can't solve problems until you can identify them. Problems vary according to jurisdiction.
- **Statewide voter registration database:** Find vendor, product name, nickname. *Where to look:* Secretary of State or Board of Elections Web site. Some info already gathered at [blackboxvoting.org](http://blackboxvoting.org), shown inside each state section.
- **Review implementation newsletters** and e-mails: These are one of the best places to find little-publicized problems with your state database *Where to look:* Your state "Secretary of State" or "Board of Elections" Web site. If not found, use Internet *search engines* and try a public records request. Here is an example of the kind of information you'll find (from implementation newsletter sent to Indiana counties):

*"The Marion County project sponsors remain very concerned about the overall consistency and reliability of First Tuesday due to the time to enter data, down time and responsiveness."*

What might "*concerned about responsiveness*" of the system mean? That the system may not be available during heavy load periods? That it sometimes won't accept updates?

- **Snoop out database quirks:** How does it handle hyphenated names, apostrophes and typos?

Some systems have tried to deal with hyphenated last names by forcing one of the names into the middle name field or merging them into a new last name. Combined with a typo in another field, you get a high likelihood for disenfranchisement.

At special risk for malicious typos are first names that can be gender-changed with small alterations. For example, "Bev Smith" becomes "Ben Smith", and Loren Jones becomes Lorie Jones. Even if they can prove same address, these voters are at risk for disenfranchisement.

- **See if you've got racial profiling** on your voter registration cards.

You can find this information in the state voter registration forms you find online. Most 2008 voter registration forms can also be found in the [state](http://blackboxvoting.org) sections at [blackboxvoting.org](http://blackboxvoting.org).

Here is an example from the Georgia voter registration card:

RACE/ETHNICITY:			
<input type="checkbox"/>	<input type="checkbox"/> Black	<input type="checkbox"/> White	<input type="checkbox"/> Hispanic/Latino
<input type="checkbox"/>	<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> American Indian	<input type="checkbox"/> Other _____
FULL SOCIAL SECURITY NUMBER (OPTIONAL)			
Last 4 Digits (Required)			
o., must ity			

If racial profiling is part of the voter registration process (whether "optional" or not), ask for the

rationale and question how it is protected from abuse. Write letters, call, or meet with election officials. There may be a benign explanation but this is also a high-risk procedure with a history of abuse and requires extra vigilance.

- **Find out if your state has a Web page to check voter registration status:**
  - For every jurisdiction in the state?
  - Is it accurate? (Test with a list of names)

- **Check staffing for extra data input workload**  
 Black Box Voting received eye witness reports from three large counties in 2004 indicating that thousands of registrations were *not* entered before the election (even though election officials claimed they were). Insiders told us this was due to staffing shortages and/or the refusal of county officials to pay for overtime or temporary help. Here are excerpts from an e-mail received by Black Box Voting from one of the temporary employees hired to do this:

"This year I answered the call to help the elections division enter all of the new registrations. It is my understanding that there was an entire warehouse of them somewhere and they were planning to hire a hundred people to enter them. Here is what happened:

The training began. The person in charge of that was on pain medication and my training turned out to be, well, totally wrong. I was taught to enter a specific code for certain kinds of registrations but sure

enough, within a day we were having an "emergency" meeting about that particular code. She apologized for teaching the code incorrectly and we all moved on. We received no training materials, after the apology for teaching the code wrong we were given a very shoddy word document explaining a few things. There is no written manual.

The registration updates were about 3 months behind. **We basically lied about when they were entered.** If the form was submitted on say, the 1st of November, we were supposed to put that date in - even though I was doing it on the 4th of February ...

This above report illustrates something very important: *Not all voter registration cards were entered into the system at all, until months later!* Voters who were not entered in the database may be stripped of even their provisional ballot. We have seen boxes and boxes of "to be entered" cards after deadlines for getting them entered into the database. It is inconceivable that all these were sorted through to determine whether their provisional ballot should count.

You may be able to get a feel for whether your location is on top of things by checking purchase orders for temporary staffing, and by asking:

- Will updates and input to the voter registration database be done by in-house staff, overtime, or temporary employees?
- What formula was used to project voter registration update & input needs?

- Has the budget been approved for this?
- What tracking and reporting system is available for internal controls and public oversight?

You can make an appointment and ask for a tour. Ask them to walk you through (literally) the process for entering and updating voter registrations. Ask them to show you the containers new registrations arrive in, and for pending registrations and registrations that have been entered. Ask about internal controls. Ask what tracking reports will be. Don't believe everything you hear.

The best way to get the real story is to develop a relationship with a clerk or temporary employee tasked with entering the information. Ask how it's really going.

- **Category switching:** All voters are no longer equal on voter registration lists.

Within the voter list, you'll now find several categories: "active", "inactive", "pending", and "cancelled." State and federal laws and local procedures allow election administrators to shift voters from one category to another, within certain limitations. Voters won't necessarily know which category they are in. Voting access will vary according to category.

**"Inactive" doesn't necessarily mean inactive.** If you voted in June 2008 but the registrar decides he thinks you no longer live at that address, you can be shifted to "inactive". Impact: you won't

receive an absentee ballot, and/or you will be required to show ID at the polling place even in states where others don't have to. (*Go on the offense: Always bring your ID. Whether or not your state requires it!*)

Obviously, election officials need to be able to clean the voter lists and add new voters as they register. Election protection means being proactive. It's a good idea to get information about procedural issues for switching voters from one category to another in your location.

Timing is politically strategic. In some states, elections workers are permitted to change voter status almost up until Election Day. Timing for voter registration changes is not necessarily set by the state, and may vary from one county or municipality to another within the same state.

