

# Democracy Lost: A Report on the Fatally Flawed 2016 Democratic Primaries

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## **I. INTRODUCTORY MATERIAL**

### **A. ABOUT ELECTION JUSTICE USA**

Election Justice USA (EJUSA) is a national, non-partisan team of seasoned election integrity experts, attorneys, statisticians, journalists, and activists. The circumstances surrounding Arizona's presidential primary on March 22<sup>nd</sup>, 2016—widely acknowledged as one of the most disastrous election days in recent memory—were the lightning rod that catalyzed the formation of EJUSA. Throughout the course of the 2016 presidential primary season, EJUSA has emerged as a leader in the fight for honest elections, pursuing legal action in several states in an attempt to counteract specific forms of targeted voter suppression and election fraud.

This report summarizes the work of the Election Justice USA forensics and legal teams during this period. EJUSA is working not only to expose the voter suppression and election fraud taking place during the 2016 presidential primaries, but to build a mass movement calling for three simple, affordable reforms that will render direct fraud and suppression impossible, safeguarding US elections for future candidates.

As the information contained in this report should be disseminated as soon as possible the draft version of this report is being published ahead of its final version which should be completed by August 1, 2016.

### **B. ACKNOWLEDGEMENTS**

Nicolas Bauer – Inaccurate Machine Counts and State-by-State Sections

Stephanie Dube Dwilson – WikiLeaks DNC Email Archive Section

Blaire Fellows – New York Voter Purges Section

Doug Johnson Hatlem – Editor; Summary, Inaccurate Machine Counts, and State-by-State Sections

Theodore de Macedo Soares – Exit Poll Section

Paul Thomas – Voter Registration Tampering and Voter Suppression Sections

Eileen West – EJUSA Legal Actions and Legal Background Section

### C. EXECUTIVE SUMMARY

On April 19th, a judge in New York grudgingly agreed that someone may have tampered with Alba Guerrero's voter registration. Judge Ira Margulis changed his decision from moments earlier that Guerrero would be denied the right to vote in New York's Democratic primary, after evidence emerged that Guerrero's signature had been forged, switching her to Republican without her knowledge or consent.<sup>1</sup> Had she not been willing to take several hours to appear before a judge that day, Alba would not have been able to vote for Senator Bernie Sanders. Video evidence available online confirms the forgery.<sup>2</sup>

Ms. Guerrero states: *"It just boggles my mind that it could happen that easily to so many people and without them even knowing that they are being manipulated like that...I never would have thought something like that could happen."* Guerrero was more than willing to have her story included in *Democracy Lost*. She added, *"This is a problem that obviously has gone for too long and with no consequence."*

A forged legal document cannot be attributed to an unfortunate mistake or a clerical error. Someone intentionally tampered with Alba Guerrero's voter registration.



*Photo 1: Alba Guerrero*

Another New York resident, Chloe Pecorino, attempted to register as a first-time voter by submitting the relevant paperwork to the Department of Motor Vehicles in Brooklyn more than a week before the March 25th, 2016 deadline. Attempts to verify her registration status online were unsuccessful. On the day of New York's presidential primary, Chloe still had not been registered as a Democrat, despite persistent efforts, including more than a dozen calls and emails, the evidence of which spans fifteen pages in Exhibit A of Election Justice USA's initial New York lawsuit. On the day of the primary, Chloe took several hours to appear before a judge in an attempt to vote normally. Despite ample evidence of attempts to register before the deadline in good faith, the judge denied her request. As a consequence, Chloe was forced to cast her vote for Senator Sanders using an affidavit ballot. As can be seen in Photo 2, Chloe's affidavit ballot was declared invalid, like so many others.

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<sup>1</sup><http://www.thedailybeast.com/articles/2016/04/19/failure-fraud-and-more-in-new-york-s-punk-rock-voting-disaster.html>

Last accessed on July 22nd, 2016. Significantly, the changes were back-dated to 2004. Guerrero has provided Election Justice USA with her 2003 federal tax form proving that the signatures from the two documents are still nothing alike.

<sup>2</sup>[https://youtu.be/\\_k6YAEU-eDE](https://youtu.be/_k6YAEU-eDE) Last accessed on July 22nd, 2016.

INVALID

**Affidavit Oath**

**A: Please provide the following required information**

Your name Last name PECORINO Suffix /  
 First name CHLOE Middle Initial \_\_\_\_\_

The address where you live Address (not P.O. Box) \_\_\_\_\_  
 Apt. Number \_\_\_\_\_ Zip code \_\_\_\_\_  
 City/Town/Village BROOKLYN  
 New York State County KINGS

Date of birth \_\_\_\_\_ Party enrollment DEMOCRAT

**B: Please check each box that applies to you and fill in the appropriate blanks**

I have been informed by the inspectors that my registration record is not available to them, however I have duly registered to vote in this election district from the address given above, and I remain a duly qualified voter in this district.

I have moved within \_\_\_\_\_ (Insert County or New York City) since my last registration, and my previous address was: \_\_\_\_\_

I was required to present identification when I voted today, but I did not do so.

For Primary Elections Only: I am enrolled in the political party stated in the section above, but the poll book does not reflect my correct enrollment.

**C: Additional information to register to vote in the event that you do not have a valid registration on file**

Are you a citizen of the U.S.?  Yes  No — If you answer No, you cannot register to vote.

Will you be 18 years of age or older on or before election day?  Yes  No  
 If you answer No, you cannot register to vote unless you will be 18 by the end of the year.

More information Telephone (optional) \_\_\_\_\_ Sex  M  F  
 Email (optional) \_\_\_\_\_

The address where you receive mail Address or P.O. Box \_\_\_\_\_ Apt. \_\_\_\_\_  
 P.O. Box \_\_\_\_\_ Zip code \_\_\_\_\_  
 Skip if same as above City/Town/Village \_\_\_\_\_

Voting history Have you voted before?  Yes  No What year? \_\_\_\_\_

Voting information that has changed Your name was \_\_\_\_\_  
 Your address was \_\_\_\_\_  
 Skip if this has not changed or you have not voted before Your previous state or New York State County was \_\_\_\_\_

Identification  New York State DMV number \_\_\_\_\_  
 Last four digits of your Social Security number: x x x - x x - \_\_\_\_\_  
 I do not have a New York State driver's license or a Social Security number.

Political party You must make 1 selection  I wish to enroll in a political party

Democratic party  Green party  Women's Equality party  
 Republican party  Working Families party  Reform party  
 Conservative party  Independence party  Other \_\_\_\_\_

I do not wish to enroll in a political party

No party

**D: All voters must date and sign the oath below**

It is a crime to procure a false registration or to furnish false information to the Board of Elections.

Affidavit: I swear or affirm that

- I am a citizen of the United States.
- I will have lived in the county, city or village for at least 30 days before the election.
- I meet all requirements to register to vote in New York State.
- This is my signature or mark in the box to the right.
- The above information is true, I understand that if it is not true, I can be convicted and fined up to \$5,000 and/or jailed for up to four years.

Sign [Signature] Date April 19, 2016

To be completed by an Election Inspector

Town/City KINGS ADJ Ward \_\_\_\_\_ Election District \_\_\_\_\_

For BOE Borough Office Use Only

Not Registered  Miscellaneous  Cancelled (D) Count:  Yes  No 210  
 Registered too late  Address Change  Wrong ED (site) (R) Count:  Yes  No

Photo 2: Chloe Pecorino's affidavit ballot, stamped "INVALID"

Alba and Chloe's stories are just two of thousands of reports of voter registration tampering, purging, or obstruction recorded by Election Justice USA (EJUSA). Many cases in EJUSA's database are supported by registration records, emails to and from officials, phone records, or affidavit testimony. Available evidence from Arizona, New York, and California suggests more than 500,000 registrations were tampered with or improperly handled. While Ms. Guerrero was allowed to vote, hundreds of thousands of voters were denied the right to vote or were forced to vote provisionally. A quarter million or more provisional or affidavit Democratic ballots were not counted. Available evidence also suggests that the vast majority of suppressed voters would have voted or tried to vote for Senator Bernie Sanders.

Based on concrete evidence, Election Justice USA surmises that, unlike Alba's case, the majority of the registration tampering could only have been carried out by computer hackers: in many cases, the changes to voter registrations are provably back-dated in official electronic records. Other forms of direct voter suppression, however, were carried out by partisan elections officials in states like New York and California. In Brooklyn alone, 121,000 voters were wrongly or even illegally purged from voter rolls leading up to New York's vote. The Brooklyn voter purge disproportionately affected Hispanic voters.<sup>3</sup> Analyses in *Democracy Lost* show that voter purges also disproportionately affected

<sup>3</sup> <http://www.npr.org/2016/06/21/482968834/latino-voters-hit-hardest-by-brooklyn-voter-purge>. Last accessed on July 22, 2016.

Sanders' vote totals: the percentage of purged voters for each precinct was a significant predictor of Clinton's vote share. New York City's Board of Elections suspended two high-level employees without pay but has offered no substantive explanation.

Partisan elections officials also targeted specific classes of voters known to support Senator Sanders. In California, for instance, six unique methods were employed to systematically disenfranchise "no party preference" (independent) voters who were legally eligible to vote in the Democratic primary.

The widespread and illegal efforts to manipulate the election results in the 2016 Democratic Party primaries are not the only visible indications of election fraud. EJUSA has also identified irregular patterns in precinct-level Democratic vote tallies which are strongly suggestive of electronic voting machine tampering. In all eleven primaries where discrepancies between exit polling and official results exceeded the margin of error, the discrepancy favored Hillary Clinton. *Democracy Lost* treats the controversy over exit polling discrepancies with in-depth argumentation and statistical regression analysis.

Exit polling has been used throughout the world as a means to verify election results. The United States Agency for International Development (USAID) stated in their 2015 booklet "Assessing and Verifying Election Results," [e]xit polls are powerful analytical tools ... [a] discrepancy between the votes reported by voters and official results may suggest that results have been manipulated."

Unlike other technologically advanced countries such as Germany, Canada, France, Ireland, Italy, Denmark, Finland, and 53 other countries, election ballots in the United States are not counted by hand and in public. The Federal Constitutional Court of Germany (the German version of the US Supreme Court), in 2009, effectively banned the use of computers to count Germany's ballots.<sup>4</sup> In order to be able to verify the results of their elections, Germany reverted to the hand counting of all ballots in front of citizen observers.<sup>5</sup>

Many US states use touch-screen computer voting systems that do not even generate a papertrail. Almost all ballots, whether paper or not, are counted by computers. All counting is non-transparent and inaccessible for verification by the public. The few states that audit the computer counts by hand only examine a tiny percentage of the ballots and even this count is not performed according to proper statistical procedures. In other words, the results of our elections, based on computer counts, are largely unverified.

Applying the results of the exit polls conducted in these primaries in an attempt to verify the computer counts revealed that these counts differed widely from the exit poll projections. These discrepancies occurred primarily in the Democratic Party primaries but not in the primaries of the Republican Party. This is remarkable, as the exit polls for both parties were conducted on the same day, in the same precincts, with the same interviewers, and used the same methodologies.

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<sup>4</sup> Federal Constitutional Court of Germany. Use of voting computers in 2005 Bundestag election unconstitutional. Press Release No. 19/2009 of 03 March 2009. (The Court explicitly stated, as one of the main reasons for their decision, "deliberate electoral fraud committed by manipulating the software of electronic voting machines can be recognized only with difficulty.") Available at: <http://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2009/bvg09-019.html>. Last accessed on June 12, 2016.

<sup>5</sup> Deutsche Welle (DW). No concerns over election fraud in Germany. September 21, 2013. Available at: <http://www.dw.com/en/no-concerns-over-election-fraud-in-germany/a-17102003>. Last accessed on June 12, 2016.

Comparing the computer vote counts with the exit poll survey results for the Republican Party primaries, the total survey margin of error was calculated to be 32% greater than the usual statistical margin of error applied to such surveys. Ten of the primaries of the Democratic Party had computer vote counts that differed from the exit poll results by more than the augmented margin of error applied to the exit polls conducted by Edison Research.

The theories put forth in the effort to explain away these discrepancies by the defenders of computerized vote counting are carefully analyzed in *Democracy Lost*, and shown to fail. No reasonable explanation can be found for why the computer counts matched only the exit poll results for the Republican Party primaries. The possibility that the computer counts were only accurate for one party is the only explanation remaining.

New information, supplied by Edison Research (which conducted the polling in question) directly to the author of the exit poll section of this report, on the adjustments made to the standard and scientific exit poll survey methodology, strongly suggests that the discrepancies between the vote counts and their respective exit polls were likely *greater* than the discrepancies shown in the tables of this report. The actual discrepancies may range as high as 16%-35% in some of the states. Without access to Edison's raw exit poll data and a detailed account of the actual adjustments made, the actual discrepancies between the classic exit polls and the vote counts cannot be determined with certainty. The possibility exists that the unadjusted exit polls may show that candidate Sanders may have handily won the Democratic Party primary race.

This report supplies additional evidence supporting the notion that unverified computer counts incorrectly tabulated the votes in the Democratic Party primaries. EJUSA analyzed precinct-level results in the largest counties by population for 35 of 36 Democratic primary states (the state of Arizona does not keep such elections records). These analyses revealed that as precinct size increases, Clinton's vote share increases. This pattern holds true even when carefully controlling for demographic factors such as race and age.

This method of analyzing data is based on the Law of Large Numbers. As a sample size grows, its average rapidly approximates the average of the population being measured. Toss a coin repeatedly, and, as the number of tosses increase, the increasing sum of the tosses rapidly approaches the average of the two-sided coin—50% of the tosses average heads or tails.

The same principle applies to the election results between candidate Sanders and candidate Clinton. As the number of votes accumulate for each candidate, their individual vote share should rapidly approximate their average share of the vote from the entire state. This was not the case in states with large exit polling discrepancies favoring Clinton, however. That Clinton's vote share rises smoothly with precinct size raises the strong possibility of voting machine tampering.

Fritz Scheuren, professor of statistics at George Washington University and the 100th President of the American Statistical Association (ASA), states: "*as a statistician, I find the results of the 2016 primary voting unusual. In fact, I found the patterns unexpected [and even] suspicious. There is a greater degree of smoothness in the outcomes than the roughness that is typical in raw/real data.*"<sup>6</sup> Dr.

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<sup>6</sup> <http://www.hollerbackfilm.com/electoral-system-in-crisis/> Last accessed on July 24, 2016.

Scheuren is quoted in *An Electoral System in Crisis*, an independent examination of the accuracy and security of U.S. electronic voting equipment. The report was released by an investigative team led by Edward R. Murrow Award-winning journalist Lulu Fries' dat in collaboration with Scheuren, and has been invited for publication in the journal of the International Association of Official Statistics. Election Justice USA provided assistance in its research and development. Scheuren further argues that *"the difference between the reported totals, and our best estimate of the actual vote, varies considerably from state to state. However these differences are significant—sometimes more than 10%—and could change the outcome of the election."*

The argument Election Justice USA is advancing suggests that an algorithm may have been applied to electronically counted votes. The proposed algorithm would have increased Clinton's share of the vote and decreased Sanders' share of the vote by an increasing percentage as precinct size by total vote increased. Because the final numbers would be algorithmically related to the actual vote total, they would remain random in a way that would avoid detection by election fraud analysis tools. The logic is simple: discrepancies and irregularities are easier to conceal in precincts with more votes, and, in cases where a limited number of precincts can be targeted, the larger precincts yield a greater number of votes to work with.

Election Justice USA has established an upper estimate of 184 pledged delegates lost by Senator Bernie Sanders as a consequence of specific irregularities and instances of fraud. Adding these delegates to Senator Sanders' pledged delegate total and subtracting the same number from Hillary Clinton's total would more than erase the 359 pledged delegate gap between the two candidates. EJUSA established the upper estimate through exit polling data, statistical analysis by precinct size, and attention to the details of Democratic proportional awarding of national delegates. Even small changes in vote shares in critical states like Massachusetts and New York could have substantially changed the media narrative surrounding the primaries in ways that would likely have had far reaching consequences for Senator Sanders' campaign.

*Democracy Lost* is divided into four sections. The first section introduces Election Justice USA, the lawsuits it has filed during the course of the 2016 Democratic presidential primary season, and the legal background surrounding issues of voter's rights and voter suppression. Section two describes and analyzes, in great depth, the wide variety of election fraud types documented in the 2016 Democratic primary and caucus cycle. Section three discusses the types of election fraud on a date-by-date, state-by-state basis. It establishes lower and upper estimates for more than two dozen states or territories where Election Justice USA's analyses establish that systematic irregularities or election fraud may have reached a level that affected national delegate totals. Section four concludes by calling for decertification of the 2016 Democratic primary results in over 20 states, while outlining Election Justice USA's recommendations for the avoidance of election fraud in future US elections, including:

- 1) Exclusive use of hand-counted paper ballots in all future US elections.
- 2) Automatic voter registration with same-day party affiliation switching as a mandatory condition for all elections that are publicly funded.
- 3) Restoration of voting rights legislation which would ensure adequate access to polling sites.

*Democracy Lost* maintains that these recommendations for future elections, contrary to common claims, save taxpayer money.



## **II. SUMMARY OF DIRECT EVIDENCE FOR ELECTION FRAUD, VOTER SUPPRESSION, AND OTHER IRREGULARITIES**

Election Justice USA has collected evidence indicating that multiple instances of voter suppression and election fraud have occurred throughout the 2016 presidential primaries. Democratic and Republican candidates have been affected, but demographics favoring Senator Bernie Sanders (e.g., younger voters, independent/unaffiliated voters) have been most heavily affected. This evidence falls into four categories: 1) voter suppression; 2) voter registration tampering (switching of a voter's party affiliation without their knowledge or consent); 3) illegal voter registration purges; 4) evidence for erroneous or fraudulent voting machine counts. We have also discovered a number of credible reports of miscellaneous kinds of election fraud or potential election fraud that are particularly relevant to caucus states. We present a brief synopsis of our evidence from each category below.

### **A. VOTER SUPPRESSION**

A) Extensive reduction in number of polling places: Reduction in polling places (e.g., Arizona, Puerto Rico, Rhode Island) disproportionately affected Sanders' vote share. This is because Clinton had larger vote shares for early/absentee ballots, while Sanders fared best on election day.

