

TIPS FOR GATHERING EVIDENCE IN ELECTIONS

<http://www.blackboxvoting.org>

"We're counting the votes. Get over it."

To ask questions and get individual help, go to the One-on-One:

<http://www.bbvforums.org/forums/messages/73/73.html>

It's no longer enough to observe and tell stories about what you saw in elections -- even if you sign an affidavit. The sad fact is anecdotes don't produce change, even when they are very well organized. It's time to shift our thinking from watching elections to **collecting evidence**. Don't depend on public officials to identify or correct elections problems.

Right now, it's up to the citizens themselves to gather evidence and build a case.

Evidence helps produce real change.

Evidence convinces reporters to cover the problem.

What is Evidence?

Videotape

Audio recordings

Photographs

Public records

Documents

Laws, statutes and administrative rules & regulations

The right kind of evidence is difficult to deny or "spin."

While it's important to observe the polls, it may be even more important to observe the chain of custody and the vote tallying that goes on after the polls close, and to obtain and compare documents to see if they match.

You should not have to "trust" in anyone else's word. You should be able to observe and document for yourself. If a public official prevents you from observing or documenting, then document the obstruction. Capture the obstructive behavior on videotape or in writing or with an audio recording.

Questions to ask when observing:

Remember that watching the COUNTING is often more informative than watching the VOTING.

Even if you are technically savvy, keep your questions simple and innocent and you'll elicit more information. For example:

- "What's that?"
- "Who's that guy?"
- "How come he's..."
- "What's he doing?"
- "What did he just put in the machine?"
- "Where's he taking that?"
- "Where do those cables go?"
- "Where are the [Diebold/ES&S] guys?"

Document any of the following obstructive behaviors:

You are not allowed to watch poll closing activities
You are not allowed to watch votes being counted
You are not allowed to follow the ballot box, memory card, or cartridge chain of custody
You are not allowed to watch the "depots" (regional transfer sites, used in high-population areas on election night to collect memory cards and documents)
You are not allowed to watch the processing of the absentee ballots
You are not allowed to see the computer screens
You cannot see who is in the counting room
Some of the processing and tabulation takes place in rooms you cannot see
They won't tell you where any other networked machines are or, they won't let you observe the area where other networked machines are
You cannot see who is handling memory cards (or cartridges, or disks)
They won't tell you the names (and/or who employs) the people who are tabulating and processing votes
You are not allowed to watch pre-election voting machine preparation
You are not allowed to watch pre-election voting machine testing
You are not allowed to see all of the rooms where ballot box (memory card, cartridge) processing is taking place
You are not allowed to watch check-in of cartridges, memory cards etc.
You cannot see all of the computers processing your vote
They turn off the machine or blank the screen so you can't see what's on it (for example, hiding error messages)
You are not allowed to have the all of the results reports (They usually run "interim" reports every 30 minutes)
You are not allowed to see the polling place results tapes at the precinct (end of day precinct results)
They won't let you access public records, such as voting machine logs, reports, pollbooks
They won't tell you the names of the people working there
It's too dark to see handling of memory cards, cartridges, envelopes and election materials.
They won't tell you the chain of custody of any specific item
They present you with unreasonable costs for records
They won't break down the costs
They omit items from your public records requests

Chain of custody problems

Gaps in the accounting for (or your ability to see) handling of voting machines, memory cards, or ballots
Handing memory cards by political party operatives or vendors
Technicians working on voting machines during the election
Technicians working on voting system during the count
Machine does not print precinct results
Voting machines, ballot boxes or memory/cartridges sent home with poll workers

Counting problems

Modems can't connect
Cards/cartridges won't upload
Results don't match each other
Results for a candidate go down when more votes come in
Negative votes or machines count backwards

Auditing problems

Things don't add up

More votes than voters

Votes show up in precincts with no registered votes

Precincts results don't match central tabulator data

Absentee votes co-mingled with polling place votes so you can't see which are which

Precincts are missing

Reports are structured so that you can't match things up

Interesting Documents to request / review

List of polling places with the ID numbers to match precinct by precinct results reports

Example: Results report says

You also need:

104884 Bill Jones 359 votes

precinct 104884 = Cherry Hills elementary school

Ask for the breakdown that allows you to match absentee results to precincts.

Examine polling place report (how many people signed in to vote)

Compare with # votes cast/counted for that polling place.

Poll tapes (results from voting machines)

"Interim" results reports – these are summary reports printed at intervals throughout election night and as absentee votes are counted afterwards.

Final, detailed results report (breaks down by precinct)

Voting machine logs:

Election Management System audit logs

Voting machine audit logs

Event logs

A more complete list of available audit logs by name can be found in the user manuals archived on the Black Box Voting – Forums – Document Archive – Voting System. Logs available vary by manufacturer.

Ballot accounting forms – how many ordered, received, used, spoiled

CHECK TO SEE WHETHER YOU CAN SECRETLY RECORD IN YOUR STATE – SEE LIST BELOW

Some states do not permit secret tape recording. It is a "two party consent state," meaning it requires the consent of both parties to take an audio recording. This is not necessarily true in a public space, such as the public area in an elections office. In these places it is generally assumed that anyone can hear what's going on and there is not necessarily any enforceable right to privacy in such settings.

Check with your state regulations about single party consent, but the following information is what we have located in state statutes:

THESE STATES DO ALLOW SINGLE PARTY AUDIO RECORDING – you have to be there (you can't bug the room) but the other party does not need to know you are recording:

Here are the single party consent states, which generally mean that you can record with a hidden recorder:

Alabama

Alaska

Arizona
Arizona
Arkansas
Colorado
District Of Columbia
Georgia
Hawaii
Idaho
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Michigan
Minnesota
Mississippi
Missouri
Minnesota
Nebraska
Nevada
New Jersey
New Mexico
New York
North Carolina
North Dakota
Oklahoma
Oregon
Ohio
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
West Virginia
Wisconsin
Wyoming

You may not be allowed to secretly tape record in the following states (see exceptions below this list)

California
Connecticut
Delaware
Florida
Massachusetts
Maryland
Montana
New Hampshire
Pennsylvania
Washington

There is no such prohibition against taking video without the audio. You can videotape in public places. Some locations will not allow you to bring a camera or video recorder into the polling place – but that does not apply after the polls close.

There is no prohibition against taking photographs.

TOOLS FOR GATHERING EVIDENCE:

Many cameras that take digital photos also take Web quality video with audio. For options on equipment, click here:

[Citizen's Guide to Video and Audio Recorders](#)

Tips for videotaping: <http://www.bbvforums.org/forums/messages/6/15733.html>

More ideas and tips: <http://www.bbvforums.org/forums/messages/73/15745.html>

Sign up for the National Hand Count Registry:

<http://www.bbvforums.org/cgi-bin/forums/board-profile.cgi?action=register>