- **Bold and brazen:** In New Mexico in 2008, the state provided voter lists with names missing. No explanation, no investigation, just said "oh, must have given you the wrong list." Not even a plausible "Oops Excuse". Citizens absolutely must rise up against this kind of abuse, and we must pay attention for more than 10 days. They know you will lose interest and go away, especially if your candidate wins. When these kinds of transgressions take place in 2008, we've got to hold officials accountable for their own actions or the "O" in Oops is just going to grow bigger every year.

- **Election Protection with Statistics**

- **You can get 2004 voting age population figures** and updates from the following Election Assistance Commission Data Tables:

[www.eac.gov/clearinghouse/completed-research-and-reports/election-day-survey-results](http://www.eac.gov/clearinghouse/completed-research-and-reports/election-day-survey-results)

- **You can get 2006 voter registration statistics** from the following Election Assistance Commission survey form, including "active" "inactive" "pending" and "cancelled"

[www.eac.gov/clearinghouse/data-files-and-survey-chapters](http://www.eac.gov/clearinghouse/data-files-and-survey-chapters)

Or take it from this shortcut format, same data, from Black Box Voting:

[www.blackboxvoting.org/EAC2006stats.xls](http://www.blackboxvoting.org/EAC2006stats.xls)

- **You can get 2008 statistics** from state and county Web sites, or by doing records requests. Merge data tables together and update figures as often as possible, preferably weekly, until the November election.

- **Track change trends:** Watch changes between "active", "inactive", "pending" and "cancelled".

- **Flag impossible numbers:** Look for oddities and implausible numbers.

- **Voter list tracking**

The master voter registration list is usually available on disk for a small fee, about \$8 to \$25 per location, sometimes at a much reduced price per jurisdiction if you buy the whole list from the state. In some states voter lists are available only to

political parties, in which case, you can collaborate with local party members.

- **Get data into useable format:** You will probably want to use a program like Microsoft Access or Filemaker, which can handle a much larger number of records than Excel.
- **Extract "inactives" for special attention:** Marketing research shows that it is much, much easier to convert a light user to a heavier user than to create new users. Applied to voting, this means the first priority is to find and reactivate the inactives. See if you can extract them from the voter list disk to provide them to election protection groups or campaigns to locate them and get them reactivated.
- **Check list for anomalies:** Look for oddities like a bunch of birthdates 110 year old, or too many identical addresses.
- **Review codes:** You may see codes affixed to the names in the voter list. See if you can find out what they mean and how they are used, and consider how they might be misused.
- **Track changes** from week to week.

## ***SOLUTIONS***

When you see something that needs to be addressed:

- Provide documentation
- Work with decisionmakers: Contact election officials to bring issues to their attention
- Share with shakers & movers: public interest

groups and campaigns

- Report problem to stakeholders: Submit a report to the voting rights area for candidate or party
- Identify problems to election protection groups
- Apply public pressure: Share with media, blogs, and e-mail lists
- Litigation if appropriate, and resources available
- Avoid editorializing. "Just the facts."

## #5 VOTING MACHINES: PROTECT AND DEFEND THE VOTE COUNTS

Procedural improvements: Transparency Project, Input to Output;

**Identify problem locations:** History of indictments, missing internal control forms, public records obstruction, weak management, observation obstruction; past election problems;

**Election phases:** Pre-election; Early voting & absentee periods; Election Day; Election Night; Canvassing period; Post-election:

**Advanced tools:** Voting machine examinations, Web snapshot tools, poll tape/central tabulation comparison, citizen ballot inspection audit, voting machine audit items

Technology is not inherently "good" or "bad." It is just a mechanism for getting things done. The question is: What things are you trying to do?

The Declaration of Independence states that certain truths are held to be self-evident, among them, that all people are endowed with certain inalienable rights, including the right to exercise control over our own government.

Therefore, a core specification for elections, whether they are based on human beings or technology, is that all persons must be able to see what's going on. You can't control something you are not allowed to see.

All computerized voting machines, as currently implemented, count votes in secret, and all election computers are under the control of administrators and programmers. All computers do what they are told to do by their administrators and programmers.

This is the core problem with voting machines.

Using these new systems, the citizenry has inadvertently ceded ultimate control over to government insiders and the vendors they select.

### **Democratic elections must:**

- (a) Give the public full access to Freedom of Information on every aspect of the election.
- (b) Count all votes in public (while maintaining individual political privacy)
- (c) Allow the public to see for themselves that the votes being counted are the original votes, not counterfeit or substitute votes. "Chain of custody" must always be public.

### ***In the November 2008 election:***

- Your right to sovereignty over your government will not be honored.
- 99 percent of the votes will be counted in secret on computers controlled by government insiders and vendors.
- Your right to Freedom of Information will not be honored.
- You will be unable to ascertain that chain of custody is intact.
- It's too late to resolve these problems for 2008.
- It's not too late for partial solutions.
- It's not too late to collect important circumstantial evidence to assess the accuracy of the election.

Not a good situation. Despite passionate and always underfunded efforts by citizens for several years to get these issues addressed, we're up against it again

in 2008. It's too late for new legislation or major changes. Let's work with what we have:

***Procedural improvements:***

- Precinct-based public hand counts
- Transparency Projects
- Input to Output

***Hand Counts***

- Public hand counting can meet the core specifications for democratic elections.
- Hand counts are inexpensive.
- Hundreds of jurisdictions will hand count in 2008.
- It is too late to implement hand counting for most of America in 2008.