B) Voter suppression by California elections officials targeting no-party-preference (NPP) voters: 1) Refusal to include NPP presidential voting options on regular ballots; 2) Refusal to mail presidential ballots to NPP vote-by-mail voters unless explicitly requested; 3) Refusal to provide mandatory notices to vote-by-mail NPP voters of their right to a Presidential Preference ballot; 4) Refusal to inform NPP voters at the polls of their right to a Presidential Preference ballot; 5) Refusal to provide adequate ballots and/or voter indexes, despite the State Law requirement of 75% voter roll coverage; 6) Refusal to clarify to voters that American Independent is a political party and does not signify “independent” (NPP) status. We filed a lawsuit in an attempt to address these issues, but relief was not granted.

Testimonies and statistics detailing voter suppression in California:

- 1) Testimony from CA voters who were given provisional ballots by pollworkers despite their names being on the Democratic voter rolls.
- 2) Testimony from CA Democratic voters who received the wrong ballot type in the mail.
- 3) Testimony/video evidence from CA Democratic voters who were given provisional ballots instead of being directed to a recently-changed polling location.
- 4) Testimony from poll inspectors about a shortage of ballots: in some cases, fewer than 39% of registered voters would have been covered by the number of ballots provided for Los Angeles County precincts, despite a CA State Law requirement that 75% coverage be guaranteed. We also have testimony from voters who were forced to use provisional ballots due to ballot shortages.
- 5) Poll workers did not count or keep a roster of provisional ballots in CA, hence no chain of custody is possible.

## **B. REGISTRATION TAMPERING**

Registration tampering involves changes made to party affiliation or registration status without a voter's knowledge or consent. These reports have been corroborated by hard evidence in the form of paper documents and screen-shots.

A) New York: We have received testimony and affidavits from over 700 New York Democratic voters. Of these respondents, over 300 registered during the current campaign cycle. Out of all respondents, around 300 had been switched to independent (no party affiliation) without their knowledge or consent and at least 80 had been switched to another party without their knowledge or consent. In some cases, these changes had been back-dated such that they were listed as made before the voter initially registered.

B) California: We have also received testimony and affidavits from over 700 California voters who experienced voting and registration problems. Of these respondents, 84 were switched to another party without their knowledge or consent. In some cases, these changes were back-dated such that they were listed as made before the voter initially registered.

C) Other states: We have received testimony and affidavits detailing registration tampering in many other states, including FL, KY, MD, NJ, NM, OH, OR, and PA.

D) These changes contributed to the unprecedented number of disqualified affidavit ballots seen in states like AZ, NY, and CA: 20,000 excluded provisional ballots in Phoenix, Arizona; 91,000 in New York; 360,000 and climbing in California.

## **C. ILLEGAL VOTER PURGING**

A) New York City: Two Brooklyn Board of Elections top officials have been suspended without pay and without any public explanation, in response to reports of 121,000 wrongly purged voters.

We have received testimony and affidavits from over 600 New York Democratic voters, 401 of which registered as Democrats in 2012 or later and would thus not be subject to legal purging due to inactivity. Of these respondents, 303 registered during the current campaign cycle. Out of all respondents, 140 had been purged and 27 were not on their polling site's books despite valid, active Democratic registrations. The other respondents experienced registration tampering (see above) or other irregularities.

In a statistical model which controlled for neighborhood/location and precinct size, the percentage of purged voters was a significant predictor of Clinton's vote share, demonstrating that Senator Sanders was disproportionately affected by the purges.

B) California: We have received testimony and affidavit material from more than 700 CA voters who experienced problems voting, 78 of which had been purged or were not on the poll books of their polling place. These accounts are corroborated by hard evidence in the form of document scans.

C) These changes contributed to the unprecedented number of disqualified affidavit ballots seen in states like AZ, NY, and CA: 20,000 excluded provisional ballots in Phoenix, Arizona; 91,000 in New York; 360,000 and climbing in California.

## D. EVIDENCE OF FRAUDULENT OR ERRONEOUS VOTING MACHINE TALLIES

A) Primary contest exit poll discrepancies that exceed the margin of error (in 11 of 11 such cases, the discrepancy favored Clinton). Media outlets have removed the unexpurgated poll numbers for 10 of these 11 cases. According to USAID, an organization that works to promote oversight of electoral processes, “exit polls are powerful analytical tools . . . A discrepancy between the votes reported by voters and official results may suggest that results have been manipulated, but it does not prove this to be the case.”<sup>7</sup>

B) A well-controlled California early voter exit poll (Capitol Weekly/Open CA) consisting of 21,000 data points matched early returns for down-ballot races, but was off by ~16% for Sanders v. Clinton, with the discrepancy in Clinton's favor.<sup>8</sup> According to the L.A. County elections chief, Dean Logan, early/mail-in votes are reported first, strongly suggesting a miscount of mail-in ballots.

C) Our analyses show that in at least seventeen states, precinct size is the most robust linear predictor of Sanders' vote share, even when controlling for neighborhood/location. In other words, even when controlling for geographical location within the state, a statistical model shows that the larger a precinct, the lower Sanders' vote share. This cannot be explained away as an artefact of smaller precincts being more rural or less ethnically diverse: these results are replicated for New York City when considering only the Bronx (~10% white), for instance. This pattern was consistent for all five boroughs, with the exception of Manhattan, in which Sanders' vote share did not decrease linearly with precinct size. This pattern showed up, almost exclusively, in a variety of highly racially polarized cities where exit polling missed, but was not present, with rare exception, in similar states and counties where exit polling was accurate.

D) Multiple studies, including one published recently by graduate students at Stanford University and the University of Tillburg, show that across all primary states Clinton performs best in counties with voting machines that don't leave a papertrail, and that this difference is statistically significant.<sup>9</sup>

E) Chicago's Board of Elections has admitted to one of the authors of the report and to *CounterPunch Magazine* that citizens monitoring the audit were right about irregularities in the process and that audit “numbers didn't match” election day results.<sup>10</sup> The citizens' monitoring group has insisted in public, sworn testimony that numbers were adjusted to force a match. A lawsuit has just been filed to demand an accurate audit of early vote totals in Chicago. Our irregular precinct size pattern showed up weakly in Chicago (Cook County) early balloting and strongly for the overall vote in Suburban Cook County.

## E. MISCELLANEOUS

**1) Iowa Caucus Irregularities:** The *Des Moines Register* Editorial Board was so disgusted with the irregularities that they witnessed with their own eyes, and the Democratic establishment's refusal to respond to them transparently, that it penned an [editorial](#)<sup>11</sup> entitled: "Something Smells in the

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<sup>7</sup> <https://yali.state.gov/wp-content/uploads/sites/4/2016/01/Assessing-and-Verifying-Election-Results-Summary-Document.pdf>

<sup>8</sup> <http://capitolweekly.net/exit-poll-tight-race-absentee-voters-favor-hillary/>

<sup>9</sup> <https://drive.google.com/file/d/0B6mLpCEIGEYGY19RZWFRcmpsZk0/view?pref=2&pli=1>

<sup>10</sup> <http://www.counterpunch.org/2016/05/13/chicago-election-official-admits-numbers-didnt-match-hillary-clinton-vs-bernie-sanders-election-fraud-allegations/>

<sup>11</sup> <http://www.desmoinesregister.com/story/opinion/editorials/caucus/2016/02/03/editorial-something-smells-democratic-party/79777580/>

Democratic Party." It notes that the whole process produced a "whiff of impropriety" and said that the Party response "reeks of autocracy."

**2) Nevada Caucus Irregularities:** In Nevada, Senator Harry Reid would not have been able to help control the processes of caucuses and conventions if he had publicly endorsed Hillary Clinton. Instead, Reid maintained neutrality while reportedly moving to convince Casino bosses to get their workers to the caucuses for Clinton, which they were not planning to do according to USA Today.<sup>12</sup> Troubling reports say Casino management selectively chose who could have time off to caucus then watched to see how their employees voted, turning an expected tight race in six Casino locations into a big win for Clinton.

**3) The Democratic National Committee Worked Against Senator Sanders' Campaign, Colluded with Media Outlets to Smear Him:** *FiveThirtyEight's* Harry Enten predicted<sup>13</sup> quite frankly in June 2015 that if Bernie Sanders did well in Iowa and New Hampshire, "you'd likely see the Democratic establishment rush in to try to squash Sanders, much as Republicans did to Newt Gingrich in 2012 after he won South Carolina." The use of superdelegates in the mainstream media played a large roll. Debbie Wasserman-Schultz baldly admitted<sup>14</sup>, in response to Jake Tapper of CNN's question about a "rigged" process, that the superdelegate system is designed to keep party stalwarts from "running against grass roots activists" like Sanders. Enten's boss Nate Silver went so far as to write<sup>15</sup> that "Donald Trump Would Be Easy to Stop Under Democratic Rules," in part because superdelegates play a substantial role. Major media followed the Associated Press (AP) in consistently including superdelegates in their counts starting with Sanders' big win in New Hampshire, and metadata appears to show<sup>16</sup> that the AP colluded with the Clinton campaign to announce her as winner the day before last Tuesday's vote with nearly 700 pledged delegates at stake, largely based on polls of superdelegates, which do not vote until the Democratic National Convention.

The most damning evidence of top DNC officials working against the Sanders campaign came in the form of a leaked DNC email archive published by whistleblowing website WikiLeaks on July 22<sup>nd</sup>, 2016. In addition to depicting a general culture of contempt for the Sanders campaign, the emails show DNC officials colluding with journalists from corporate media outlets to marginalize, and in some cases, smear Sanders himself by planting stories.

## **F. ESTIMATE OF PLEDGED DELEGATES AFFECTED**

Our Upper estimate of delegates affected, spelled out in more detail in section three of the report, is at least +184 for Sanders, at least -184 for Clinton for a 368 delegate switch in delegate margin. This or a similar margin would have been enough to secure the lead in pledged delegates for Senator Sanders.

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<sup>12</sup><http://www.usatoday.com/story/opinion/2016/02/20/hillary-clinton-wins-nevada-caucus-harry-reid-culinary-union-jon-ralston/80688750/>

<sup>13</sup> <http://fivethirtyeight.com/datalab/what-to-make-of-the-bernie-sanders-surge/>

<sup>14</sup> <https://youtu.be/w5llIKM9Yc>

<sup>15</sup> <http://fivethirtyeight.com/features/donald-trump-would-be-easy-to-stop-under-democratic-rules/>

<sup>16</sup> <https://www.thenewsamerican.com/2016/06/did-clinton-know-about-ap-victory-story-in-advance/>

### III. LEGAL ACTIONS TAKEN BY ELECTION JUSTICE USA AND OTHER PARTIES

A primary strategy of Election Justice USA in combating voter suppression and election fraud throughout the course of the 2016 Democratic primaries has been legal action. The present section summarizes all relevant lawsuits filed by Election Justice USA, its allies, and unaffiliated parties. This section concludes by discussing the impact of a recent US Supreme Court ruling on voting rights and, in particular, on voting during the 2016 presidential primary season.

#### A. LAWSUITS FILED OR YET TO BE FILED

##### 1. ARIZONA

In Maricopa County, Arizona, which covers Phoenix and outlying areas, 140 out of 200 polling locations were eliminated, leaving only one voting center for every 21,000 voters. The county's reduction by 70% of available places to vote, which they claimed was done to save money, resulted in waiting lines that in some cases lasted for 5½ hours. At least three lawsuits were brought by various organizations as a result of these actions.

In the first of these cases, Tucson resident John Brakey tried to invalidate the election on the ground that the reduction in polling locations constituted election fraud. Although Maricopa County Superior Court Judge David Gass acknowledged that the number of polling places was inadequate, he dismissed the lawsuit after finding that Mr. Brakey had not proved election board misconduct or fraud that would have changed the outcome.<sup>17</sup>

The Democratic National Committee, along with Hillary Clinton and Bernie Sanders' campaigns, took a different approach in the second lawsuit, challenging the motivation behind the severe reduction in the number of polling places. The plaintiffs have filed two motions asking the court to grant preliminary injunctions against the state. One seeks to prevent a new "ballot harvesting" law (which would prohibit people from collecting early ballots from others and turning them in to elections officials) from taking effect. The other demands that Maricopa County come up with a polling place allocation plan before the November elections so that the mistakes of primary day are not repeated. Oral arguments on these motions are scheduled for August.<sup>18, 19</sup>

In the third case, the Lawyers Committee for Civil Rights Under Law has filed a suit challenging the reduction in Maricopa County polling places. The plaintiffs include voters who either had to wait in line for many hours before casting their ballots, or who were unable to vote at all. The lawsuit asks for a judgment declaring that the reduction in polling places violated the voters' constitutional and statutory rights. It seeks an injunction providing for court supervision over all Maricopa County elections through and including the 2020 election, and requiring that election officials create a comprehensive plan to reduce wait times at the polls.<sup>20</sup>

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17.<http://www.azcentral.com/story/news/politics/elections/2016/04/26/judge-tosses-lawsuit-challenging-arizona-presidential-primary-results/83561630/>

18.<http://www.cnn.com/2016/04/14/politics/dnc-lawsuit-arizona/>

19.<https://cronkitenews.azpbs.org/2016/06/20/district-court-judge-rule-ballot-harvesting-provisional-ballots/>

20.<https://lawyerscommittee.org/press-release/lawsuit-filed-protect-voting-rights-maricopa-arizona-following-recent-presidential-preference-primary-election-fiasco/>

The Civil Rights Division of the United States Department of Justice has also launched its own investigation into the reasons for the poll closings, and whether the elimination of polling places violated Federal law by causing a disproportionate burden in areas with substantial racial or language minority populations.<sup>21</sup>

## 2. NEW YORK

In New York state, primarily in Kings County (Brooklyn) but also elsewhere, names were purged from the rolls of Democratic party voters and in some cases party registration was switched without the voters' knowledge or consent. In Brooklyn alone, over 60,000 Democratic voters' names were purged from the voter rolls. An analysis done towards the end of June by public radio station WNYC showed that the purge, which took more than 120,000 voters off the rolls in New York City, had a disproportionate impact on residents with Hispanic surnames.<sup>22, 23</sup>

An example of the difficulties experienced in the New York primary were reflected in information provided before the election on the EJUSA web portal by Queens resident Alba Guerrero. She had registered to vote for the first time as a Democrat, and voted for Barack Obama in 2008. When she moved from Manhattan to Queens, she re-registered at the DMV. She checked on line over a month before the 2016 primary to be sure she was registered at her new address, but when she arrived at her polling place she was told she had been registered as a Republican since 2004. She sought out a judge, Ira Margulis, who said there was nothing he could do because the documents showed her to be a registered Republican. But then she saw the paperwork - the 2004 voter registration, while having her correct name, social security number and birthday, had someone else's signature. She returned to the judge and pointed out the discrepancy. It was only due to her perseverance that she was finally allowed to vote in the Democratic primary.<sup>24</sup>

The wholesale purging of eligible voters and unauthorized registration switches formed the basis for litigation filed in Federal court on an emergency basis by EJUSA attorney Blaire Fellows.<sup>25</sup> That lawsuit, brought before the primary was held, asserted that the purging procedure violated both the New York election law and the National Voters Rights Act (which allows a purge only after the Board of Elections sends a letter indicating the voter will be purged, the voter fails to return the letter and request continued party enrollment, and the voter does not vote in two general election cycles). Other claims centered on the deprivation of rights of minorities who were purged in Brooklyn, failing to register new voters who met the registration deadline, and improper party registration switches. But the lawsuit was not enough to halt the actions of the Board of Elections - the primary was held despite the overwhelming number of people who were denied the right to vote.

After the primary, New York Attorney Eric Schneiderman reported that his office received more than a thousand complaints from voters, which he described as "by far the largest volume of complaints" received for an election since he took office in 2011. In May the Attorney General opened an investigation into the matter, and the New York City Board of Elections has suspended two Brooklyn election officials pending their own internal investigation.<sup>26, 27</sup>

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21. [https://www.buzzfeed.com/claudiakoerner/justice-department-investigating-after-arizonans-waited-hour?utm\\_term=.yr2kvwa5w#.to59JBlyB](https://www.buzzfeed.com/claudiakoerner/justice-department-investigating-after-arizonans-waited-hour?utm_term=.yr2kvwa5w#.to59JBlyB)

22. <http://whowhatwhy.org/2016/06/30/supreme-court-caused-brooklyn-voter-purge/>

23. [http://gothamist.com/2016/06/21/voter\\_purge\\_brooklyn\\_latinos\\_impact.php](http://gothamist.com/2016/06/21/voter_purge_brooklyn_latinos_impact.php)

24. <http://www.thedailybeast.com/articles/2016/04/19/failure-fraud-and-more-in-new-york-s-punk-rock-voting-disaster.html>

25. Campanello v. NYS Board of Elections, et al., U.S.D.C., E.D.N.Y., Civ.16-01892.

26. <http://www.ag.ny.gov/press-release/statement-ag-schneiderman-voting-issues-during-new->

### 3. ILLINOIS

Efforts by Board of Election officials in Chicago to manipulate the early vote totals were cited in articles written by Doug Johnson Hatlem of EJUSA<sup>28</sup> and in a recent lawsuit filed by attorneys Gregory E. Kulis and Joshua Patrick.<sup>29</sup> The Illinois election code requires a test of the voting machines in 5% of the precincts, to be selected at random after election day in a manner which ensures that every precinct and every machine has an equal chance of being selected. If an errorless count cannot be conducted, a written report detailing the errors must be provided to the canvassing board.

Two citizen groups (Who's Counting?-Chicago and the Illinois Ballot Integrity Project) monitored the vote and described multiple irregularities. These included listing the voting machine totals in bold next to the spaces provided for the audit results so that the desired outcome was readily apparent; failing to count numerous votes and altering the final tabulated vote so that the recount totals would equal the "official" results generated by the voting machines; changing votes from one candidate to another and adding or subtracting tallies from one candidate or another; and stopping the count once the "official" numbers were reached. To compound matters, the BOE employees participating in the audit actively prevented the monitors from observing and documenting these improprieties – their actions included bending or obscuring the tally sheets to shield them from the monitors' view; physically preventing the monitors from watching the person performing the tallies; and stopping them from photographing or otherwise documenting the results.