Properly administered precinct-based hand counts provide citizen sovereignty, freedom of information, and public chain of custody. They are inexpensive to administer; according to one New Hampshire study, hand counts cost approximately one-fifth as much as computer-counted elections. *Several hundred* jurisdictions will hand count at the polling place in public in 2008.

For a demonstration of properly administered public hand counting, view the inspirational videos of modern American hand counting here:

<http://www.democracyfornewhampshire.com/node/view/2648>

Hand counting in large jurisdictions will require precincts of manageable size, good recruitment, solid public procedures, and training. It is too late to switch most computer-counted elections over to correctly administered precinct hand counts by

November 2008.

If you live in a hand count location, **videotape and invite the media.**

***Transparency Projects***

An improvement over what we have now: Persuade local elections office to purchase off the shelf scanner, scan ballots, release DVD containing the actual scanned pictures of every ballot to the public immediately after putting the ballots through the vote scanner. ***Humboldt County, California is already doing this.*** They call it "The Transparency Project." All that's required is to buy another scanner (off the shelf, *not* from a voting machine company), scan all the ballots, and make them available to the public and the media. It can be done. It doesn't compromise privacy. It *is* being done. *Your* elections officials can do it too, if they want to.

***Compare input to output***

Before voted ballots are transported anywhere, in full public view, election workers could take the ballots to a public viewing area and deal them out one by one, like a deck of cards, allowing members of the public to videotape each ballot that went into the machine. This is perfectly legal in most states, costs nothing, takes only about half an hour for a large precinct, and could be implemented by November. Not a perfect solution, but better than nothing.

Most locations will refuse to improve procedures in

2008 for more transparency. We already know that. So once again, let's work with what we have:

***Identify problem locations for extra scrutiny:***

- History of indictments
- Missing internal control forms
- Public records obstruction
- Weak management or poor quality controls
- Observation obstruction
- Past election problems

In the weeks leading up to the election, help gather information to predict problem locations. We can survey the degree to which public controls and right to know are available in each location. Let's treat these problem locations to extra scrutiny.

You can get an idea for past vote-counting problems by doing a news search, looking for incident reports filed by citizens, and by reading the text of any election contest lawsuits in the location you want to monitor. You can find incident reports by vendor and also by state and county (and/or municipality) at [blackboxvoting.org](http://blackboxvoting.org) and [VotersUnite.org](http://VotersUnite.org). If you Google "election incident reports" you can locate databases of reported incidents from 2004 and 2006.

• ***Pre-Election Phase***

**Indictments, guilty pleas, convictions:** Because computerized vote-counting is controlled by insiders, any locations with a history of corruption in key local government positions are particularly at risk for computerized vote-counting fraud. Key

positions include county supervisors and commissioners (who often appoint elections officials); sheriffs, judges, county auditors and county clerks.

"Facts. Facts. Facts. Brick by brick we will build American democracy better than the Founders ever imagined possible."

– Nancy Tobi, Election Defense Alliance

**Public records:** You can request to inspect or get copies of election-related records, including: voter complaints, poll worker incident reports, telephone Election Day support logs, and "rover" or technician logs. You can find many examples of these requests and responses in the state and county/municipality section of [blackboxvoting.org](http://blackboxvoting.org).

**Bookkeeping & reconciliations:** Vote counting is a form of bookkeeping. Properly run elections are accompanied by report forms showing how many voters signed in, how many ballots were provided, how many were cast, spoiled, and uncast. You will be surprised how often the numbers don't add up!

Sometimes poll workers explain the discrepancies, but sometimes the numbers are off by hundreds with no explanation. In every election, we see "impossible numbers" that cannot be correct. You can spot check past reports from the location you're interested in to get a good idea as to whether they run a tight ship.

**Internal control forms:** Some locations will report that they have had no problems, when in fact

they don't provide any forms to poll workers to log the problems. If you ask to look at a blank copy of each form for poll workers, and also forms for tracking voting machines, seals, peripheral equipment, telephone reports, and technician visits you'll get a good idea as to whether adequate control systems are even being used. Filled-out copies will show how well they manage quality. This will help predict which locations are most likely to experience problems or fraud in November.

**Tampering symptoms:**

- Voting machines could not "close" properly
- Cartridge would not read
- Tabulators failed to read some memory cards so technicians had to "extract the data"
- Some cartridges or memory cards were temporarily misplaced
- "We're not sure why votes were incorrect"
- "The vendor is looking into it for us"
- Voting machines had to be replaced during the election due to malfunctions
- Broken or mismatched seals
- Calibration problem
- Counter didn't increment
- Machine would not produce a "zero report" before votes cast
- Electronic poll book said voter had already voted absentee, voter says no

**Obstructive vs. cooperative:** You can get a good idea how responsive each location is to public

oversight by submitting a very simple one-item public records request and observing response. Are they prompt, complete, reasonably priced? Or do they inflate response timelines, price gouge, and obstruct?

Find out if the public (not just "politically appointed observers") is allowed to view the vote counting after the polls close. Find out if videotaping is allowed.

As you survey past and current issues, you will spot problems. In most cases you'll find that local and state officials are more than willing to work on implementing solutions. If you spot significant problems or run into obstructive public officials, you may want to enlist the help of the voting rights committees for your political party, report to election protection groups, and build public awareness through the media. Focus on prevention. Try to spot problems ahead of time so improvements can be achieved before November elections.

For personalized advice, mentoring and input, contact citizen empowerment and volunteer helpers at Black Box Voting, Election Defense Alliance, or a local election protection group. You may also get support and direction from your preferred political party, and you can help connect your favorite candidates and party with election integrity organizations.

• ***Absentee voting and early voting phase***

"Event logs" and "Audit logs" can be requested from each voting computer used to record votes, scan or tabulate absentee, mail-in, and early votes. These are electronic reports. It takes just seconds to produce them. If intact, these audit logs will reveal cheating by running results early (the audit and event logs don't reveal the *results*, just the fact that results were run). They may show alterations to the voting system, maintenance, repairs, changes in ballot programming, memory card replacements, and events are usually time and date-stamped.

**You can ask for:**

- Voting machine transaction logs and/or voting machine event logs or audit logs
- Central tabulator event logs or audit logs
- Windows event log and Windows system log

**Voting system examinations:** Some states, like California, allow voting machine examinations by representatives of political parties before each election. This provides an opportunity to determine:

- a) Whether the location obstructs right to know or attempts to hide important information
- b) Whether the location is using unauthorized programs, components or network connections

Examples of pre-election examination reports:

[www.bbvforums.org/forums/messages/1954/75144.html](http://www.bbvforums.org/forums/messages/1954/75144.html)

[www.bbvforums.org/forums/messages/1954/75820.html](http://www.bbvforums.org/forums/messages/1954/75820.html)

During the absentee/mail-in/early voting phases, watch news articles carefully. Evidence of something amiss is often buried at the end of articles about how smoothly everything is proceeding.

Be especially watchful for any efforts to change or replace voting machines or memory cards from the early voting machines. These contain a lot of votes, and they are a prime target for tampering.

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***CAUTION: ENTERING TECH ZONE***

**WEB SNAPSHOT TOOLS**

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These new Web snapshot tools are a powerful new citizen oversight tool. If we'd had these in 2000, the election (which was first erroneously called for Gore, then erroneously called for Bush) would probably *not* have been called at all. These snapshot tools enable any citizen to monitor thousands of incoming data points in real time.

Evidence of tampering, procedures gone awry or voting system malfunction can be collected by harvesting incoming unofficial results as they flow in on Election Night. These results are unofficial, which means they are real, but they will not be binding until the canvass is complete and the election is certified. Unofficial interim results are important! If someone makes last minute "adjustments" in the totals you can spot delays, veering numbers, and temporary impossibilities as

votes shift around.

A wonderful method for harvesting this evidence has been developed by citizen volunteer John Howard, who provided most of the information for the "Web site mirroring" tactic described here.

The fun happens on Election Night, but to use this method **you need to prepare ahead**, no later than the absentee/early voting period.

*The following information was adapted by Black Box Voting from information provided by John Howard – with great appreciation. Thanks, John.*

The first thing is to locate the Web pages where exit polls and unofficial results will stream in on Election Night. Early exit poll data and precinct detail results are especially valuable. John Howard has developed "link compendiums" for some states. Links change from election to election, and even within the same election phase. Prepare a compendium of results links; keep updating them. This way, you can get the results pages from multiple jurisdictions without having to spend a lot of time entering and re-entering the links you want captured.

*You will be able to automate collection of incoming exit polls and results* using Web site mirroring (also called offline browsing). There are numerous products out there – you may want to try HTTrack and, if you use Windows, try the windows version called WinHTTrack. It's a free open-source product and can be found at:

<http://www.httrack.com/page/2/en/index.html>

While it can be configured to copy an entire website (definitely NOT a good idea), it can also be configured to copy a set of specific links contained in an HTML file.

During fall 2006 elections, John Howard captured over 1,200 selected precincts and counties in 11 states plus a couple of news sites, in each of about 20 readings throughout the evening. Think of final results as a still photograph. These detailed unofficial interim results are more like video. They will capture important forensic data that often disappears just minutes after it shows up.

**To make Web Mirroring work, you need:**

- A reliable fast internet connection (*not* dial up)
- Lots and lots and lots of disk space
- Someone to babysit the process and start it every so often. (Suggest starting every 15 minutes)

There are options. Suggest excluding any graphics, limiting the capture to 5 simultaneous connections, do not cache the files, and setting a maximum external link depth of "1". This will prevent the program from finding additional links and trying to copy them too.

Usually a couple of dry runs are needed to make sure that you're getting the files you want without too much extra 'stuff'. During a night of result gathering, update your source file with new links as they become available. If available, use a second computer to gather and update your source file.

Do a bit of experimenting with the program first to familiarize yourself with it.

Capturing the data stream for incoming exit poll data this way can be interesting, especially as the projections shift over from exit polls (talking to voters as they leave the polling place) to "adjust" the data using the incoming stream of voting machine results. To track exit polls, look for links to exit poll data on the CNN, MSNBC, and CBS Web sites. The most critical data will be the **first posting after poll closing**. Continue to track as new numbers flow in.

### Java script shortcuts

To further automate the process (and capture more data, a high priority for the national election in November), Java script applications were provided to Black Box Voting by another volunteer, Donovan Levinson. These simple scripts will allow you to set frequency of capture while pulling the information into databases. Details and sample java code here:

[www.bbvforums.org/forums/messages/1954/74942.html](http://www.bbvforums.org/forums/messages/1954/74942.html)

### Examples of how Web snapshots can be useful:

"Up until just before 5 pm our time [Pacific] Jefferson County [KY] was at 89% reporting and Barack had 113,000+ votes. At 5:03 our time or 8:03 KY time the number of precincts reporting dropped to 86% and Barack's number of votes dropped to 64,489 - his % of votes is approximately the same."

Allentown 1st Ward 1st District [PA] which is duplicated (odd) however truly unusual is the reporting time of 10:03

AM. Isn't 10:03AM a bit early for reporting results?