The lawsuit, brought on behalf of voters and monitors, seeks class action status, a declaratory judgment, and an injunction. It charges that the actions of the BOE officials violated the fundamental right to vote because it deprived voters whose votes were changed or discarded of the right to cast a vote for the candidates of their choice. The complaint also states that the BOE's actions deprived the monitors of their rights of freedom of association and to petition the government for a redress of grievances. The lawsuit charges that several of the monitors appeared at a BOE meeting in order to call the commissioners' attention to their observations prior to certification of the primary results. Despite the fact that this was an open meeting purportedly subject to public comment, and that the monitors had an obligation to come forward with their findings, the monitors were prevented from speaking. Public comment was closed, the returns were certified, and the meeting was adjourned, all in less than two minutes.

As separately noted in Doug Hatlem's reports, it also appears that the machines used in Chicago's early voting process are among those that have consistently been panned over the years. In 2008 a team of scientists from the University of California Santa Barbara showed that these machines - the AVC Edge II Plus - could be hacked without breaking the security seals, and that the hack could be accomplished in a way that allowed the malicious code to spread to all other machines in a particular county. Eight years later, those easily hackable Edge machines are still counting votes in a wide variety of states and counties, including in the third largest city in the United States.

### 4. OHIO

Attorney Bob Fittrakis has filed a lawsuit against Edison Media Research asserting that Democratic

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york%E2%80%99s-primary-election

27.<http://www.nbcnews.com/news/asian-america/second-new-york-city-official-suspended-amid-investigation-voting-complaints-n569281>

28.<http://www.counterpunch.org/2016/05/13/chicago-election-official-admits-numbers-didnt-match-hillary-clinton-vs-bernie-sanders-election-fraud-allegations/>

29.[Kernelin v. Chicago Board of Elections, et al.](#), U.S.D.C., N.D. Ill., Civ.16-07424.

presidential candidate Bernie Sanders actually earned more pledged delegates in the primaries than were shown by the results.<sup>30</sup> The suit seeks the release of raw exit polling data which documents dramatic differences between exit polls and electronic vote totals in eleven states in the 2016 presidential primaries. Exit polls have been adjusted to fit electronic vote totals since 2004, when they appeared to show Kerry winning against Bush. At that time, Karl Rove (then an assistant to George Bush) developed a theory to explain the alleged unreliability of exit polls. After citizens on the internet began to notice wide discrepancies in this election, the exit poll sponsors, The Media Consortium and Edison Media Research, canceled exit polls for all remaining states in the primary season. The lawsuit demands that media organizations release the raw data for the 2016 exit polls for the first time.

## 5. CALIFORNIA

Procedural and other problems in California resulted in mass confusion even before the election was held, due to incorrect information, particularly affecting No Party Preference (NPP) voters, being disseminated by the Secretary of State.

About 10 days before the primary a lawsuit was filed by EJUSA attorney Bill Simpich on behalf of the Voting Rights Defense Project.<sup>31</sup> This suit detailed the erroneous and misleading information being distributed by the Secretary of State regarding registration and vote by mail deadlines, the right to receive a regular Presidential ballot at the polling place, the right to be offered a regular ballot by poll workers when they arrive at the polls, and the right of the NPP voters to request a Presidential party ballot. The suit asked the court to direct that public service announcements be sent out statewide to inform voters of their rights, and that registration to vote be reopened until as late as Election Day in order to remedy the failures in registration caused by the errors committed by the Secretary of State and others statewide.

The plaintiffs' requests were denied, with the judge saying that voters were smart enough to figure it all out. However, primary day revealed that there were, in fact, exactly the problems EJUSA had predicted. According to the *L.A. Times*,<sup>32</sup> many polling sites had incomplete voter rolls, particularly in Los Angeles County. California voters reported showing up to their polling sites only to find that their names were not listed on the voting rolls. There were instances of supplemental rosters of new voters not getting to the polls on time. Other voters encountered broken machines and polling sites that opened late. The result was that all of these voters were given provisional ballots, which take longer to fill out, longer for election officials to verify, and which ultimately were not included in the manual tally required by law. Hundreds of Californians complained of voting problems to the national nonpartisan voter hotline run by the Lawyers' Committee For Civil Rights Under Law. According to the *Times*, experts blamed the voting problems on a confluence of factors: old voting machines and a competitive election that had drawn new voters, combined with complex state voting laws that were hard for poll volunteers and voters to follow.

NBC also confirmed that the critics who predicted the California primary election would be confusing, specifically for the NPP voters, were right on point.<sup>33</sup> Throughout the state, from Los Angeles to San Jose to Antioch, countless voters complained of inept poll workers, many of whom did

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30.<http://masscentral.com/lawsuit-by-noted-election-attorney-cliff-arnebeck-filed-argues-sanders-beat-clinton-in-primaries/>

31. [Voting Rights Defense Project, et al. v. Padilla, et al., U.S.D.C., N.D. Cal., Civ.16-02739.](http://www.votingrightsdefenseproject.org/et-al-v-padilla-et-al-u-s-d-c-n-d-cal-civ-16-02739)

32.<http://www.latimes.com/politics/la-pol-ca-voting-problems-20160607-snap-htmstory.html>

33.<http://www.nbcbayarea.com/news/local/Confusion-Frustration-For-NPP-Voters-in-Santa-Clara-County-382273341.html>



not know the proper information or protocol. While many counties in California instructed poll workers to present all NPP voters with menu cards to choose their ballots, Santa Clara County did not. NPP voters are allowed to vote Democrat, Green Party or Libertarian in a presidential primary, but the Santa Clara County poll worker instruction manual told election workers not to offer voters a crossover ballot unless they asked for one.

Despite all of the irregularities in the California primary, the election results were certified by the Secretary of State on July 15.

## **B. THE IMPACT OF SHELBY COUNTY VS. HOLDER ON VOTING IN THE 2016 PRIMARIES**

Under the Federal Voting Rights Act<sup>34</sup> as it existed until recently, states and localities with a history of racial discrimination were required to obtain advance permission from the Federal government (called “preclearance”) if they wanted to change their voting laws, practices or procedures. Section 4(b) of the Act established a formula for determining if a jurisdiction would require preclearance, and Section 5 of the Act set forth the states (Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas and Virginia) and municipal entities within other states that had to get new voting laws pre-approved.<sup>35</sup> A state or locality subject to preclearance had to demonstrate to the Justice Department that the new law or rule was not discriminatory before it could become effective.

In Shelby County vs. Holder<sup>36</sup> these sections of the Voting Rights Act were challenged by Shelby County, Alabama, which claimed that the Act was unconstitutional because it required some, but not all, states and counties to obtain preclearance from the federal authorities. On June 25, 2013, the United States Supreme Court held that it was unconstitutional to use the coverage formula in Section 4(b) to determine which jurisdictions were subject to the preclearance requirements. It did not rule on Section 5, but even though this section still remains in force, it no longer covers any of the states and localities previously on the list. If Congress were to amend Section 4(b) with new criteria, the preclearance requirement could be enforced again.

Writing for the majority in a 5-4 decision, Chief Justice John Roberts held that the coverage formula was “based on decades-old data and eradicated practices”. He said that the formula captured states “by reference to literacy tests and low voter registration and turnout in the 1960s and early 1970s;” that literacy tests “have been banned nationwide for over 40 years;” and that “voter registration and turnout numbers in the covered states have risen dramatically in the years since.” He argued that whereas racial disparity had been “compelling evidence justifying the preclearance remedy and the coverage formula” when the Act was passed, there was no longer such a disparity. “In 1965, States can be divided into two groups: those with a recent history of voting tests and low voter registration and turnout, and those without those characteristics. Congress based its coverage formula on that distinction. Today the Nation is no longer divided along those lines, yet the Voting Rights Act continues to treat it as if it were.”

In response, Justice Ruth Bader Ginsburg wrote a scathing dissent. She called the Voting Rights Act “one of the most consequential, efficacious, and amply justified exercises of federal legislative power in our Nation’s history”. Noting that in the majority’s view the very success of Section 5 “demands its dormancy,” she observed that “[t]hrowing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.”

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34. 42 U.S.C. § 1973 et.seq., now 52 U.S.C. § 10301 et seq.

35. For a complete list of the local governments covered, see: <https://www.justice.gov/crt/jurisdictions-previously-covered-section-5>

36. 133 S. Ct. 2612, 186 L.Ed.2d 651, 81 U.S.L.W. 4572 (2013) A thorough discussion of the effect of the Shelby case can be found on the website of the United States Department of Justice (Civil Rights Division) at <https://www.justice.gov/crt/about-section-5-voting-rights-act>.

The effects of the Shelby case on voting rights have been extensively examined. The NAACP Legal Defense and Educational Fund, Inc. (LDF) published a report entitled, *Democracy Diminished: State and Local Threats to Voting Post-Shelby County, Alabama v. Holder*, a detailed collection of state, county, and local voting changes during the years since the Supreme Court's decision in *Shelby County, Alabama v. Holder*.<sup>37</sup> The LDF observed that the preclearance provision has long been regarded as the most important means of protecting minority voters from voting discrimination, and it noted that common changes at the state or local level that potentially are discriminatory include: reducing the number of polling places, moving a polling place, changing or eliminating early voting days or hours, replacing district voting with at-large elections, implementing onerous registration qualifications like proof of citizenship, and removing qualified voters from registration lists.

Voting rights advocates say that statutes limiting early voting and registration, requiring voters to show photo ID, and purging voter rolls, still disproportionately burden minorities, the elderly, immigrants and the poor.<sup>38</sup> Pro Publica has compiled statistics on an interactive map that tracks state voting laws before and after Shelby on four key issues: photo ID, early voting, same-day registration and voter roll purging.<sup>39</sup> According to the Brennan Center for Justice, new restrictions in place for the first time in 2016 were enacted by all of the nine states previously on the Section 5 list except Alaska and Louisiana. New provisions include photo ID requirements (Alabama, Mississippi, South Carolina, Texas and Virginia) as well as other restrictions. Thus, in Arizona it is now a felony for someone other than a family member or postal worker to knowingly collect and turn in another voter's completed ballot, even with that voter's permission; and in Virginia there are limits on third-party voter registration (requiring groups receiving 25 or more registration forms to register with the state).<sup>40</sup>

Alabama and Georgia (which were subject to preclearance) and Kansas (which was not) have also enacted requirements for documentary proof of citizenship. Although this requirement was ruled illegal in Federal elections,<sup>41</sup> the executive director of the U.S. Election Assistance Commission recently allowed these three states to require such proof when using the National Voter Registration form. A challenge to his action has been filed by the League of Women Voters, the ACLU and other organizations. Their request for a preliminary injunction was recently denied by U.S. District Judge Richard Leon, but the case will continue through the court system.<sup>42</sup>

The Brennan Center for Justice has also noted that states which did not require preclearance under the Voting Rights Act have passed restrictive laws as well. Many of these laws require that a voter produce photo ID in order to vote (Kansas, North Carolina, North Dakota, Tennessee, Wisconsin), although in some states (e.g., New Hampshire and Rhode Island) the new laws allow an affidavit alternative for voters who do not have photo ID. States also cut down significantly on early voting and same-day registration (North Carolina, Nebraska, Ohio, Tennessee, Wisconsin). And state legislatures dreamed up

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37. <http://www.naacpldf.org/publication/democracy-diminished-state-and-local-threats-voting-post-shelby-county-alabama-v-holder>

38. See <http://www.brennancenter.org/voting-restrictions-first-time-2016>.

39. <https://www.propublica.org/article/voting-rights-by-state-map>

40. <http://www.brennancenter.org/voting-restrictions-first-time-2016>

41. Arizona v. Inter Tribal Council of Ariz., Inc., 133 S. Ct. 2247, 186 L. Ed. 2d 239, 81 U.S.L.W. 4414 (2013)

42. <http://www.courthousenews.com/2016/07/01/judge-upholds-disputed-voter-registration-forms.htm>

other laws to suppress the right to vote: for example, in Indiana, party-nominated election officers are now permitted to ask voters for additional proof of identification if they are not satisfied with what the voter has produced.<sup>43</sup>

Some of the problems in this year's primaries in preclearance states cannot be directly traced to changes in the states' laws, but rather to incompetence (or worse) by election officials. For example, there were complaints about ballots in Texas being changed by the voting machine in the Republican primary from Donald Trump to Marco Rubio<sup>44</sup> and Democratic voters were given Republican ballots in Georgia<sup>45</sup>. An article in Think Progress analyzed the problems that voters were having in the Super Tuesday primaries. It noted that in Alabama the Secretary of State's website, where voters should have been able to find their polling locations and times, was broken for several hours; and in Georgia malfunctioning poll books led to long wait times in some counties, and at least one poll worker was caught telling residents that non-English speakers were not allowed to vote.<sup>46</sup>

States not subject to preclearance also experienced numerous problems. In California, a lawsuit filed Election Justice USA charges that voters were not given proper ballots and that the ballots cast for the Democratic presidential candidates still have not been fully counted.<sup>47</sup> Other problems in California included getting an email confirmation of being able to vote, only to arrive at the polling station and learn that the registration was not valid. Some people registered in one party found that their registration had been changed to another. In Washington, D.C. many voters reported their party affiliations mysteriously changed or dropped. And in Chicago, one person who was part of a group auditing the election wrote that he saw votes being erased for Bernie Sanders and added for Hillary Clinton in ledgers as they tallied votes that were being read out loud.<sup>48</sup>

In Nevada, there were hours-long lines, a lack of paper ballots, poorly trained elections workers, and charges of improper electioneering at some caucus sites.<sup>49</sup> In Indiana, despite the anticipation of heavy turnout, some counties slashed the number of polling places.<sup>50</sup> In Wisconsin, a new voter ID law requiring people to come to the polls with a photo ID that includes their signature caused long lines and confusion.<sup>51</sup>

But even though many of the difficulties encountered on primary day were unrelated to the Shelby decision, it is clear that the gutting of Section 4(b) was the direct cause of other problems that would have been avoided if a state or local government had been required to obtain preclearance because changes in the law could affect minority voting rights. Thus, in Texas, polling locations were

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43. <http://www.brennancenter.org/voting-restrictions-first-time-2016>

44. <https://www.rt.com/usa/334211-voting-problems-super-tuesday/>

45. <http://www.rawstory.com/2016/03/democratic-voters-in-georgia-given-republican-ballots-on-super-tuesday/>

46. <http://thinkprogress.org/politics/2016/03/01/3755473/super-tuesday-voting/>

47. <https://www.facebook.com/notes/election-justice-usa/election-justice-usa-files-lawsuit-to-stop-the-certification-of-californias-prim/907524482707579/>

48. <http://heavy.com/news/2016/06/election-fraud-california-primary-provisional-ballot-count-how-help/>

49. <http://theantimedia.org/heres-a-rundown-of-election-fraud-in-the-2016-presidential-race-so-far/>

50. <http://thinkprogress.org/politics/2016/05/03/3774740/indiana-voting-issues/>

51. <http://www.commondreams.org/news/2016/04/05/high-turnout-wisconsin-long-lines-and-id-requirements-hamper-voters>

consolidated at the last minute, and when combined with that state’s controversial voter ID law led to long lines and confusion that surely discouraged some people from voting. (The Texas voter ID law was struck down after the primaries by the Fifth Circuit Court of Appeals, a generally conservative court, which held that the law had a discriminatory effect on minorities,<sup>52</sup> and hopefully it will not be an obstacle to voting in the November elections.) In Virginia there was uncertainty over what was required by a new voter ID law, and reports of voters being illegally denied provisional ballots.<sup>53</sup> In North Carolina, which had 40 out of its 100 counties on the Section 5 list, there were also long lines and confusion attributed to the voter ID law.<sup>54</sup>

Municipalities in states that had been covered by the law significantly reduced the number of polling places. The most infamous example was the elimination of 140 out of 200 polling locations in Maricopa County, Arizona, where the evisceration of the Voting Rights Act was specifically blamed for the long lines and voters who simply gave up.<sup>55</sup> And in Brooklyn, New York, which was one of the counties required by Section 5 to obtain preclearance, 122,000 so-called “inactive” voters were purged from the rolls of Democratic voters on primary day, including a disproportionate number of people with Hispanic surnames.<sup>56</sup>

The Shelby decision is certainly not responsible for every problem that occurred in the 2016 primaries, and it will not be responsible for each incident of voter disenfranchisement that will arise in the November election. But there is more than sufficient evidence and data to demonstrate that a preclearance requirement would have prevented many of the roadblocks to voting erected in states and localities formerly covered by Section 5.

## **IV. DOCUMENTED TYPES OF VOTER SUPPRESSION AND ELECTION FRAUD IN THE 2016 U.S. PRESIDENTIAL PRIMARIES**

### **A. DIRECT VOTER SUPPRESSION**

#### **1. REDUCTION IN POLLING PLACES DISPROPORTIONATELY AFFECTS SANDERS’ VOTE SHARE**

Widely documented are the widespread polling site closures affecting Maricopa County, comprising Arizona’s most populous region, as well as the entire state of Rhode Island. While the realities of these polling site closures and their impact in suppressing the vote are relatively uncontroversial, and have been covered extensively by mainstream media outlets, it is less often acknowledged that these closures disproportionately affected one of the Democratic presidential candidates: Senator Sanders.

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52. <http://www.usatoday.com/story/news/politics/2016/07/20/voting-rights-photo-id-supreme-court-texas/87349070/>

53. <http://thinkprogress.org/politics/2016/03/01/3755473/super-tuesday-voting/>

54. <http://www.civilrights.org/press/2016/voter-discrimination-north-carolina.html>

55. <https://www.thenation.com/article/there-were-five-hour-lines-to-vote-in-arizona-because-the-supreme-court-gutted-the-voting-rights-act/>

56. <http://whowhatwhy.org/2016/06/30/supreme-court-caused-brooklyn-voter-purge/>

It is fairly straightforward to demonstrate that this was the case. Candidate Clinton outperformed Sanders in early and absentee voting in these states, whereas Sanders fared better on election day. Thus, because of the early voting disadvantage, even if polling site closures affected the two candidates' election day vote totals equally, voter suppression still had the effect of disproportionately affecting Sanders.