Vigo County [IN], 2008 primary, results were up on CNN nearly one-half hour before the polls closed. [Actually, Vigo County appears to be on Central Time, which would make it one and-a-half hours before polls closed.]

### Even better, you can combine Web Snapshot tools with voter registration statistics:

"It only took until the 5th ward in the 2008 Allegheny County [PA] Primary to find a false result. Two reform ballots were cast when only one reform voter is registered. This mystery reformer ballot cast happens with regularity."

As any accountant can tell you, small miscounts can foretell big errors, even leading to embezzlements.

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### LEAVING TECH ZONE

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Whew! Now how about something all of us can understand. Another area of research spurred by John Howard, and since corroborated in several studies, is the issue of what pen to use.

Ink is a problem area for locations that scan mail-in ballots into computerized counting machines, because some voting machines do not reliably read different chemical compositions in ink. Ballots marked with the wrong pen – even some black pens – will read as though they are blank.

The best option is to use dark #2 pencil, pressing firmly enough that indentations will show if there

are erasures. The next best option is to use black felt tip pen, choosing one that does not bleed through the paper.

But it doesn't end here. While in New Hampshire after the 2008 Primary, Black Box Voting noticed what appeared to be tins of solvent under the table in the New Hampshire State Archives building where ballots were being delivered in the dark, secretively and without citizen observation. The nearest hardware store was sold out of very similar looking tins of solvent. Our video captured plastic applicator bottles and paper towels in the ballot transport van. We got to wondering what one could do with solvents and ballots. We decided to Google "remove ink from paper."

Try it. You'll see. The search took us to a site describing techniques used by archivists to lift ink from books. Denatured alcohol, acetone and other solvents not only remove ink marks, but dry so quickly they leave no evidence that the paper was ever wet. The amazing thing is, it lifts only the ink, not the printing on the ballot.

Whatever it is they were doing in New Hampshire, we decided to do some experiments. We discovered, to our horror, that ball point pen lifts off completely and immediately, leaving no trace it was ever there, permitting insiders to remark ballots and run them through the scanner again – or even hand count them.

These ink washing techniques are used by criminals to tamper with checks. Because of this,

special gel "banker pens" are available which are guaranteed not to lift off the paper with solvents. We were going to send those out to you with these Tool Kits, but then realized: Some chemical ink compositions will not be read by the scanner. Some inks bleed through the paper, and since ballots are double-sided this will invalidate the ballot.

Use dark graphite (number 2 pencil, like you use on academic tests), press firmly, and this will be read by every scanner and will leave telltale marks if erased.

**Do not fill out absentee ballots with ball point pen.** All ball point pens we tested, of all colors, were easy to "lift" using solvents without any telltale visual indicators. Felt tip pens perform variably, and may bleed through. Best: dark, firmly pressed pencil.

#### • *Election Day phase*

If polls don't open on time, contact election protection or voting rights arm for parties or candidate. Polls can be held open late, to compensate for late opening, but legal procedures need to be filed timely.

If electronic poll books malfunction or voting machines won't start, behave oddly, flip votes, fail to increment, then show poll workers, have them write it down (to get it into the public record) and report to election protection groups and the voting rights protection area for your candidate or party.

If long lines: videotape them. Bring a zoom lens, and stand well back.

### **Symptomatic of tampering:**

- Broken, mismatched seals
- Voting machine won't produce zero tape
- Voting machine won't open for election
- Poll book incorrectly says voter has already voted
- Last minute or mid-election memory card, PEB or cartridge change
- Race missing on ballot
- Race missing on review screen
- Last minute or mid-election voting machine repair or change machines
- Votes hop from one candidate to another

### ***Pens***

In the 2008 presidential primary in New Hampshire, over 500 ballots in one town were not read because the wrong pens were used. In locations with ink-sensitive machines, all it takes is giving voters the wrong pen (see previous section). Diebold recommends the Eberhard-Faber felt tip black pen for its optical scan machines. They have a little "EF" on the barrel of the black pen. We tested this pen and found that it does not bleed through the ballot, and is more difficult to "wash" than some of the others. You might want to catch a look at the brands of pens placed in the booths or handed to voters.

### ***• Election Night phase***

#### **The two most important things you can do:**

1. Compare precinct results tapes with central tabulation

2. Web snapshots (see previous section for setup)

Computerized voting machines produce two sets of totals: A precinct total and an accumulated total adding together all precincts. These two totals come from two different kinds of software. One of the most important safeguards available is to compare the result tapes from the precincts to the results on the central tabulation. It's not foolproof. It's possible to tamper in a way that defangs this important safeguard. But these two different sets of results, *which should match*, should be checked to make sure they actually *do* match.

#### **To collect precinct voting machine results:**

Organize a posse. Plan routes. Make maps and print directions. Usually, one team of two people (driver and map reader) can capture video of the polling place results tape for six to 10 polling places. Results tapes should be publicly posted at each polling place. We have found it easier to capture clear copies quickly with a video camera: zoom in, roll from top to bottom of each tape slowly to capture all details. Digital photos sound good, but it's hard to steady the camera and the cash register-like tapes are often six feet long, requiring multiple photos. It's just easier and faster to videotape.

Station a pair of your posse members at the central tabulation facility. Collect copies of the interim results sheets. If they don't offer precinct level results, submit a public records request for the detail results for each one-hour period during the evening.

These can be **generated electronically and saved to disk** in just seconds.