It is important to note that Sanders was projected to win Rhode Island by a healthy margin, and recently leaked e-mails from top DNC staffers reveal knowledge of the likely outcome of polling site closures in decreasing Sanders' vote share while referring to one of the responsible Rhode Island officials as "one of ours" (see the below section on the WikiLeaks DNC email archive).

## **2. SIX DIFFERENT WAYS OF TARGETING NO PARTY PREFERENCE (NPP) VOTERS IN CALIFORNIA**

### *California and the NPP Coup*

California holds the largest number of pledged delegates and falls towards the end of the primary season. It held a modified-closed primary where No Party Preference voters (NPP) can vote for the presidential candidates of their choice within the Democratic, Libertarian, and American Independent Party designations. Almost 50% of CA is registered to vote (44% Democrat, 29% Republican, 24% NPP). With NPP voters making up approximately 4.2 million voters, those who wished to target the Democratic primaries required a strategy for this group to swing the results of the election.

Several advance polls projected that Clinton would receive 49% Democratic primary voters in CA and Sanders would be very close at 47% overall.<sup>57</sup> Registered NPP voters, however, were projected to go for Sanders by up to 70% to 30%.

Based on the reports (voter testimonials) to EJUSA, NPP suppression tactics varied greatly including 1) Refusal to include NPP presidential voting options on regular ballots; 2) Refusal to mail presidential ballots to NPP vote-by-mail voters unless explicitly requested; 3) Refusal to provide mandatory notices to vote-by-mail NPP voters of their right to a Presidential Preference ballot; 4) Refusal to inform NPP voters at the polls of their right to a Presidential Preference ballot; 5) Refusal to provide adequate ballots and/or voter indexes, despite the State Law requirement of 75% voter roll coverage; 6) Refusal to clarify to voters that American Independent is a political party and does not signify "independent" (NPP) status. We filed a lawsuit in an attempt to address these issues, but relief was not granted.

### *Party Selection Confusion*

Crucial to NPP voter problems was confusion about whether this would be the preference for many who intended to register as independents. Voters easily confused NPP voting status with the American Independent Party (AIP). Within the two weeks following an April 17, 2016 LA Times article clarifying that AIP was an actual political party, often given to racism, nearly 32,000 voters left the party, resulting in a 6.7% exodus.<sup>58</sup> Comparatively, the Democratic and Republican party's variances were less than three-tenths of 1% in the same time frame

### *Poll Worker Training*

Of the more than 700 complaints that EJUSA received regarding the California Primary, almost 100 [recheck fact] of them were from poll workers. From our own reports along with many more posted on

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<sup>57</sup> [http://www.realclearpolitics.com/epolls/2016/president/ca/california\\_democratic\\_presidential\\_primary-5321.html](http://www.realclearpolitics.com/epolls/2016/president/ca/california_democratic_presidential_primary-5321.html)

<sup>58</sup> <http://static.latimes.com/american-independent-party-california-voters/#nt=oft12aH-2la1>

social media, large numbers of poll workers were instructed not to provide any direction or assistance to understand the intent of the voter, but only follow the voters instructions and to give them a provisional if they did not use the proper wording for their preferred party to receive a ballot that includes the presidential candidates. In some counties poll workers were told, “If the voter questions why there are no presidential candidates on the ballot they are given, tell them the NPP ballot does not have presidential candidates.”

*Excerpt from Election Officer Training Manual in Sonoma County page 49:*

*“A No Party Preference voter will need to request a crossover ballot from the Roster Index Officer. (Do not offer them a crossover ballot if they do not ask).”*

EJUSA Complainant writes: *“I am a poll worker in Santa Clara County. Literature and training class has informed me that I cannot educate NPP voters that they have different ballot options. I have called the county registrar and left a voicemail stating that this was incorrect and asked for all inspectors to be called and notified. (my only option). My inspector tonight at set up (6/6/2016) told me again that NPP voters should be given only non-partisan ballots and do not let them know of their options. I showed the inspector the CA State Poll Worker Training Book which explains this. I was told that she would look into it.”*

Another complainant submits this testimony: *“As a poll worker in Sonoma County today, I was very surprised by the high numbers of voters who were listed as "vote-by-mail" but did not know they were and never received a ballot. As a result, they were required to vote provisionally. I hope someone will follow-up the provisional votes, to check they truly will be counted. I have also seen numerous reports that in many counties NPP voters were universally required to vote provisionally.”*

From yet another county: *“When I went to vote yesterday, a NPP voter was in front of me. They were trying to give her a provisional envelope. I asked that they give her a yellow crossover envelope so that her vote could be counted. The poll worker informed me that all Alameda County poll workers had been trained to put NPP crossover ballots into provisional envelopes. This occurred at precinct 336100 which is located on the corner of Center Street and 14th St. in Oakland California at around noon yesterday.”*

### **Lack of Standards**

Each county used varying processes for ballot handling, different terminology, mismatched equipment and distinctive poll worker training resulting in inconsistencies, mass confusion and even arguments amongst aligned supporters. Disparities on this scale result in voter suppression. Some counties were instructed to only give the party ballots when the voter asked for a “crossover” ballot to their intended party, while others were instructed to only give provisional ballots if the NPP voter wanted to vote for a presidential candidate.

This lack of clarity and standardization, causing extreme confusion, prompted the first EJUSA lawsuit filed in California by attorney, Bill Simpich.<sup>59</sup>The case alleged that voter materials sent out in advance of the June 7 primary lacked critical instructions necessary for an informed electorate in violation of state elections laws. The lawsuit addresses the “mass confusion” surrounding the participation of “no party

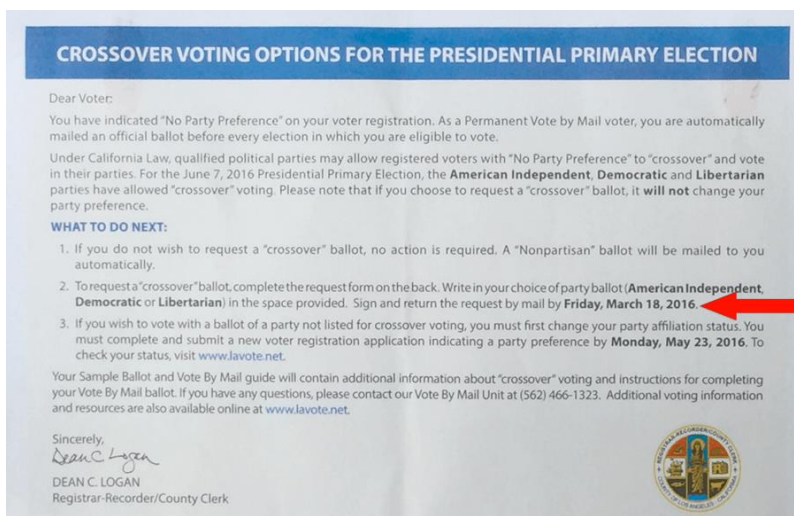
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<sup>59</sup><http://www.examiner.com/article/election-justice-usa-heads-to-court-california-voter-suppression-hearing>

preference” (NPP) voters, who did not indicate a party preference upon registration in California's Presidential Primary," Shyla Nelson, spokesperson for EJUSA said in our corresponding pressrelease: "The new evidence demonstrates non-uniform, contradictory, and omitted instructions to poll workers and voters; these practices violate California law and threaten to disenfranchise hundreds of thousands of California voters from across the political spectrum."

There was more confusion with discrepancies between Secretary of State published instructions and the details being distributed by each county. As an example, the “Official Voter Information Guide” does not clearly state anywhere that “No Party Preference” voters may request a “crossover” party ballot; the term to which many poll workers were trained voters must use to obtain specific party ballots.<sup>60</sup>

Also, the LA County Clerk document below states the deadline to request a crossover ballot is March 18, when the state mandated deadline was May 31, 2016 according to the CA Secretary of State’s Office.<sup>61</sup>



Below are more examples of official county forms that show a lack of standards across the state resulting in confusion.

Nevada County does not state any deadline or instructions for NPP voters to ask for cross over or party ballots (American Independent, Democratic and Libertarian).

<sup>60</sup><http://vig.cdn.sos.ca.gov/2016/primary/en/pdf/complete-vig.pdf>

<sup>61</sup><http://www.sos.ca.gov/elections/political-parties/no-party-preference/>



**APPLICATION FOR A VOTE BY MAIL BALLOT**  
**June 7<sup>th</sup>, 2016 PRESIDENTIAL PRIMARY ELECTION**

**1. PRINT NAME:** \_\_\_\_\_ **2. DATE OF BIRTH** \_\_\_\_\_

First Name Middle Name (or initial) Last Name mm/dd/yy

**3. RESIDENCE ADDRESS IN NEVADA COUNTY (please print):**  
 \_\_\_\_\_  
 (Designate N,S,E,W if used)

**4. TELEPHONE:( )** \_\_\_\_\_  
 City Zip Daytime

**5. PRINT MAILING ADDRESS BALLOT SHALL BE MAILED TO (if different from above):**  
**NOTE: Organizations distributing this form may not preprint mailing address information.**

Number and Street/ P.O. Box (Designate N,S,E,W if used)

City State Zip Code

I am not presently affiliated with any political party. However, for this Primary Election only, I request a vote by mail ballot for the \_\_\_\_\_ Party\*

**NOTE: Organizations distributing this form may not preprint check mark or political party name.**

**7. THIS APPLICATION WILL NOT BE ACCEPTED WITHOUT THE PROPER SIGNATURE OF THE APPLICANT. I have not applied for, nor do I intend to apply for, a vote by mail ballot for this election by any other means. I certify under penalty of perjury under the laws of the State of California that the name and residence address on this application are true and correct.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**WARNING:** Perjury is punishable by imprisonment in state prison for two, three or four years. (Section 126 of the California Penal Code)

**8. THIS FORM WAS PROVIDED BY: Nevada County Elections**

**FOR OFFICIAL USE ONLY**

If you would like to be a permanent voter by mail voter please mark an X in the box

A vote by mail ballot will automatically be sent to you for future elections. Failure to vote in two consecutive statewide general elections will cancel your Permanent Vote by Mail status and you will need to reapply. If you have any questions concerning voting by mail ballot, telephone your county of residence Election office. Election Code Sections 3201 and 3206.

You have the legal right to mail or deliver this application directly to the local elections official of the county where you reside. This address is:  
 Nevada County Elections Office  
 950 Maidu Avenue  
 Nevada City, CA 95959  
 Phone: 530-265-1298  
 Toll Free: 1-888-395-1298  
 Fax: 530-265-9829  
 Returning this application to anyone other than your elections official may cause a delay that could interfere with your right or ability to vote.

\* In order to determine which parties allow unaffiliated voters to vote in their primary elections, contact the Secretary of State's toll-free number: 1-800-345-8683 Elections Code Section 3006(c)

ALL individuals, organizations and groups that distribute vote by mail ballot applications MUST use the format used on this application. Elections Code Section 3007

Failure to conform to this format is a misdemeanor. Elections Code Section 18402

Riverside County stating the deadline is April 22, 2016:

**Do you want to vote for President on June 7, 2016?**  
 You must return this postcard, or you will receive a ballot that does not include candidates for the office of President.

Three political parties allow you to vote in their Presidential Primary: Democratic, American Independent, and Libertarian. Use this postcard to select a party and return it by April 22, 2016. To vote in the Presidential Primary for the Republican, Green, or Peace & Freedom parties, you must re-register to vote with that party before May 23, 2016.

For information provided by the California Secretary of State regarding these political parties, please call (800) 345-VOTE (8683). Register to Vote online at [www.registertovote.ca.gov](http://www.registertovote.ca.gov)


**¿Quiere votar por el Presidente el 7 de junio de 2016?**  
 Usted debe devolver esta postal, o usted recibirá una boleta que no incluye los candidatos al cargo de Presidente.

Tres partidos políticos permiten que usted vote en su Primaria Presidencial: Demócrata, Americano Independiente y Libertario. Utilice esta postal para seleccionar un partido y devuélvala antes del 22 de abril de 2016.

Para votar en la Primaria Presidencial de los partidos Republicano, Verde, o de Paz y Libertad, debe volver a registrarse para votar con ese partido antes del 23 de mayo de 2016.

Para información proporcionada por el Secretario de Estado de California con respecto a estos partidos políticos, por favor llame al (800) 345-VOTE (8683). Regístrese para Votar en línea en [www.registertovote.ca.gov](http://www.registertovote.ca.gov)

**Riverside County Registrar of Voters**  
 2724 Gateway Drive, Riverside, CA 92507 • (951) 486-7200



**BUSINESS REPLY MAIL**  
 FIRST-CLASS MAIL PERMIT NO. 128 RIVERSIDE, CA  
 POSTAGE WILL BE PAID BY ADDRESSEE

**REGISTRAR OF VOTERS**  
 COUNTY OF RIVERSIDE  
 2724 GATEWAY DRIVE  
 RIVERSIDE CA 92507-9897

**Do you want to vote for President on June 7, 2016?**  
 You must return this postcard, or you will receive a ballot that does not include candidates for the office of President.

Three political parties allow you to vote in their Presidential Primary: Democratic, American Independent, and Libertarian. Use this postcard to select a party and return it by April 22, 2016. To vote in the Presidential Primary for the Republican, Green, or Peace & Freedom parties, you must re-register to vote with that party before May 23, 2016.

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Para votar en la Primaria Presidencial de los partidos Republicano, Verde, o de Paz y Libertad, debe volver a registrarse para votar con ese partido antes del 23 de mayo de 2016.

Para información proporcionada por el Secretario de Estado de California con respecto a estos partidos políticos, por favor llame al (800) 345-VOTE (8683). Regístrese para Votar en línea en [www.registertovote.ca.gov](http://www.registertovote.ca.gov)

**Riverside County Registrar of Voters**  
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**BUSINESS REPLY MAIL**  
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**REGISTRAR OF VOTERS**  
 COUNTY OF RIVERSIDE  
 2724 GATEWAY DRIVE  
 RIVERSIDE CA 92507-9897

San Bernardino County stating the deadline is April 1, 2016:



Dear Voter:  
Our records indicate that you are a Permanent Mail Ballot voter who has not chosen a party preference. The following political parties have agreed to allow voters who have not chosen a party to vote their party's ballot in the **June 7, 2016 Presidential Primary Election**:

- American Independent Party
- Democratic Party
- Libertarian Party

If you wish to vote for candidates in one of the three parties listed above:

1. Complete the application on the reverse side, and
2. Return the application by April 1, 2016.

No response is necessary if you wish to vote a non-partisan ballot. Mail ballots will be mailed beginning May 12, 2016.

Para solicitar esta información en español por favor llame al: (909) 387-8300

Tear off here to return the application

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FIRST-CLASS POSTAGE REQUIRED

REGISTRAR OF VOTERS  
777 E. RIALTO AVENUE  
SAN BERNARDINO, CA 92415-0770



Dear Voter:  
Our records indicate that you are a Permanent Mail Ballot voter who has not chosen a party preference. The following political parties have agreed to allow voters who have not chosen a party to vote their party's ballot in the **June 7, 2016 Presidential Primary Election**:

- American Independent Party
- Democratic Party
- Libertarian Party

If you wish to vote for candidates in one of the three parties listed above:

1. Complete the application on the reverse side, and
2. Return the application by April 1, 2016.

No response is necessary if you wish to vote a non-partisan ballot. Mail ballots will be mailed beginning May 12, 2016.

Para solicitar esta información en español por favor llame al: (909) 387-8300

Tear off here to return the application

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FIRST-CLASS POSTAGE REQUIRED

REGISTRAR OF VOTERS  
777 E. RIALTO AVENUE  
SAN BERNARDINO, CA 92415-0770



Sonoma County stating the deadline is April 15, 2016:

**WILL YOU GET TO VOTE FOR PRESIDENT IN THE PRIMARY?**  
You are receiving this notice from the Registrar of Voters Office because you will be voting by mail in the June 7, 2016, Consolidated Primary Election. You live in a precinct that has no polling place for this election. YOU DO NOT NEED TO REQUEST AN OFFICIAL BALLOT; one will be automatically mailed to you. You are also receiving this notice because you did not choose a political party preference when you registered to vote. As a result, you may choose which ballot to vote.

**CHOOSE NOW!**

\*No party preference\* voters like you may choose to vote in a party's presidential primary election if that party is listed on the ballot. However, if your preferred political party is not listed among the options, you will need to re-register to vote by May 23, 2016, and select that political party preference. To receive a presidential ballot:

- ✓ Check the box next to the party ballot of your choice (see attached form).
- ✓ Sign and date the form.
- ✓ Return the postcard before April 15, 2016. Don't forget a stamp!

If your party preference is not listed, re-register to vote with that party by May 23, 2016. If you do not notify us of your choice, you will receive a nonpartisan ballot which has voter-nominated and nonpartisan contests only; it does not include presidential candidates.

**WATCH FOR YOUR NEW & IMPROVED BALLOT ENVELOPE!**

Watch for a white envelope marked OFFICIAL ELECTION MAIL and OFFICIAL BALLOT ENCLOSED. Inside will be your official ballot and one blue Identification Envelope to return your ballot. The new envelope still keeps your signature private, is user-friendly, and makes returning your ballot by mail easy. Return your voted ballot as soon as possible so it is among the first counted Election Night. Mark your calendar! If your ballot does not arrive by May 15, 2016, call the Registrar of Voters Office.

Questions? Go to [vote.sonoma-county.org](http://vote.sonoma-county.org) or call (707) 565-6800 or 1-800-750-VOTE (toll free).

Lynn C. [Redacted]

I will be voting by mail in the June 7, 2016, Consolidated Primary Election. I did not indicate a preference for a qualified political party on my voter registration form. For this election only, I hereby request the Presidential ballot of the political party indicated below\* (choose one):

American Independent Party  
 Democratic Party  
 Libertarian Party

*Don't Receive until 4/21/16*

\* If your party preference is not listed, you must re-register to vote by May 23, 2016, and select that party to receive your presidential ballot.

I understand that I must return this notice to the Registrar of Voters no later than April 15, 2016, to ensure the correct ballot is issued to me. I also understand that if I do not return this card by the above date, I will be issued a non-partisan ballot containing only candidates for voter-nominated and nonpartisan contests, state propositions and local measures (if applicable).

Sign: \_\_\_\_\_ Date: 4/22/16

**Vote by Mail Ballots (VBM)**

About half of CA voters are VBM voters. VBM voters who had an NPP ballot and wanted to vote for a presidential candidate were instructed to bring in their ballots along with the envelope they came in to the correct polling location and to surrender their ballot to receive the correct party ballot to exercise their right to vote. We have hundreds of complaints regarding the VBM ballots and the testimonies are as varied and complex as the supposed structure of the CA electoral process itself.

An EJUSA complainant writes: *"I registered to vote and did not choose or register to vote by mail. I received vote by mail packet but because I did not register myself to vote by mail I just thought they sent*

*those out to everybody. i put the packet in where i keep all my mail to go through and forgot about it. Then on June sixth I was reading an article that spoke about voting by mail and how if you registered to vote by mail you should return your packet seven day before the election and if you could not do that that you could walk your ballot into your assigned polling place. A bell went off in my head and I realized somehow my registration was mysteriously changed to vote by my mail and that was why I received that packet. It was not an offered convenience. I DID NOT REQUEST TO VOTE BY MAIL. I panicked and started searching for the packet I received in the mail. My daughter received one in the mail as well even know SHE DID NOT REGISTER TO VOTE BY MAIL either. Luckily I kept both voting packets. When I opened my packet there was everything except the ballot. There was a ballot sleeve but no ballot. Me and my daughter went to the polling place. My daughter's ballot was in her packet so she was able to submit her ballot. My packet had no ballot. I showed the people at the polling place on 201 Allen Avenue that I had everything else in the packet including the sleeve but not the ballot. They then told me that because the ballot was not there that if I wanted to vote I would and could only do so with a provisional ballot. So I was forced to fill out a provisional ballot. During this process they actually tried to mark the box on the form as new voter. I through a fuss and they figured it out. But I am a registered democrat and I was forced to use a Provisional ballot at my own polling place. Something is not right!!!! I am mad and upset that I was not able to vote at my polling place because my voter registration was tampered with and changed to vote by mail without my knowledge or consent.”*

EJUSA had many complaints about being switched to VBM similar to this one: *“Today I checked my voter status. It had me listed as permanent vote by mail. I would never register to vote by mail. My daughter and I vowed to always vote at our polling place together in person. It is something we are proud and love to do together.”*

### **Provisional Ballots**

Provisional ballots (now appropriately being called placebo ballots) have been treated quite differently than other ballots. Hundreds of California EJUSA complainants have sent testimonies that they were forced to use provisional ballots at their polling locations. Many of these were NPP voters who wanted to vote for a democratic presidential candidate. Those that understood their rights to a democratic crossover ballot and firmly stood their ground, demanding the democratic ballot, received the correct ballot. Of those, often times voters observed their ballots being put in a provisional envelope.

An example from an EJUSA report: *“I switched my affiliation from Democrat to NPP on 03/08/2016. When I search for my voter registration in the Contra Costa County database, it returns no results. When I went to vote today, I was told that I was registered to vote absentee and that I would need to vote provisionally. I was given a democratic ballot and a provisional envelope.”*

There were several testimonies similar to this one: *“Poll workers denied me a crossover ballot because I was registered NPP, until I showed them that legally I was allowed a crossover democrat ballot. I saw them doing this to most people. More provisional ballots than actual ballots. Machines weren't working. I had to redo my ballot and only on the 3rd time did it work.”*

ISSUES OUTSIDE OF NPP TOPIC NOTED:

## B. REGISTRATION TAMPERING

Throughout the course of the 2016 Democratic presidential primaries, one of the most well-documented and widespread forms of election fraud was *registration tampering*. We define registration tampering as the alteration of a voter's party affiliation or registration status without their knowledge or consent. The outcome may be:

1. the voter's party affiliation is changed to a different party or to no party
2. the voter's status is changed to permanent vote-by-mail from in-person voter
3. the voter's status is not translated to the correct polling site, meaning they are kept off of voter rolls despite being listed as an active voter
4. the voter's status is changed to unregistered

After widespread reports of registration tampering in Arizona's 2016 presidential primary election, Election Justice USA (EJUSA) began collecting testimony from voters across the United States who had identified or experienced similar problems. At the same time, EJUSA collected explicit evidence corroborating these testimonies in the form of scans and screenshots of registration records, telephone call logs, and e-mails from elections officials.

All in all, EJUSA received verified reports of registration tampering from nearly 20 states.

Some of the earliest stories date back to the Fall of 2015. EJUSA's databases include four such reports from Colorado, which held a closed caucus on March 1, 2016. Among the most detailed is that of Alan Jennings, who sent the following detailed report and has agreed to be named and pictured here in conjunction with his story:

*I was a registered voter in Colorado and had voted in prior elections. In about April/May of 2015, I went online to the voter registration website to change my affiliation from "unaffiliated" to "Democrat" following news that Bernie Sanders was going to run under the Democratic ticket. I had changed my voter affiliation to unaffiliated after the mid-terms in 2014.*

*I made the change, and thought nothing about it until late in October 2015, when I checked it again from hearing in social media that some voters in the state had mysteriously had their affiliations changed against their wishes. Sure enough, mine had been changed back to "unaffiliated" again. I changed it back to "Democrat," and in November, around Thanksgiving checked it again, and it was still showing "Democrat."*

*In Colorado, a closed caucus state, the deadline for making changes to your registration is January 4th. I checked it one more time in late December, and found it to still be set to "Democrat."*

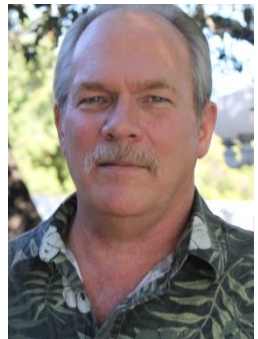


Photo 1 Alan Jennings

*However, in mid January, I read a disturbing post on Facebook in a Colorado group supporting Bernie Sanders that voters' registration affiliations were still changing mysteriously, so I went back online to check mine, and found once again that it had been changed back to "unaffiliated." I corrected it again, called the county and inquired about why it was changed and they acted as if they had no idea. So I escalated it to the State level, contacting the Attorney General and threatening notification of news*

media.

*I received a phone call from the AG, telling me he had looked into my registration and seen my prior visits to the website, and that I had "not changed anything." I told him my changes that I had had to make twice to change it back to Democrat, and he said he saw that I had been on the site, but that no changes had been made. I complained about the last change being past the deadline to vote and he said he would get that corrected, which he did, and in a subsequent email, it showed the date of registration as 9/4/2014.*

*That said, in posts to the social media site, one of the members of that Colorado Bernie Sanders group stated that he looked me up on the voter rolls and that I was not listed. I asked him whether that list came from the county or the state, and told him about my corrected registration, and he said neither, that the voter rolls were provided by NGP VAN, the company that installed the data breach on the Democratic National Committee's servers three times in the fall.*

*When I went to the Caucus, I was not on the rolls, and had to fill out an affidavit to vote in them. Since it was a Caucus my vote WAS counted, but I am sure there were many turned away that hadn't gone through all the steps I had and didn't have the needed documentation.*

By January, according to a follow-up discussion with Jennings, Democrats with access to NGP-VAN, the Democratic Party's "get-out-the-vote" computer system, were noticing that registration switching was a widespread problem. "[W]hen I spoke with a precinct captain online [in January] who had access to the voter rolls, he said that I wasn't on them, and would have to fill out an affidavit to participate. ... In talking to him further, he indicated that the problem was widespread in closed primary states and closed caucus states, and that many voters' affiliations were being switched."

Unlike Mr. Jennings, who caught the issue in time and battled his way to being able to vote, most such voters were denied the right to vote with the proper ballot for their candidates of choice or, frequently, were forced to employ provisional ballots which are not always counted in many parts of the country. Victims of registration tampering were entirely disenfranchised if their provisional ballots traced back to clerically or maliciously deleted or altered registration records.

The iconic case of voter registration tampering in the library of Election Justice USA's election irregularities was reported by the lead plaintiff of our first lawsuit, *Campanello, et al. vs. New York State Board of Elections, et al.*<sup>62</sup>

Leonard Campanello anticipated voting in the New York Presidential Preference Election of 2016. But, Arizona's disastrous March presidential primary created viral accounts of systemic voter disenfranchisement on all channels of social media and, with growing numbers of wary New Yorkers reporting their own stories of being erased from voter rolls, Leonard checked his registration status through the State DMV website.

Campanello found that his record still existed but his party affiliation had been switched from Democrat to Republican by way of a "change of party affiliation" form bearing his signature. According to the time stamp on the official record, this change was recorded about six months after the plaintiff's last actual

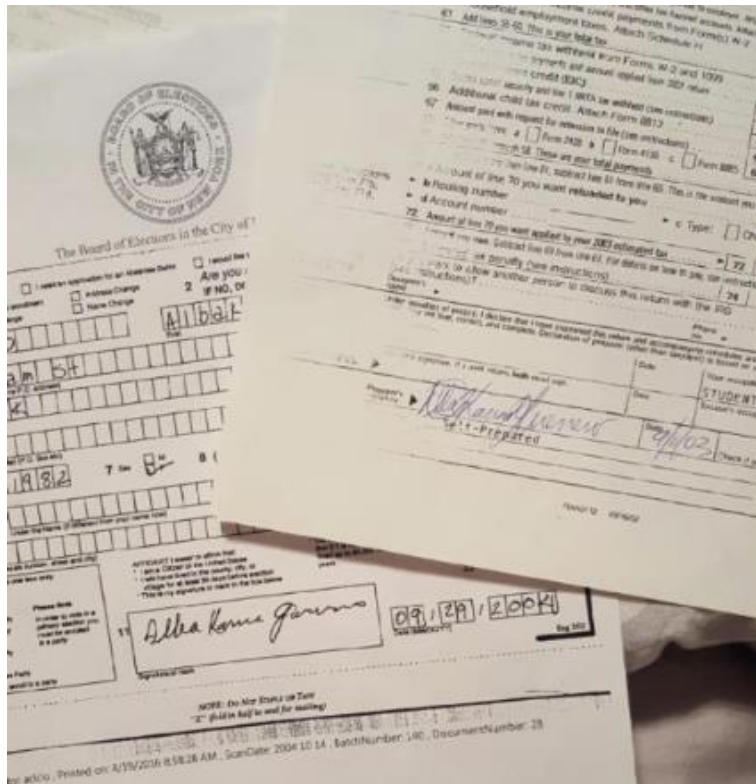
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<sup>62</sup><http://ia801508.us.archive.org/6/items/gov.uscourts.nyed.384188/gov.uscourts.nyed.384188.docket.html>

interaction with the DMV (the reissuance of his misplaced driver license) in 2014. As discussed below, hard proof exists that fraudulent changes to party affiliation registration status were often back-dated, sometimes by half a decade or more.

After the Suffolk County Board of Elections sent a copy of his registration form to Campanello, it became clear that the forger of the document had replicated a “pixel-by-pixel” identical copy of his driver’s license signature (electronically affixed by the DMV to every one of his licenses issued since 2008) onto the form that re-registered him as a Republican voter.

Forged signatures reported to Election Justice USA have not always been copied so identically. Alba Guerrero's story, relayed in the executive summary of this report is an example. Guerrero's clearly forged signature helped convince a judge in New York City to allow her to vote. Guerrero's false registration as Republican was back-dated to 2004, and she told EJUSA by phone that the Board of Election worker at the election day court hearing only had the two documents with unmatched signatures to represent her interactions with the registration system. All other information, to the extent it existed, may have been scrubbed by the forger.



Meanwhile, since first registering to vote in 2007, Campanello had been a Democrat and voted that way ever since. The discovery of his involuntary Republican affiliation was made well after the October 9, 2015 deadline to change parties and this fact prohibited Campanello from voting for his chosen candidate in New York's April 19th, 2016 presidential primary. That candidate was to be Senator Bernie Sanders.

The documented forgery of voter signatures was not a common report of complainants reporting registration tampering, but that fact may only reflect the low likelihood that complainants would go to

great lengths to discover the cause of their altered registration status, or that forgers who used this tactic early on discovered a more efficient way to tamper with registrations. Voter registration and election administration probably epitomize the meaning of “government bureaucracy” to the average voter who may be more likely to attribute computerized record problems to clerical error than to malicious design. Leonard Campanello’s case was not unique in New York (we have at least two other reports matching this description) or the country, with at least two reports from California involving faked signatures in switched party affiliations. It is not difficult to find other cases of forged registration signatures reported online.

EJUSA received complaints from 30 states and territories of the United States. From 18 of those states, reports offer a picture of voter registration systems in the world’s most technologically advanced country that are, at best, partisan and sloppy. At worst, these systems involve shoddy administrative and security protocols that cannot safeguard voter information against internal or external challenges nor reproducibly deliver the minimum accurate information needed by a voter to assess and maintain active status.

Election Justice USA gathered voter complaints by way of two distinct questionnaires, the differences of which shaped the responses we received. The purpose of these complaint intake forms was to systematically obtain statements of election irregularities which could be easily and rapidly converted to formal declarations or affidavits for legal action. Thus, every voter who registered a report with us understood that they might eventually serve as witnesses or plaintiffs in lawsuits. Hundreds of them did eventually do so.

The first Election Justice USA complaint intake form (*New York dataset*) targeted New York voters between April 12 - 22 in the wake of Arizona’s infamous primary with a design that reflected the then-emerging understanding that, as in Arizona, there was increasing evidence of involuntary changes to New York State voter registration information as the Primary neared on April 19.<sup>63</sup> New Yorkers reported 716 complaints in that short period, certainly understating the Empire State’s difficulties at a time when 120,000 voters were reportedly purged from a single borough’s registered voter rolls.<sup>64</sup>

Exhibit I of the Election Justice USA's amended lawsuit in New York includes these summary facts of the 716 entry EJUSA database:

- 97 respondents “clearly misunderstood New York’s registration deadlines”
- 619 respondents who did understand the deadlines represented nearly every New York County
- 401 respondents registered from 2012-2016 and legally should not have been subject to voter roll purging
- 303 registered during the current campaign in either 2015 or 2016 and before the relevant deadlines
- 140 of the 619 were switched, without knowledge or consent, to no longer registered
- 289 of the 619 had been switched, without knowledge or consent, to independent
- 79 of the 619 had been switched, without knowledge or consent, to a different party

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<sup>63</sup><https://goo.gl/4ENoMP>

<sup>64</sup><http://www.npr.org/2016/04/19/474896027/after-more-than-100-000-voters-dropped-in-brooklyn-city-officials-call-for-actio>

- 27 of the 619 were simply unlisted at their polling site even though properly registered and active

The New York database of voter registration complaints included a larger proportion of apparent registration tampering cases, some 25 to 30% of the total. Certainly, however, a significant portion of the New York dataset complaints (14%) were submitted by voters who misunderstood the deadlines for party affiliation change (October 9, 2015) or first-time voter registration (March 25, 2016).

A significant number of these complainants provided affidavits for *Campanello, et al. vs. New York State Board of Elections, et al.*

The second questionnaire (*All States dataset*) was designed to accommodate a wider array of possible irregularities encountered by voters in New York and from all other state primary elections.<sup>65</sup> There remained only 22 scheduled election contests when the form was first posted on April 14.

States with reports of irregularities that constituted possible voter registration tampering:

- AZ, CA, CO, FL, IA, IN, KY, LA, MD, ME, NJ, NM, NY, OH, OR, PA, TX, WI

Among the *All States* group of complaints taken from 1109 voters, the allowance for a variety of reported types of anomaly beyond registration problems led to a lower frequency of involuntary registration switch complaints lodged in the corpus. On average, almost 18% of these reports appeared to constitute likely tampering cases from 18 states.

Election Justice USA worked with two additional databases, both from Arizona, to arrive at a total of more than 2000 complaints of registration related problems. The first of the additional two databases was collected by the online collective Anonymous.<sup>66</sup> It included 151 entries, all of which were reviewed in detail by one of the authors of this report. The second database was collected by one of the original members of Election Justice USA's steering committee and contributed to the beginnings of the Election Justice USA. That Arizona database from EJUSA's founding included more than sixty entries, a small handful of which overlapped with entries in the Anonymous database. Anonymous summarized their review of the 151 entries as follows:

- 1 Unknown Party
- 12 GOP
- 139 Dem
- 113 Sanders supporters
- 24 Unknown Preference
- 2 Clinton

While a small number (less than five) of the Anonymous entries were attributed to private emails sent to an address set up for that purpose, these numbers are consistent overall with EJUSA's review of the two hundred or so Arizona entries for which we could obtain all the information.

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<sup>65</sup><https://goo.gl/7KMJje>

<sup>66</sup> <https://anonymousinvestigationsblog.wordpress.com>



Eventually, more than 20,000 voters' affidavit ballots were not counted in Maricopa County alone.<sup>67</sup> §I.D of this report discusses three lawsuits that have been filed in Arizona to address registration and poll closings in Arizona.

Table 1 presents a summary of the five states wherein the total number of complaints ran into double digits and, together, comprises more than 90% of the *All States* dataset. Including the signature involuntary registration tampering state of Arizona, these five states voted between March 22 and June 7, 2016. Note that *All States* New York reports are voters who reported through the second form. The rate at which apparent registration tampering was reported was in the 15% range among these states.

**Table 1**

State	State Reports	Involuntary Registration Variances	Percent Complaints
AZ	10	3	30.00
CA	811	143	17.63
KY	14	2	14.29
NJ	13	2	15.38
NY	176	23	13.07
<b>All States</b>	<b>1109</b>	<b>197</b>	<b>17.8</b>

Most of the involuntary registration changes of *All States* complainants involved Democratic affiliations being switched to independent or to unaffiliated with any party while, to a lesser extent, affiliation switching to another party was reported. Almost half of valid *New York data* complainants were involuntarily switched to unaffiliated. Among *All States* complainants, a greater rate of registered voters left off of voter rosters was reported than occurred among the five percent of *New York* reports.

*New York* Republican voters complained of registration problems at an almost vanishing rate, less than 20 of the 716 New Yorkers, with apparent registration tampering happening at an even lower rate. *All States* complainants included many more Republicans and other party affiliates but, again the bulk of involuntary registration changes involved Democrats or, in California, so-called No Party Preference voters.