Obstructions to this process opens doors for tampering. Document any of the following:

- Refusal to post results tapes at the precinct
- Refusal to produce electronic precinct-level interim results on Election night as they come in. In a large jurisdiction, paper printouts may take too much time, but **electronic reports take only a few seconds.**
- **Claims that the election system cannot produce interim precinct results.** Some "blended" systems are blamed for this defect; If so, request partial results, whatever it *can* produce at the precinct level. Some information is better than nothing.
- **Refusal to run results tapes at the precinct:** This is a red flag for tampering. Other rationales have been created, but the plain truth is, comparing precinct voting machine tapes to central tabulation accumulated results is *one of the key safeguards originally designed into the system.* Disabling this protection is not cool.

While watching the central tabulation, pay particular attention to any delays in the transfer of documents and/or gear. Watch for and record the time and nature of any computer crashes. A great technique used by Paddy Shaffer of the Ohio Election Justice Campaign is to quickly focus your video camera on the wall clock when any significant event occurs.

Keep your eyes open, binoculars and decent camera with a zoom lens handy. Watch removable media being taken from room to room, such as small USB drives (sometimes hidden in closed fists). Watch for huddles and beware of the "wrangler" – often in the form of a nice lady with a candy tray, sent to distract you while something interesting or embarrassing is going on.

### *Web Snapshots on Election Night*

Use **Web snapshot tools** (pg 47) to capture results as they stream in.

### **Symptomatic of tampering:**

- Results posted early (ie., before the polls close)
- Results go down as "precincts counted" goes up
- Cartridges, memory cards, or ballots go missing either on Election Night or during manual spot checks or recounts
- "Can't read cartridge" (or memory card), requiring (a) technician to come "extract" the results or (b) a replacement to be used
- Slowdown or stoppage of incoming results, followed by trend reversal when they resume
- Impossible numbers: More votes than registered voters, more votes than voting age population in jurisdiction, incredible zero vote totals.
- Voting machines that could not "close" properly
- Some votes double-counted, or not counted.
- Votes assigned to the wrong candidate
- "Human error" (This is the 2008 catch phrase for everything from writing down "zero" when there

actually are votes, to using machines with votes already in them.)

- **Canvassing phase**

**The Canvass:** Depending on state election laws, the days immediately following an election are used for a cursory examination of information and additional counting of absentees or provisional ballots. This process is called the "canvass". Sometimes a machine recount or tiny manual spot samples are done during this time period. At the end of this short period, the election is **certified**.

During the canvassing period, depending on the location, candidates may have more access to election-related records than the public. For this reason, citizens should try to gather as much information as possible *before* the election and *on election night*. During the canvassing period, keep requests very simple and select items that take only a few minutes to produce. The following valuable items take little time for election workers (ie., a few seconds to push a button and export the report to disk or e-mail):

- Electronic copies of **unofficial interim** results as of a particular date and time
- **Audit logs** in electronic form, on disk.

**Interesting things during canvassing period:**

- Manual spot checks
- Recounts
- Reconciliations of reported numbers

**What does "reconciliation" mean?** This is the process of comparing numbers that should match to see if they *do* match:

- Number of voters checked in on poll books cannot be greater than number of registered voters unless the location has same-day registration, in which case the number cannot be greater than the sum of registered voters and same-day registrants.
- Number of votes cast cannot be greater than number of voters checked in on poll book.
- In paper ballot locations, the number of ballots given to poll workers at the beginning of the day must match the total of cast ballots, spoiled (damaged, crossed out etc) ballots, and uncast ballots.
- Reconciliation forms not filled out, missing information, and mismatched numbers are indicators for poor quality management, which creates opportunity for fraud.

**Candidates:** You have a short, exigent time frame for deciding whether to ask for a recount or, after certification, a contest. If you need document inspections or records requests, you will need to get them expedited. Try to examine the following items as soon as possible:

- Compare precinct voting machine results tapes with central tabulation results
- Look at incident reports and phone logs
- Get copies of audit logs
- Check records for voting machines serviced or replaced during the voting period

- Any extra or missing memory cards or cartridges?
- Check logs for missing or mismatched seals.

### The Contest Period

A candidate has just a few days after the election is certified to file a "contest", a legal effort to achieve a recount or new election based on violations of election law, fraud, or other egregious problems.

- **Post-election phase**

After the election is certified and contest periods have expired, it's all over but the fact-finding. This is the period when the most important citizen-based forensic investigations take place. If you want to make a real difference, your help is needed for post-election forensic audits, regardless of whether your preferred presidential candidate won.

### Paper ballot forensics

**Citizen ballot inspections:** You have the right to inspect the ballots, uncast ballots, and spoiled ballots yourself. Some locations refuse to honor this right, and a few states have even passed laws against it.

Some states have *explicitly removed* "ballots" from access through freedom of information laws, even *after* the required 22-month federal retention period has expired! These states have taken the position that the public, and sometimes even the candidates, can never examine the ballots at all. Any state that has passed such a law should be considered to be at high risk for election fraud. Now let's get back to locations where the legislators haven't lost their minds:

You can request an inspection of the ballots under the state's public records laws. A few states will require that you have residency in that state. The waiting time before you can inspect the ballots and the cost varies considerably.

When you arrange to inspect the ballots, you can count them, photograph them, videotape them. If you suspect that ballot-washing may have been used to tamper with recounts, or spot-checks, **a test kit can detect this**, even years later and this does not require you to touch the ballots.