In California, however, there was a large volume of reports from complainants who had been registered to vote in person but who found that their status had been changed to permanent vote-by-mail when they discovered this on arriving at the polls and they were forced to vote provisionally. Details of these complaints are described in more detail in §I.A.2 voters and §III.I.

We estimated that this sort of involuntary registration status change comprised roughly 13% to 20% of all complaints we received from voters to the effect that their party affiliation was changed to another or to no party. This proportion of voter complaints rose to some 30% when totals included voters whose registrations were apparently fine until their names went missing from polling place rosters on election day.

<sup>67</sup><http://www.azcentral.com/story/news/politics/elections/2016/03/30/maricopa-county-arizona-primary-election-canvass-results-protest/82427224/>

Compare such values to a roughly 10% rate of voter complainants having been unregistered or a 13% rate of complainants who'd simply misunderstood or missed the appropriate date for registering as a voter or switching party affiliations.

In conclusion, voter registration tampering was a widespread phenomenon across states holding closed or semi-closed presidential primaries, affecting would-be Democratic voters almost exclusively. It is likely the primary driving factor responsible for the unprecedented number of provisional and affidavit ballots seen in this primary season's election contests, alongside illegal voter registration purges, which we cover in the subsequent section.

### **C. ILLEGAL VOTER REGISTRATION PURGES**

The New York State Boards of Elections failed to provide adequate access to the electoral process for the 2016 presidential primary by way of improperly purging voters from the rolls; failing to enroll new registers who properly registered before March 25, 2016; and altering the voter registrations of democratic voters. According to New York Election Law, a voter who is not on the rolls, or whose party affiliation is recorded incorrectly, or who has been recorded as having no party affiliation must vote on a provisional ballot. Hundreds of thousands of voters were forced to vote provisionally and were left dejected and skeptical about the New York democratic process while they questioned whether their vote would count. As an alternative to a provisional ballot, a voter can go through the onerous process of seeking a court order to vote. The process of securing a court order is impracticable for working New Yorkers. Central to the 2016 New York primary was the purge of over 100,000 New Yorkers which was done in violation of Federal and State law, which has designated procedures with respect to purges that the Boards of Election failed to follow.

The National Voters Rights Act was enacted by the federal government to address voter disenfranchisement. Specifically, with a purge, this Act requires the Boards of Elections to keep purged voter rolls for two years following a purge to allow easy access to a purged list. It has been alleged that there was a massive purge in Brooklyn in early 2015. Before a voter can be put into inactive status, New York Election Law section 5-213 requires a confirmation notice by first class mail with notice that the voter is going to be put in inactive statues with a chance to respond within fourteen days with a pre-post marked envelope. This law also requires that the Boards of Election keep the purged list in alphabetical order, or on a readily accessible computer database. As an added protection, the National Voters Rights Act requires the Boards of Election to keep the voter in active status unless they fail to vote in two general election cycles.

With the 2015 Brooklyn purge, voters were sent notice of their potential inactive status, and whomever failed to send back a confirmation notice was immediately purged. If a voter was purged, it is the Boards of Elections responsibility to give the voter notice that their vote didn't count. This notice does not restore the voter's rights to due process. This notice did nothing more than expose the Boards of Elections as complicit, or at the very least negligent in the mishandling of the vote counts. There were rules and procedures that hold the Boards of Elections accountable. The employees at the local Boards of Election hold patronage positions and are tied to their local parties.

One of the goals of the EJUSA New York Lawsuit was to put the burden of proof of the right for an individual to vote on the Boards of Election, who has direct access to the voter records. This "reversal of the burden of proof" occurred in the 2000 Bush v. Gore election where it was argued that it "results in a

fairer result since courts are loath to overrule an election." The New York lawyers argued "the only logical solution is to let those who want to vote, be permitted to vote, rather than requiring the deprived voter to request that there be a new election, which is akin to un-ringing a bell."

The New York lawsuit had compiled a list of 500 disenfranchised voters who acted as witnesses to this crime. These witnesses were improperly purged or had their registrations tampered with. Some provided proof by way of screen shots. There was evidence that democrats were switched to independent and republican. It is undeniable that malfeasance occurred. The Sanders campaign did a big push from March 17-25 where voter registration drives were held across the state. There is evidence that a large percentage of these voters were not registered.

One source indicates there were boxes of new registrations in a back room at a Boards of Election that were never sent to the Boards of Election in Albany.

Take, for instance, the story of Brooklyn resident Chloe Pecorino. Chloe attempted to register as a first-time voter by submitting the relevant paperwork to the Department of Motor Vehicles in Brooklyn more than a week before the March 25th, 2016 deadline. Attempts to verify her registration status online were unsuccessful. On the day of New York's presidential primary, Chloe still had not been registered as a Democrat, despite persistent efforts, including more than a dozen calls and emails, the evidence of which spans fifteen pages in Exhibit A of Election Justice USA's initial New York lawsuit. On the day of the primary, Chloe took several hours to appear before a judge in an attempt to vote normally. Despite ample evidence of attempts to register before the deadline in good faith, the judge denied her request. As a consequence, Chloe was forced to cast her vote for Senator Sanders using an affidavit ballot. As can be seen in Photo 2, Chloe's affidavit ballot was declared invalid, like so many others.

INVALID

**Affidavit Oath**

**A: Please provide the following required information**

Your name Last name PECORINO Suffix \_\_\_\_\_  
 First name CHLOE Middle initial \_\_\_\_\_

The address where you live Address (not P.O. Box) \_\_\_\_\_  
 Apt. Number \_\_\_\_\_ Zip code \_\_\_\_\_  
 City/Town/Village ROCKY HILL  
 New York State County LINCOLN

Date of birth \_\_\_\_\_ Party enrollment DEMOCRAT

**B: Please check each box that applies to you and fill in the appropriate blanks**

I have been informed by the inspectors that my registration record is not available to them, however I have duly registered to vote in this election district from the address given above, and I remain a duly qualified voter in this district.  
 I have moved within \_\_\_\_\_ (insert County or New York City) since my last registration, and my previous address was: \_\_\_\_\_  
 I was required to present identification when I voted today, but I did not do so.  
 For Primary Elections Only: I am enrolled in the political party stated in the section above, but the poll book does not reflect my correct enrollment.

**C: Additional information to register to vote in the event that you do not have a valid registration on file**

**Qualifications** Are you a citizen of the U.S.?  Yes  No -- If you answer No, you cannot register to vote.  
 Will you be 18 years of age or older on or before election day?  Yes  No  
 If you answer No, you cannot register to vote unless you will be 18 by the end of the year.

**More information** Telephone (optional) \_\_\_\_\_ Sex  M  F  
 Email (optional) \_\_\_\_\_

The address where you receive mail Address or P.O. Box \_\_\_\_\_ Apt. \_\_\_\_\_  
 P.O. Box \_\_\_\_\_ Zip code \_\_\_\_\_  
 Skip if same as above City/Town/Village \_\_\_\_\_

**Voting history** Have you voted before?  Yes  No What year? \_\_\_\_\_

**Voting information that has changed** Your name was \_\_\_\_\_  
 Your address was \_\_\_\_\_  
 Your previous state or New York State County was \_\_\_\_\_

**Identification**  New York State DMV number \_\_\_\_\_  
 Last four digits of your Social Security number xxx-xx-\_\_\_\_\_  
 I do not have a New York State driver's license or a Social Security number.

**Political party** You must make 1 selection  
 I wish to enroll in a political party

Democratic party  Green party  Women's Equality party  
 Republican party  Working Families party  Reform party  
 Conservative party  Independence party  Other: \_\_\_\_\_

I do not wish to enroll in a political party  
 No party

**D: All voters must date and sign the oath below**

**It is a crime to procure a false registration or to furnish false information to the Board of Elections.**

Affidavit: I swear or affirm that  
 • I am a citizen of the United States.  
 • I will have lived in the county, city or village for at least 30 days before the election.  
 • I meet all requirements to register to vote in New York State.  
 • This is my signature or mark in the box to the right.  
 • The above information is true. I understand that if it is not true, I can be convicted and fined up to \$5,000 and/or jailed for up to four years.

Sign   
 Date April 19, 2016

To be completed by an Election Inspector:  
 Town/City Rocky Hill AD/Ward \_\_\_\_\_ Election District \_\_\_\_\_

For BOE Borough Office Use Only  
 Not Registered  Miscellaneous  Cancelled (D) Count:  Yes  No  
 Registered too late  Address Change  Wrong ED (site) (R) Count:  Yes  No

Photo: Chloe Pecorino's affidavit ballot, stamped "INVALID"

## D. INACCURATE VOTING MACHINE COUNTS

### 1. EXIT POLLS AND COMPUTERIZED VOTE COUNTS

The computerized vote counts in the 2016 Democratic Party Presidential primaries have, in many states, differed widely from the vote totals predicted by the exit polls conducted by Edison Research. These discrepancies were overwhelmingly to Clinton's benefit. The vote counts for the Republican Party Presidential primaries; however, with the exception of the primaries in two states, West Virginia and Texas, with very large discrepancies (18% and 10.6% respectively) going against Trump, have closely matched the results of their corresponding exit polls.

This section will examine the results of the exit polls and their disparities with computer vote counts; show that there is only one legitimate explanation why the exit polls for the two parties differed; and, lastly, show that the common attempts to explain away the discrepancies between computer vote counts and exit polls, fail for these primaries.

Why did the computerized vote counts only match the exit polls for the Republican Party Primaries and not for the Democratic Party primaries? More to the point, why does this question even arise?

In the United States computerized election vote counts are essentially unverified. Audits of any election, if conducted at all, are hidden from view— only four states specify that observers can verify the markings on the ballots<sup>68</sup> (only one state for primary elections).<sup>69</sup> Primary election results are only audited in 13 states.<sup>70</sup> Only six of these states require that the results of the audit and the data be made public.<sup>71</sup> Only one state, for any election,<sup>72</sup> is even experimenting with performing audits according to the best practices of a risk-limiting audit.<sup>73</sup>

To answer the second question posed above, as our computerized vote counts are non-transparent and largely unverified, the comparison of official vote counts with exit poll results is a standard method used to establish the veracity of election results. As USAID stated in their 2015 booklet “Assessing and Verifying Election Results”, [e]xit polls are powerful analytical tools ... [a] discrepancy between the votes reported by voters and official results may suggest that results have been manipulated, but it does not prove this to be the case.”<sup>74</sup>

#### *Presidential 2016 Primaries. Exit Polls versus Reported Vote Counts*

The unverified computer vote counts for these primaries differed widely from the Democratic Party exit polls but closely matched the Republican Party exit polls. Illustrative of the difference between the disparities found in the Democratic Party primaries and the lack of such disparities in the Republican Party primaries are the results from the Massachusetts primary.

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<sup>68</sup> Citizens for Election Integrity. State Audit Legislation Reference Guide. Last accessed on June 10, 2016. Available at: [http://www.ceimn.org/state-audit-legislation-reference-guide/search?field\\_transparency\\_value\\_many\\_to\\_one%5B%5D=Statutes+specify+that+observers+can+verify+marks+on+the+ballots](http://www.ceimn.org/state-audit-legislation-reference-guide/search?field_transparency_value_many_to_one%5B%5D=Statutes+specify+that+observers+can+verify+marks+on+the+ballots)

<sup>69</sup> Citizens for Election Integrity. State Audit Legislation Reference Guide. Last accessed on June 10, 2016. Available at: [http://www.ceimn.org/state-audit-legislation-reference-guide/search?field\\_transparency\\_value\\_many\\_to\\_one%5B%5D=Statutes+specify+that+observers+can+verify+marks+on+the+ballots&field\\_audit\\_contests\\_value\\_many\\_to\\_one%5B%5D=Primary+elections+audited](http://www.ceimn.org/state-audit-legislation-reference-guide/search?field_transparency_value_many_to_one%5B%5D=Statutes+specify+that+observers+can+verify+marks+on+the+ballots&field_audit_contests_value_many_to_one%5B%5D=Primary+elections+audited)

<sup>70</sup> Citizens for Election Integrity. State Audit Legislation Reference Guide. Last accessed on June 10, 2016. Available at: [http://www.ceimn.org/state-audit-legislation-reference-guide/search?field\\_audit\\_contests\\_value\\_many\\_to\\_one%5B%5D=Primary+elections+audited](http://www.ceimn.org/state-audit-legislation-reference-guide/search?field_audit_contests_value_many_to_one%5B%5D=Primary+elections+audited)

<sup>71</sup> Citizens for Election Integrity. State Audit Legislation Reference Guide. Last accessed on June 10, 2016. Available at: [http://www.ceimn.org/state-audit-legislation-reference-guide/search?field\\_transparency\\_value\\_many\\_to\\_one%5B%5D=Statutes+require+that+audit+results+and+data+be+made+public&field\\_audit\\_contests\\_value\\_many\\_to\\_one%5B%5D=Primary+elections+audited](http://www.ceimn.org/state-audit-legislation-reference-guide/search?field_transparency_value_many_to_one%5B%5D=Statutes+require+that+audit+results+and+data+be+made+public&field_audit_contests_value_many_to_one%5B%5D=Primary+elections+audited)

<sup>72</sup> Citizens for Election Integrity. State Audit Legislation Reference Guide. Last accessed on June 10, 2016. Available at: [http://www.ceimn.org/state-audit-legislation-reference-guide/search?field\\_audit\\_discrepancies\\_value\\_many\\_to\\_one%5B%5D=Statutes+specify+use+of+a+risk-limiting+audit](http://www.ceimn.org/state-audit-legislation-reference-guide/search?field_audit_discrepancies_value_many_to_one%5B%5D=Statutes+specify+use+of+a+risk-limiting+audit)

<sup>73</sup> Citizens for Election Integrity. State Audit Legislation Reference Guide. Last accessed on June 10, 2016. Available at: <http://www.electionaudits.org/bp-risklimiting>

<sup>74</sup> USAID. Assessing and Verifying Election Results. April 2015. Available at: [https://www.usaid.gov/sites/default/files/documents/1866/DI%20Assessing%20and%20Verifying%20Election%20Results%20Summary%20Document%20-%20FINAL%20PDF%20\(without%20bleeds\)%20\(5-19-15\).pdf](https://www.usaid.gov/sites/default/files/documents/1866/DI%20Assessing%20and%20Verifying%20Election%20Results%20Summary%20Document%20-%20FINAL%20PDF%20(without%20bleeds)%20(5-19-15).pdf). Last Accessed on June 12, 2016.

## EXIT POLLS MARCH 1, 2016 MASSACHUSETTS PRIMARIES VERSUS REPORTED VOTE COUNT

SUMMARY	EXIT POLLS [1], REPORTED VOTE COUNT [2], AND DISCREPANCIES [3]						
<b>DEMOCRATIC PARTY</b>	<b>CLINTON</b>	<b>SANDERS</b>	<b>OTHER</b>				<b>NUMBER OF RESPONDENTS</b>
MASSACHUSETTS - EXIT POLLS	45.7%	52.3%	2.0%				1,297
MASSACHUSETTS - COMPUTER VOTE COUNT	50.1%	48.7%	1.2%				
<b>Discrepancy</b>	<b>4.4%</b>	<b>-3.6%</b>	<b>-0.8%</b>				
<b>Total Discrepancy in favor of Clinton</b>	<b>8.0%</b>						
<b>Margin of Error for the Exit Poll Difference [4]</b>	<b>5.4%</b>						
<b>REPUBLICAN PARTY</b>	<b>CARSON</b>	<b>CRUZ</b>	<b>KASICH</b>	<b>RUBIO</b>	<b>TRUMP</b>	<b>OTHER</b>	<b>NUMBER OF RESPONDENTS</b>
MASSACHUSETTS - EXIT POLLS	2.5%	10.5%	17.4%	18%	48.6%	2.0%	800
MASSACHUSETTS - COMPUTER VOTE COUNT	2.6%	9.6%	18.0%	18%	49.3%	2.6%	
<b>Discrepancy</b>	<b>0.1%</b>	<b>0.9%</b>	<b>0.6%</b>	<b>0.0%</b>	<b>0.7%</b>	<b>0.6%</b>	

Theodore de Macedo Soares

TDMS|RESEARCH

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The explanatory notes for this table and associated article can be seen at: <http://tdmsresearch.com/2016/06/14/the-suspect-massachusetts-2016-primary/>

In the March 1, 2016 primary in Massachusetts, the exit polls projected a Sanders win by 6.6% and yet he lost by 1.4%, for a total discrepancy of 8%. The exit polls for the Republican Party race; however, closely agreed with reported vote totals with the largest discrepancy among the five candidates at less than 1%.<sup>75</sup>

This difference between the two parties is made remarkable by the fact that as in all primary states (for the exception of the primary in South Carolina where the Democratic Party and the Republican Party primaries occurred on different dates), the exit polls for both parties were conducted in the same precincts and at the same time,<sup>76</sup> with the same interviewers, and using the same methodologies.

The number of respondents is the primary determinant for the exit poll's margin of error (MOE). Noteworthy is that the accuracy of the exit polls for the Republican Party, with 800 respondents, was achieved with about 500 less voters filling out the anonymous exit poll questionnaires than the Democratic Party with 1,297 respondents.

To answer the first question: Why did the computerized vote counts only match the exit polls for the Republican Party Primaries and not of the Democratic Party primaries?

As the exit polls for both parties were conducted at the same places and times variations in the conduct of the exit poll cannot explain the difference between the exit polls of both parties. The usual assertion that exit polls may be wrong because respondents, more enthusiastic for a particular candidate, would more likely to agree to be polled also does not apply to these elections. Similar to the many Democratic Party voters demonstrating enthusiasm for candidate Sanders, Republican Party voters demonstrated a great deal of enthusiasm for candidate Trump (see section Addressing Criticisms of Exit Polls below for

<sup>75</sup> See annotated table and associated article: de Macedo Soares, T. The Suspect Massachusetts 2016 Primary. TDMS|Research. June 14, 2016. Available at: <http://tdmsresearch.com/2016/06/14/the-suspect-massachusetts-2016-primary/>

<sup>76</sup> Email correspondence between Theodore de Macedo Soares (the author of this exit poll section) and Mr. Joseph Lenski, Executive Vice President Of Edison Research, on July 19, 2016

a more detailed examination of this claim). Thus, we would expect to see consistent exit polling results that were greater than the computer vote count for Trump if this explanation held true, which in fact was not the case.