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### ADVANCED TOOLS: BALLOT INSPECTION AUDIT

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1) **Preserve the evidence** by issuing a series of formal freedom of information requests. It is illegal – and in many states, a felony – for public officials to destroy documents that are part of a pending public records request. Issue requests and reminders at critical times until you have completed ballot inspections:

- By fax, e-mail and signed hand delivery just as the polls close on Election Night.
- Issue reminder a day before canvassing period ends
- Issue reminder a day before contest period expires
- Issue a reminder request two weeks before the *state and local* retention period expires
- Issue a request two weeks before the federal 22-month retention period expires.

*Destruction of election records is a major problem.* Include in every records request a demand that the records be preserved (*whether or not they say you can look at them*) until the records request has been fulfilled or adjudicated.

**Be persistent.** One obstruction tactic is to delay and stall. Most Americans lose interest in elections in 10 days; public officials know this, and will play the waiting game if they have something to hide.

**Brilliant recommended reading:** *Witness to a Crime* by Richard Hayes Phillips (See below). Phillips waited out dozens of stalling Ohio officials, and after nearly two years of obfuscation, conducted an in-depth audit of the entire 2004 Ohio election. Despite his efforts, more than half of Ohio's 88 counties had destroyed records. Eight Ohio citizens, including one of Phillips' colleagues, Paddy Shaffer have filed a lawsuit requesting contempt charges and a grand jury; lawsuit still pending as of this writing.

Regardless of whether you are told "*ballots are not subject to freedom of information*" or "*we have the right to destroy things despite your records request*" or "*uncast ballots are not required to be retained*", destruction of these records during pending records requests are clear violations of your right to oversee your own elections.

*The following information was adapted by Black Box Voting from Richard Hayes Phillips' "How to Audit an Election" article – with great appreciation:*

**Ask to inspect everything:** ballots, poll books,

voter signature books, ballot accounting charts, packing slips, and invoices. Ask to see *all* the ballots, whether voted ("cast"), spoiled ("cancelled") and unused ("uncast") for *all* categories (Election Day, absentee, provisional), and including the originals of any "remade" ballots (ballots the machine couldn't read, which were remade by election workers). Ask to photograph the records, so you can analyze them with painstaking accuracy, and reexamine the same records when necessary.

"*What are you looking for?*" you may be asked. "*I don't know,*" you can reply. "*This is an audit.*"

When election results have been altered, this is often apparent at the precinct level. Either the numbers will be at variance with long-established voting patterns, or inexplicable combinations of choices will be attributed to the same voters on the same day, or both. Voter turnout, that is, the percentage of registered voters casting ballots, may be suspect, either too high or too low. The percentage of ballots recorded as having no choice for the office, equal to undervotes plus overvotes, may be anomalously high or low. Based upon these criteria, you can focus on the most suspect precincts.

All of the records are important. It is rightly the responsibility of election officials to verify the accuracy of the elections they administer.

The ballot accounting charts for each precinct should state the number of ballots received at the start of the day, which should match the number on the itemized packing slip from the printer who

supplied the county with all its ballots.

That same chart should state the total number of “voted” ballots, which should equal the number of names in the poll book and the voter signature book. It should state the number of “spoiled” ballots, which should match the number of altered ballot stub numbers recorded in the voter signature book. And it should state the number of “unused” ballots remaining at the end of the day, which, when added to the number of “voted” and “spoiled” ballots, should equal the total number of ballots received at the start of the day. Without these records there is no way to tell if the ballot box contains too many ballots, or too few.

Some locations will have ballot stubs, which are numbered strips of paper attached to each ballot. The stub number for each ballot issued, both “voted” and “spoiled,” should be recorded by a poll worker right next to the voter’s name in both the poll book, written by the poll worker, and the voter signature book, signed by the voter. The ballot stub should be torn off and placed into the ballot box separately, to protect voter privacy and the right to a secret ballot.

The numbers on the torn-off stubs should match the stub numbers in the poll book and the voter signature book, and the numbers on the stubs still attached to the unused ballots should not; and all the stubs, and all the ballots, whether voted, spoiled, or unused, should be preserved. Without these records there is no way to tell if the ballots run through the electronic tabulator are the same ballots issued to the

voters.

Many elections locations are at liberty to “remake” ballots at their discretion, ostensibly so that the voter’s intent will be accurately recorded by the electronic tabulator. The original “spoiled” ballots which the “remakes” allegedly duplicate are supposed to be preserved. Without these records, there is no way to tell if “remakes” are legitimate.

The subsets of regular, absentee, and provisional ballots in each precinct are supposed to match corresponding numbers of names recorded in poll book and voter signature book. If the books do not indicate which absentee ballots were returned by the voters and which were not, and which provisional ballots were approved and which were not, another opportunity arises for vote count alteration.

Long consecutive runs of ballots for one candidate or another are proof of hand sorting, for which there might be no legitimate reason. Abrupt changes in voting patterns partway through the stack of ballots may be indicative of ballot tampering, especially if there is a marked increase or decrease in “ticket splitting.” This is why “whole ballot analysis” is important. The combinations of choices attributed to individual voters on each ballot must be examined, not merely the contest being investigated.

Ballots from numerous counties must be examined. Unless this is done, there is no frame of reference, and there is no way to tell if ballots are counterfeit. Likewise, all the marks on the ballot must be examined, to see if one or more of the marks

are made by a different hand or pen than the others. Such forgeries can be a method for spoiling the ballot by turning the voter's choice into an "overvote," or by turning an "undervote" into a vote for the candidate desired by the election riggers.

The greater the number of "extra" ballots ordered by elections officials, above and beyond what could possibly be needed to accommodate all the voters, the greater the margin by which the vote count can be altered. All that is needed to cover the tracks is to destroy the unwanted ballots and the unused ballots, or to leave the "extra" ballots off the invoice and the packing slip in the first place.