The only remaining explanation is that computers were accurately counting the votes in the Republican Party primaries but not in the Democratic Party primaries. No other explanation appears to be viable.

The Massachusetts story is repeated in other 2016 presidential primary states. As the Democratic Party primaries table below demonstrates, in 21 of 25 primary states for which exit polls were conducted, the unverified computer count totals differed in one direction—in Clinton’s favor. In ten of these primary results, the discrepancies exceeded the augmented margin of error (MOE) for their respective exit polls (see discussion below for an explanation of the augmented MOE applied). In sharp contrast, the discrepancies in the Republican Party primaries were as likely to favor Trump as the other candidates (13 and 10 respectively).

**EXIT POLLS VERSUS REPORTED VOTE COUNT. DEMOCRATIC PARTY 2016 PRIMARIES**

Democratic Party Clinton v. Sanders	CNN PUBLISHED EXIT POLLS (EP) [1]				REPORTED VOTE COUNT (VC) [2]			EP / VC DISCREPANCIES	
	CLINTON EP	SANDERS EP	MARGIN CLINTON - SANDERS	MOE (TSE)[3] ON THE DIFFERENCE	CLINTON VC	SANDERS VC	MARGIN CLINTON - SANDERS	MARGIN DISCREPANCY IN FAVOR OF CLINTON	DISCREPANCY GREATER THAN EXIT POLL MOE (TSE)
ALABAMA	70.6%	25.9%	44.7%	8.0%	77.84%	19.19%	58.7%	14.0%	6.0%
GEORGIA	64.8%	33.8%	31.0%	6.8%	71.33%	28.16%	43.2%	12.2%	5.3%
WEST VIRGINIA [4]	42.6%	57.4%	-14.8%	9.5%	48.61%	51.39%	-2.8%	12.0%	2.6%
NEW YORK	52.0%	47.6%	4.3%	7.1%	57.99%	42.01%	16.0%	11.6%	4.5%
SOUTH CAROLINA [5]	68.4%	31.2%	37.2%	6.6%	73.48%	25.97%	47.5%	10.3%	3.7%
OHIO	51.4%	47.6%	3.8%	6.3%	56.50%	42.70%	13.8%	10.0%	3.7%
MISSISSIPPI	77.7%	21.3%	56.3%	6.8%	82.63%	16.46%	66.2%	9.9%	3.0%
TEXAS	60.6%	37.9%	22.7%	7.0%	65.20%	33.20%	32.0%	9.3%	2.3%
TENNESSEE	60.9%	35.5%	25.4%	8.0%	66.11%	32.43%	33.7%	8.3%	0.3%
MASSACHUSETTS	45.7%	52.3%	-6.6%	7.1%	50.11%	48.69%	1.4%	8.0%	0.9%
INDIANA	44.6%	55.4%	-10.7%	7.1%	47.50%	52.50%	-5.0%	5.7%	
ARKANSAS	64.7%	33.3%	31.4%	8.1%	66.29%	29.74%	36.6%	5.2%	
MICHIGAN	45.9%	52.1%	-6.2%	6.6%	48.27%	49.83%	-1.6%	4.6%	
VIRGINIA	62.2%	37.4%	24.8%	6.8%	64.29%	35.19%	29.1%	4.3%	
ILLINOIS	48.4%	50.7%	-2.3%	7.0%	50.46%	48.72%	1.7%	4.1%	
MISSOURI	47.4%	51.1%	-3.7%	8.9%	49.60%	49.40%	0.2%	3.9%	
FLORIDA	63.7%	35.9%	27.9%	6.1%	64.50%	33.30%	31.2%	3.4%	
PENNSYLVANIA	54.5%	45.1%	9.4%	7.1%	55.58%	43.56%	12.0%	2.6%	
CONNECTICUT	50.4%	47.2%	3.2%	7.3%	51.80%	46.42%	5.4%	2.2%	
NORTH CAROLINA	53.8%	41.7%	12.1%	6.0%	54.60%	40.80%	13.8%	1.7%	
VERMONT	12.9%	86.5%	-73.6%	4.6%	13.62%	86.10%	-72.5%	1.1%	
MARYLAND	63.8%	33.4%	30.4%	8.3%	63.03%	33.25%	29.8%	-0.6%	
WISCONSIN	43.5%	55.0%	-11.5%	6.2%	43.11%	56.57%	-13.5%	-2.0%	
NEW HAMPSHIRE [6]	40.4%	58.6%	-18.2%	5.5%	37.95%	60.40%	-22.4%	-4.2%	
OKLAHOMA	46.6%	50.9%	-4.3%	9.0%	41.52%	51.87%	-10.3%	-6.1%	
<b>Pending Confirmation:</b>									
WISCONSIN [7]	36.5%	63.4%	-26.9%	6.1%	43.11%	56.57%	-13.5%	13.4%	7.3%
CONNECTICUT [8]	40.0%	55.0%	-15.0%	7.1%	51.80%	46.42%	5.4%	20.4%	13.3%

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The explanatory notes for this table can be seen at: <http://tdmsresearch.com/2016/06/20/democratic-party-table-2016-primaries/>

With the exception of the primaries in two states, West Virginia and Texas, that saw very large discrepancies (18% and 10.6% respectively) going against Trump, the Republican Party races exhibited

what should be expected with impartial vote counts and exit polls; sometimes the discrepancies favored Trump, and sometimes went against him. The average of the discrepancies favoring Trump was 2.7%. The average of the discrepancies going against Trump, excluding West Virginia and Texas, was almost identical at 2.8%. These averages discrepancies, less than half of the average of their margin of error (7% and 8% respectively), demonstrate that indeed, exit polls can be very accurate.

**EXIT POLLS VERSUS REPORTED VOTE COUNT. REPUBLICAN PARTY 2016 PRIMARIES**

Republican Party Trump v. Other Candidates [3]	CNN PUBLISHED EXIT POLLS (EP) [1]				REPORTED VOTE COUNT (VC) [2]			EP / VC DISCREPANCIES	
	TRUMP EP	OTHER EP	MARGIN TRUMP - OTHERS	MOE (TSE) [4] ON THE DIFFERENCE	TRUMP VC	OTHER VC	MARGIN TRUMP - OTHERS	MARGIN DISCREPANCY IN FAVOR OF OTHERS [5]	DISCREPANCY GREATER THAN EXIT POLL MOE (TSE)
WEST VIRGINIA [6]	86.0%	14.0%	72.0%	7.6%	77.0%	23.0%	54.0%	18.0%	10.4%
TEXAS [6]	32.6%	68.4%	-35.9%	5.7%	26.7%	73.3%	-46.5%	10.6%	4.9%
OHIO	38.1%	61.9%	-23.8%	5.4%	35.6%	64.4%	-28.8%	5.0%	
TENNESSEE	41.1%	58.9%	-17.9%	6.8%	38.9%	61.1%	-22.1%	4.2%	
ALABAMA	45.3%	54.7%	-9.3%	7.6%	43.4%	56.6%	-13.2%	3.8%	
WISCONSIN	36.5%	63.5%	-26.9%	6.8%	35.1%	64.9%	-29.8%	2.9%	
PENNSYLVANIA	58.2%	41.8%	16.4%	7.3%	56.7%	43.3%	13.5%	2.9%	
ARKANSAS	33.8%	66.2%	-32.4%	7.9%	32.8%	67.2%	-34.5%	2.1%	
GEORGIA	39.4%	60.6%	-21.2%	6.4%	38.8%	61.2%	-22.4%	1.2%	
NORTH CAROLINA	40.5%	59.5%	-19.0%	6.5%	40.2%	59.8%	-19.5%	0.5%	
MICHIGAN	36.3%	63.7%	-27.4%	7.2%	36.5%	63.5%	-27.0%	-0.4%	
FLORIDA	45.5%	54.5%	-9.0%	6.0%	45.7%	54.3%	-8.5%	-0.5%	
MASSACHUSETTS	48.6%	51.4%	-2.8%	9.1%	49.3%	50.7%	-1.4%	-1.4%	
MISSOURI	39.7%	60.3%	-20.6%	6.8%	40.5%	59.5%	-19.0%	-1.6%	
ILLINOIS	38.0%	62.0%	-24.0%	7.7%	38.8%	61.2%	-22.3%	-1.7%	
VIRGINIA	33.8%	66.2%	-32.5%	6.5%	34.6%	65.4%	-30.8%	-1.7%	
CONNECTICUT	56.8%	43.3%	13.5%	8.6%	57.7%	42.3%	15.5%	-2.0%	
OKLAHOMA	26.9%	73.1%	-46.2%	7.8%	28.3%	71.7%	-43.4%	-2.8%	
INDIANA	51.8%	48.2%	3.7%	5.7%	53.3%	46.7%	6.5%	-2.9%	
MARYLAND	52.8%	47.2%	5.5%	11.2%	54.4%	45.6%	8.9%	-3.4%	
MISSISSIPPI	45.0%	55.0%	-10.0%	7.5%	47.3%	52.7%	-5.4%	-4.6%	
NEW YORK	57.7%	42.3%	15.4%	8.7%	60.4%	39.6%	20.8%	-5.5%	
VERMONT	29.6%	70.4%	-40.7%	10.6%	32.7%	67.3%	-34.5%	-6.2%	
NEW HAMPSHIRE (Exit poll not downloaded)									
SOUTH CAROLINA (Exit poll not downloaded)									

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The explanatory notes for this table can be seen at: <http://tdmsresearch.com/2016/06/20/republican-party-table-2016-primaries/>

In the Democratic Party primaries the 21 primary states where the discrepancies between the exit poll and the vote count favored Clinton the average discrepancy was 6.9%. The top ten averaged a large discrepancy of 10.6%. The average of the four discrepancies favoring Sanders was 3.2%.

*Discrepancies between Computer Counts and Exit Polls Likely Larger*

To understand why the exit polls may have substantially underestimated Sanders' projected vote totals in many of these states, it is important to understand the mission of Edison Research, the firm that conducts exit polls for the major news networks. As widely stated, their purpose is to supply accurate estimates of electoral outcomes, including the demographics and opinions of the electorate to inform the networks and through them, the public. Edison Research assumes the computer vote counts are correct and their mission is successfully accomplished when their estimates match the official computer vote counts.

For this reason, the first published exit polls are progressively altered to conform to the incoming computer vote counts until all discrepancies between the first published exit polls and the final computer vote counts are reduced to approximately zero. Only these exit polls, now matching the final vote



counts, are presently available to the public on the various networks websites.

To fulfill their mission Edison Research conducts the exit poll surveys according to the well-established science common to all surveys including exit poll survey methodology scientifically honed through decades of practice. As a necessary part of estimating the electoral results they also include the results of their telephone surveys of absentee/early voters which in some states may be a significant part of the electorate.

The reason Edison Research may have actually *underestimated* candidate Sanders exit poll results in many of the primary states is that their scientifically conducted exit polls estimates are further modified with the “aggregate of pre-election polls...[and] actual vote returns from sample precincts and county vote returns as provided by the Associated Press and location election officials.”<sup>77</sup>

#### The Effect of Pre-election Polls

The reason the inclusion of pre-election polls may have resulted in underestimating Sanders’ exit poll results is that in 19 of the 25 primary states the aggregate of the pre-election polls<sup>78</sup> conducted within a week or so of the election of each primary state, projected a lower margin for Sanders than projected by the first exit polls published by the networks. In thirteen of these states the under projection was large with an average of 11%. A large miss is illustrated by the pre-election polls prior to the primary in Michigan on March 8, 2016. The aggregate pre-election polls from March 1-7 had Sanders losing by 22%. The losing margin increased to 29% in the period March 4-7.<sup>79</sup> The exit polls; however, projected a Sanders’ win by 6.2% and the final vote count had Sanders winning by 1.6%.

Without access to Edison’s raw exit poll data it is unknown how much weight or percentage points they subtracted from Sanders’ exit poll results in order to more closely conform to the pre-election polls. Assuming, for illustration purposes, that Edison had subtracted half of the average March 1-7 pre-election polls (11%) from Sanders’ exit poll results the actual exit poll totals for Sanders would have shown a winning margin of 17.6%. The resulting discrepancy with the computer count would have been a whopping 16% instead of the 4.6% shown using the adjusted exit polls.

As another example, the March 4-13 pre-election polls for the Ohio primary on March 15, 2016 averaged a Sanders’ loss by roughly 14%.<sup>80</sup> Similar calculations as above would have yielded an exit poll showing Sanders winning this state by 3.2% and the resulting discrepancy with the unverified computer vote count showing a Sanders loss by 13.8% would have been another whopping 17% instead of the already large discrepancy of 10% using the adjusted exit polls.

Again, these illustrations depend on how much weight Edison applied to these pre-election polls, which could have been more or less than the examples illustrated above. As the pre-election polls, however, generally underestimated Sanders’ exit polls’ electoral strength the majority of the discrepancies going against Sanders were likely larger than shown using the adjusted exit polls. The discrepancies favoring candidate Sanders may have instead favored Clinton.

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<sup>77</sup> Email correspondence between Theodore de Macedo Soares (the author of this exit poll section) and Mr. Joseph Lenski, Executive Vice President of Edison Research on July 12 and July 13, 2016

<sup>78</sup> RCP average of pre-election polls. See, for example, the next note below

<sup>79</sup>[http://www.realclearpolitics.com/epolls/2016/president/mi/michigan\\_democratic\\_presidential\\_primary-5224.html](http://www.realclearpolitics.com/epolls/2016/president/mi/michigan_democratic_presidential_primary-5224.html)

<sup>80</sup>[http://www.realclearpolitics.com/epolls/2016/president/oh/ohio\\_democratic\\_presidential\\_primary-5313.html](http://www.realclearpolitics.com/epolls/2016/president/oh/ohio_democratic_presidential_primary-5313.html)

## The Effect of Vote Counts

As Mr. Lenski of Edison Research explained, when states such as “New Hampshire, Kentucky, Indiana, Florida and Texas (and others) have split poll closing times where part of the state closes at one time and the rest of the state closes at a later time...we may have quite a bit of actual vote returns to use in our estimates that are broadcast...when all of the state polling locations have officially closed.”<sup>81</sup> Although Mr. Lenski did not explicitly state that in other states without split closing times they also used vote returns acquired from the precincts they were polling or from other sources, there seems no reason why Edison would not use them if available.

The problem with altering exit polls with vote returns from computer counts that overwhelmingly favored Clinton compared to the states’ exit polls is that such returns would have depressed Sanders’ exit poll totals even further, resulting in an even larger discrepancy between the exit polls and the vote counts. When one adds the effect of pre-election polls the resulting combined discrepancies may have been very large indeed.

Take Texas, for example, a state with split poll closing times. The exit polls had Sanders losing the state by 22.7%. The unverified computer vote count resulted in a 32% Sanders loss. The question becomes how much of the 22.7% of Sanders losing exit poll totals had been bumped up to match the incoming vote totals from this state? If the 22.7% exit poll total had been bumped up by, say, 10% to come closer to the incoming votes it means that the exit poll with the pre-election poll adjustment was actually 11.7%. The RCP pre-election polls averaged a Sanders loss by 30.3%.<sup>82</sup> If a hypothetical 15% of the pre-election polls had been included to increase his loss margin to come closer to the pre-election polls it is then possible that Sanders unadjusted exit poll may have even projected him winning the state of Texas by 3%. The large existing discrepancy of 9.3% between the exit polls and the computer vote counts would have instead been a mammoth 35%.

Of course, all these calculations are hypothetical. Without access to the raw exit poll data from Edison Research with a detailed accounting of the adjustments made, these calculations will have to remain as speculations. They are presented as illustrations of the possibility that the first exit polls published by the networks soon after the closing of the polls for the state may have significantly understated Sanders’ electoral strength. The actual scientifically conducted exit polls may have shown much greater totals for candidate Sanders and may have even shown that he handily won the 2016 Democratic Party primary contest against candidate Clinton.

## Addressing Criticisms of Exit Poll

### Determining Total Survey Error

Exit polls like all surveys are susceptible to the following possible sources of error: Coverage error (not able to sample a selection of the population), nonresponse error (not able to poll all persons in the chosen sample), sampling error (when the survey sample is different than the population being measured), and measurement error (from inaccurate responses).<sup>83</sup>

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<sup>81</sup> Email correspondence between Theodore de Macedo Soares (the author of this exit poll section) and Mr. Joseph Lenski, Executive Vice President of Edison Research on July 13, 2016

<sup>82</sup> [http://www.realclearpolitics.com/epolls/2016/president/tx/texas\\_democratic\\_presidential\\_primary-4158.html#polls](http://www.realclearpolitics.com/epolls/2016/president/tx/texas_democratic_presidential_primary-4158.html#polls)

<sup>83</sup> Groves, R. (1989). Survey errors and survey costs. New York. Wiley.

The results of surveys of all kinds, such as the pre-election polls referenced in this section, are generally published with an associated margin of error that is primarily associated with the sample size—the larger the sample, the smaller the margin of error. The other possible sources of error, difficult to quantify and formulate mathematically are almost always left unaddressed. The fact that exit polls are singled out for this fault does not diminish the validity of this observation.

The best approach would be to determine the total survey error (TSE) for any given survey. If the actual population values being measured were known then the results of the survey could be compared to determine how close the sample-based survey came to these values. The resulting margin of error for all the possible sources of error could then be determined. This was the approach taken in the margin of error that was applied to both the Democratic and Republican Party primaries.

Exit polling for the Republican Party primaries, as noted above, was fairly accurate with only two states exhibiting suspiciously large discrepancies (Texas at 10.6% and West Virginia at 18%) going against Trump. Excluding these anomalous and suspicious results from the calculations the Republican Party primaries yielded 106 separate exit poll results for the six main candidates (Trump, Cruz, Kasich, Rubio, Carson, and Bush). To determine the total survey error their exit poll survey estimates were compared to their vote totals.<sup>84</sup> This comparison determined that by increasing the standard statistical margin of error by 32%, the percentage of exit polls exceeding this augmented MOE was 4.76% (5 of 106) which is just under the expected 5% in an exit poll with a confidence interval of 95%. Accordingly, this increased MOE represents the total survey error of the exit polls for the Republican Party primaries.