Despite the numerous methods of ballot tampering, doing away with paper ballots is not the solution. Paper ballots preserve the evidence, which may be exactly why some politicians are so eager to do away with them.

Richard Hayes Phillips is the author of ***Witness to a Crime: A Citizens' Audit of an American Election***, currently the only book providing an analysis of actual forensic evidence for the Ohio 2004 election, including 126,000 ballots, 127 poll books, and 141 voter signature books from 18 counties in Ohio. You may obtain this book at [www.witnesstoacrime.com](http://www.witnesstoacrime.com).

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**ADVANCED TOOLS: ENTERING TECH ZONE**

***How to audit computerized voting systems***

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*The following information was adapted by Black Box Voting from reports by Jim March, a member of the Black Box Voting board of directors, who has conducted voting systems audits in California, Arizona and Tennessee. Great appreciation to Jim!*

Voting systems with or without paper ballots use computers to count the votes. There are two basic kinds of systems: DRE machines, which count votes based on direct input into a computer with the ballot on the screen, and Optical Scan machines, which count votes by interpreting a mark (a line, arrow or filled-in oval) which the voter has placed on a ballot.

Both DRE and optical scan machines feature two additional critical stages: The *ballot definition* stage, which tells the computer how to read information unique to each election, and the *central tally* phase, which adds up all the ballots from different precincts and combines them with other tallies, like absentee votes (which are also read by computers.)

Most voting systems use Microsoft Windows, which comes with built-in audit logs ("Event log" and "System log") as well as built-in mechanisms for getting a directory map to help find out what's on the computer.

## Here are some of the items you can request:

- **The Windows Event Log** is a critical document that among other things can show when programs are loaded into a system, or crash. Example:

*8/4/2006 4:08:27 PM JD SECURE 3.0None None 1 N/A GEMS-SHELBY The description for Event ID ( 1 ) in Source ( JD SECURE 3.0 ) cannot be found. The local computer may not have the necessary registry information or message DLL files to display messages from a remote computer. The following information is part of the event:  
=>Application was successfully installed*

In this section of the Windows event log from Memphis Tennessee (Shelby County), we see a program called "JD Secure" loaded at the central tabulator station the afternoon after the election. JD Secure is a program found on Lexar brand USB memory sticks known as a "JumpDrive" "JD").

This application is used to either read from or write to an encrypted USB memory stick. In other words, *somebody was carrying password-protected data into (or less likely, out of) the central tabulator station on a memory device that can be concealed in a closed fist.* This is an indicator of election fraud.

- **Directory listings** from each central tabulator station plus the scanner stations (if the latter run on MS-Windows), in the form of text files created with the Windows command:

```
dir c:\*.* /s > c:\filelist.txt
```

...where "filelist" is a text entry showing which

computer station this listing is from. Please note that the File Allocation Table of each system is a public record; this one command converts that record into a format that can be copied to disk. This is about finding out what software and/or files are loaded on the machines, and as a text file record can be searched for software that poses a high-risk to elections, such as MS-Access.

- **Audit logs and Event logs from election management computer and precinct voting machines:** This next example shows an excerpt from the Diebold/Premier GEMS central tabulator "Audit Log" containing some pre-election events in Pima County, Arizona just prior to the May 16, 2006 special election. A \$2 billion transportation bond was at stake affecting land development.

*05/11/06 09:55:57 User admin: User Login*

*05/11/06 09:56:49 User admin: Printing Summary Report*

*05/11/06 10:06:21 User admin: Printing Summary Report*

On the morning of 5/11 – five days before the election – we see that Pima County printed a pair of summary reports showing actual results to date. They had scanned at least 8,000 absentee votes on the 10th. This is a results report based on real votes and is both illegal and politically valuable.

Public records will help you access all kinds of documents to shed more light on what really happened in the election. Items to ask for:

- **Cardkey access logs** or, if cardkeys are not used,

written access logs for the rooms housing election management computers, and for rooms housing the voting machines and ballots. These computerized lists will show who went in and out of the rooms, with dates and times.

- **E-mail traffic** sent to any (voting system) owner, employee or contractor by any (whatever) county employee or elected official for the past year.
- **Documents showing failures of voting machines**, especially the troubleshooter reports documenting malfunctions and repairs and anything else that might hinder or slow the processing of votes.
- **Chain of custody logs** containing voting machine assignments to each polling place and the list of seal numbers affixed and checked in.
- **Access records for any laptops** used during the 2008 general elections period [specify dates].

Voting systems produce many different kinds of records. You may feel like you need a small wheelbarrow to cart it away, along with an army of citizens to analyze it.

\* \* \* \* \*

And that, my friends, is part of the problem. We can't see what's going on. As you'll quickly find out when you request even the simplest public records, a culture of obstructionism has developed among certain characters in our elections industry. And when you do get the records, you'll feel much like

the lawyer who requests discovery and is handed a room full of boxes full of hodge-podged unlabeled and mostly extraneous documents.

That is not transparency either.

Out of clutter, find simplicity.

— Albert Einstein

'Things should be made as simple as possible, but not any simpler.'

— Albert Einstein

'When the solution is simple, God is answering.'

— Albert Einstein

We don't want over-complexified techno-extravaganza elections conducted in secret by government insiders who say "trust me."

Get involved. Your election protection actions this year will be part of returning control over election processes to the people who own the government.

"You are not required to complete the task, yet you are not free to withdraw from it."

— Rabbi Tarfon

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And thank you, Lord, for showing us how to walk the walk each day to help this great nation live up to its own ideals. Hear our prayers for November.