As mentioned above, since in all primary states (with the exception of South Carolina) the exit polls for both parties were conducted in the same precincts, at the same time, with the same interviewers, and using the same methodologies, the increased MOE also represents the total survey error for the Democratic Party primaries.

The bottom line: the Republican Party Primaries had two states exhibiting large discrepancies exceeding the total survey error, whereas the Democratic Party primaries had 10 states that exceeded the TSE. Since all the potential sources of error common to surveys including exit polls are accounted for with the application of this augmented margin of error, the current use of these exit poll results to assess the veracity of the unverified computer vote counts should be harder to criticize.

#### *Youthful Voters not the Cause of Discrepancies between Exit Polls and Computer Counts*

Nate Cohn, a writer for the New York Times, recently wrote an article theorizing that the reason “why...exit polls so tilted toward Mr. Sanders,” was due to the fact that “young voters are far likelier to complete the exit polls than older voters.” Although he acknowledged that Edison Research corrects for this usual and well known fact, Mr. Cohn asserts that their correction “falls short.”<sup>85</sup>

Mr. Cohn’s assertion is a variation of the popular criticism of exit polls that centers on nonresponse error as the cause for the discrepancies between the exit polls and the final vote count—the voters of a particular candidate may be overrepresented because they are more enthusiastic for their candidate and thus more willing to fill out the exit poll’s anonymous questionnaires than the voters for another

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<sup>84</sup> de Macedo Soares, T. Republican Party Detailed tables. TSE of the 2016 Primaries. TDMS|Research. Available at: <http://tdmsresearch.com/2016/07/13/republican-party-detailed-tables-tse-2016-primaries/>

<sup>85</sup> Cohn, N. Exit polls and why the primary was not stolen from Bernie Sanders. New York Times. June 27, 2016. Available at: [http://www.nytimes.com/2016/06/28/upshot/exit-polls-and-why-the-primary-was-not-stolen-from-bernie-sanders.html?\\_r=1](http://www.nytimes.com/2016/06/28/upshot/exit-polls-and-why-the-primary-was-not-stolen-from-bernie-sanders.html?_r=1)

candidate. This criticism is generally put forth without any evidence and has been refuted as the explanation for the discrepancies in previous elections.<sup>86</sup> Additionally, Edison Research works very hard to reduce such errors by taking note of the characteristics of the nonresponders, such as their gender and age range, and adjust their exit polls results accordingly.<sup>87</sup>

According to Mr. Cohn, the discrepancies between the exit polls and the computer vote counts that in 21 of 25 states favored Clinton were caused by an overrepresentation of younger voters in the exit polls. As younger voters overwhelmingly voted for Sanders, the theory goes, the alleged uncorrected higher proportion of younger voters participating in the exit polls distorted the exit polls in Sanders' direction. Actual 2016 Democratic Party primaries data does not support Cohn's theory:

(1) The proportion of youthful voters in these primaries had no correlation with the discrepancies between the exit polls and the unverified computer vote counts that favored candidate Clinton.

(2) The enthusiasm of youthful voters for candidate Sanders had no correlation with the proportion of youthful voters in the different states.

(3) Higher proportions of youthful exit poll respondents voting for Sanders, instead of correlating with higher discrepancies, actually correlates with lower discrepancies; the opposite of what would hold according to Cohn's asserted explanation for the discrepancies.

Doug Johnson Hatlem, in an article published in *CounterPunch*, pushed back on this theory by noting that states such as Alabama, Georgia, Ohio, and South Carolina with lower proportions of young voters, had high discrepancies between the exit polls and vote counts favoring Clinton while states such as North Carolina, with higher proportions of young voters, had small discrepancies.<sup>88</sup> Here, in the following first graph, the observations of Mr. Hatlem are extended to include the Democratic Party primaries of all states for which exit polls were conducted.

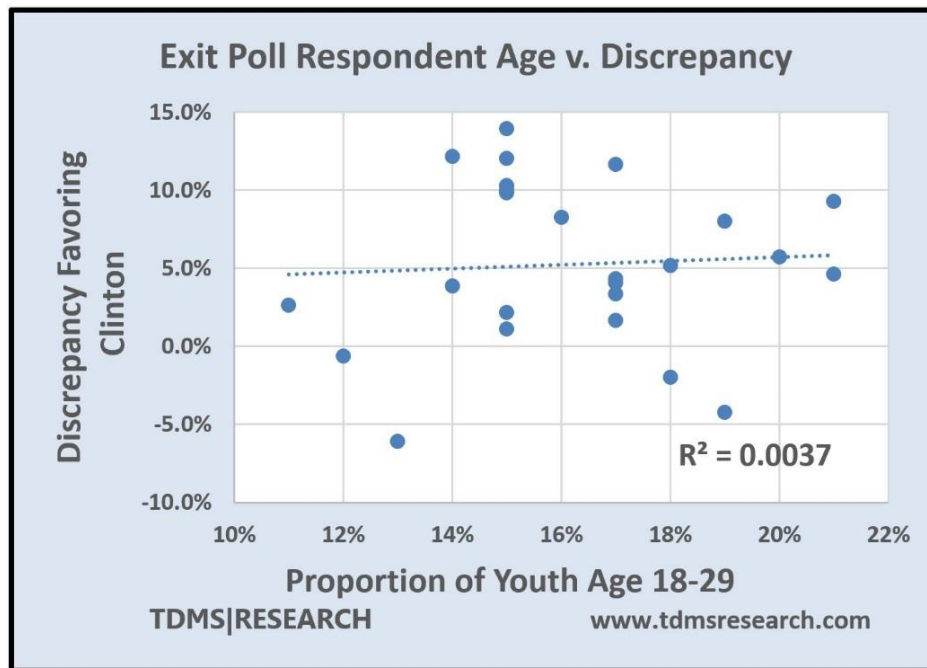
(1) If Mr. Cohn is correct then one should see a clear correlation between the proportion of youthful voters and the discrepancies—the greater the proportion of younger voters in the exit poll, the greater the discrepancy. Actual data, however, shows that there is near zero correlation between the proportion of exit poll responders age 18-29 and the discrepancies found in the 25 primary states for which exit polls were conducted:

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<sup>86</sup> Robert F. Kennedy Jr. Was the 2004 Election Stolen? June 01, 2006. Available at: <http://www.commondreams.org/views06/0601-34.htm>. Last accessed on June 12, 2016.

<sup>87</sup> Bump P. How exit polls work, explained. The Washington Post. April 22, 2016. Available at: <https://www.washingtonpost.com/news/the-fix/wp/2016/04/22/how-exit-polls-work-explained/>. Last accessed on June 13, 2016.

<sup>88</sup> Hatlem, D.J. Hillary Clinton vs Bernie Sanders: In-depth Report on Exit Polling and Election Fraud Allegations. Counterpunch. May 11, 2016. Available at: <http://www.counterpunch.org/2016/05/11/hillary-clinton-versus-bernie-sanders-in-depth-report-on-exit-polling-and-election-fraud-allegations/>

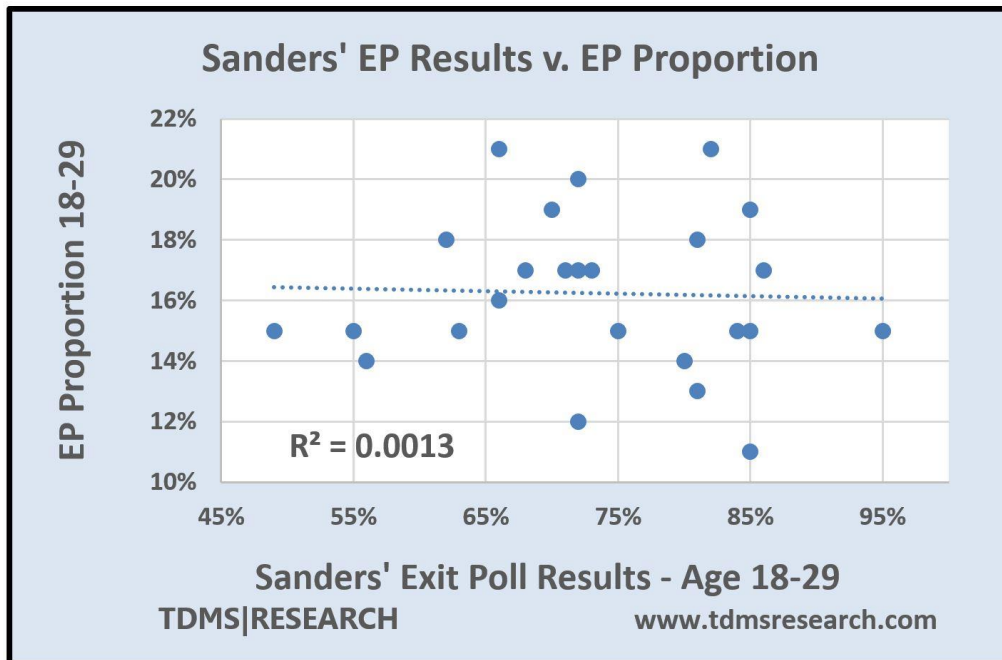


Each dot on the graph represents exit poll data for a state in the 2016 Democratic Party primaries. The leftmost dot, for example, represents the results of the primary election in Pennsylvania. The dot marks the proportion of voters age 18-29 at 11% on the horizontal x-axis and the discrepancy between the exit poll and the computer vote count at 2.6% on the vertical y-axis. The first thing to notice is that the linear trend (the dotted line) is almost horizontal indicating no relationship between the increasing proportion of youth and the increasing discrepancies in the various states. The second thing to notice is that the dots are widely scattered around the trend line. If there were a strong positive correlation, the dots would be bunched close to the trend line and it would be pointing steeply upwards; showing that greater proportions of youthful voters resulted greater discrepancies in favor of Clinton.

This chart shows that as the proportion of voters aged 18-29 increases in 25 primary states, there is almost no increase in the discrepancies between the exit polls and the unverified computer vote counts. As the results for every state are spread-out in the graph there is also a near zero ( $R = 0.061$ ) correlation between the proportions of this age group in the various states and the discrepancies. The proportion of the discrepancies that can be explained by the proportion youthful voters is also almost zero at 0.37% ( $R^2 = 0.0037$ ). Contrary to Mr. Cohn's theory, the proportion of youthful voters represented in the exit polls is not correlated with the exit polling discrepancies and does not explain why Democratic candidate Sanders' computer vote counts were so much less than predicted by the exit polls in so many states.

Increasing the age range to 18-44 also does not support Mr. Cohn's assertions: there is a near zero ( $R = 0.074$ ) correlation between the discrepancies of the exit polls with the unverified computer vote counts. The proportion of the discrepancies that can be explained by the proportion of youthful voters is also almost zero at 0.55% ( $R^2 = 0.0055$ ; graph not shown).

(2) If Mr. Cohn is correct the higher level of youthful enthusiasm for Mr. Sanders should result in larger proportion of youthful voters participating in the exit polls in the different states. Actual data, however, shows that there is near zero correlation between the enthusiasm of youthful voters and their proportion in the exit polls for all states.

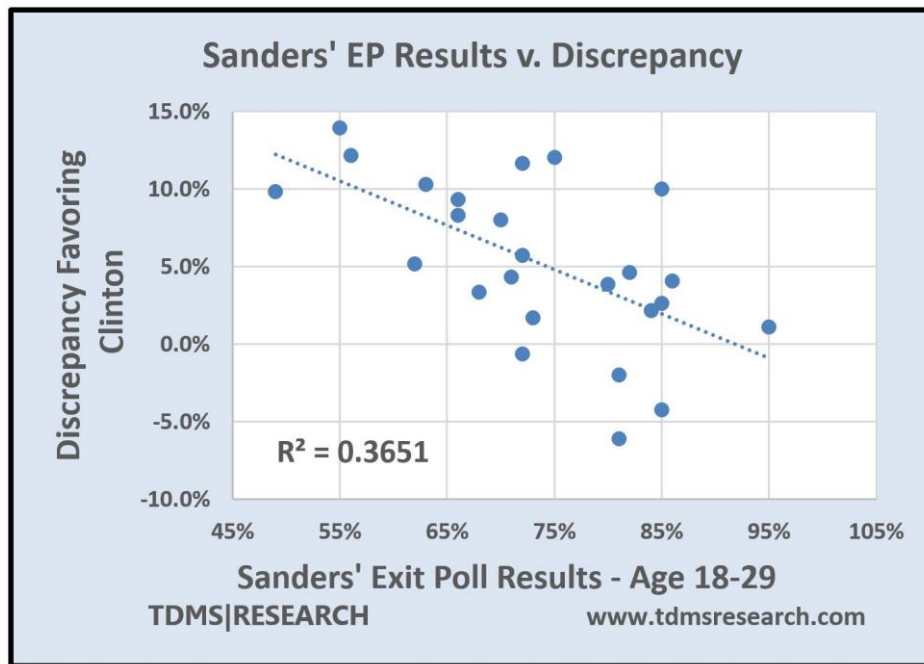


This chart shows that as the enthusiasm level increased for Mr. Sanders—as his share of the youth vote increased among exit poll respondents—there was no accompanying increase in the proportion of youthful exit poll respondents. In Mississippi (represented by the leftmost dot), for example, Sanders received 49% of the exit poll vote of the respondents age 18-29 while the proportion of this age group participating in the exit poll was estimated at 15% by Edison Research. In contrast, Vermont (represented by the rightmost dot) with the same proportion of youthful voters (15%) had 95% of this age group stating they voted for Sanders. Similar to the chart above, the almost horizontal trend line shows no correlation between the increasing exit poll vote share for Sanders and the increasing proportions of youthful voters.

Increasing the age range to 18-44 also does not support Mr. Cohn’s assertions: there is a near zero ( $R^2 = 0.0042$ ) relationship between the level of enthusiasm for this extended age group and their proportions in the exit polls of various states (graph not shown).

Contrary to Mr. Cohn’s theory, the level of enthusiasm for Mr. Sanders was not at all correlated with any increase in the proportion of youthful voters in the exit polls.

(3) Finally, If Mr. Cohn’s and the standard explanation for vote count/exit poll discrepancies is correct, higher levels of youthful enthusiasm for candidate Sanders should result in them being more willing to fill out the exit poll questionnaires and thus increase the discrepancies between the exit poll predictions and the unverified computer vote counts. Actual data, however, shows just the opposite: as Senator Sanders share of the youth vote among exit poll respondents increased, the discrepancies decreased.



This chart shows that as the enthusiasm level increased for Mr. Sanders—as he received a greater share of the youthful exit poll vote—the discrepancies between the exit polls and the computer vote counts decreased. In Alabama (represented by the topmost dot), for example, the state with the highest discrepancy at 14%, Sanders received 55% of the exit poll vote of the respondents age 18-29. Oklahoma (represented by the bottommost dot) with the lowest discrepancy at -6.1% (favoring Sanders) received 81% of the exit poll vote.

In contrast to the previous charts the trend line instead of being horizontal is pointed steeply downward indicating a negative correlation—as the youth support for Sanders increases, the discrepancies between the vote counts and the exit poll results decreases. The dots representing the various primary states are bunched closer to the trend line indicating greater correlation between the variables (R=0.60). At R<sup>2</sup>=0.365, about a third (36.5%) of the discrepancies can be explained by Sanders' age group results. These results are statistically significant (p-value=0.0013) with a very low probability that the relationship occurred by chance. Additional statistical details, related explanations, and data source for this and the other graphs above can be found at: <http://tdmsresearch.com/2016/07/23/youthful-voters-exit-polls/>.

Age is the demographic characteristic widely acknowledged as the primary determinant of candidate Sanders' vote share—the younger the age group, the higher his vote share. This chart shows that this fact is not responsible for increasing the disparities between the exit polls and the computer vote counts. Contrary to the assertions by Mr. Cohn and others, the increasing strength of candidate Sanders youth vote is associated with decreasing the disparities. Why this is the case remains a question to be addressed later.

In summary: the analyses presented do not support Mr. Cohn's or the standard assertions made to explain away the discrepancies between the vote counts and exit poll results. In the 2016 Democratic Party presidential primaries the proportion of youth participating in the exit polls did not drive the discrepancies. The level of enthusiasm among younger voters did not increase the exit poll participation of younger voters—it had no relationship whatsoever to the proportion of youth participation in the various primary

states. And finally, the increasing level of enthusiasm among younger voters instead of increasing the discrepancies as their theory would hold, was found to significantly decrease the discrepancies between the unverified computer vote totals and the exit poll projections.

Nate Cohn, of the New York Times, and various other media pundits, have continually attempted to undermine the use of exit polls as a means to verify the results of computer vote counts that are not verified by any other means. These pundits do not hesitate to label those concerned with election integrity as “conspiracy theorists.” Along with offering little or no evidence in support of their positions, the common weakness in their commentaries is their unspoken blind faith in unverified computer vote counts. Such unquestioning faith apparently prevents them from even acknowledging the possibility that the unverified computerized vote counts may be questionable and suspect.

It is to the very strong statistical evidence for this notion—that electronic vote counts may have been tampered with in the 2016 Democratic presidential primaries—that we turn in the next section of the report.

## 2. CLINTON’S VOTE SHARE INCREASES WITH PRECINCT SIZE, INDEPENDENT OF DEMOGRAPHIC FACTORS

### *Section Summary*

Within a given location with a shared history and similar demographics, we would expect a reasonably low level of variation from neighborhood to neighborhood in terms of a particular candidate’s share of the vote by percentage. At the precinct voting level in large, diverse counties, however, Election Justice USA has found a strong and disturbing statistical pattern in seventeen to twenty states. We believe the pattern to be highly indicative of potential election fraud. The pattern occurs even when carefully controlling for demographic factors such as age and race. With some notable exceptions, this pattern appears in states where exit polls by Edison Research or *Capitol Weekly* (California) showed high levels of discrepancy with the unverified machine count results.

***The Pattern: Hillary Clinton’s share of the vote by percentage increased strongly and remarkably smoothly as precinct size by total vote increased.***

Our method of analyzing data is based on the Law of Large Numbers. As a sample size grows, its average rapidly approximates the average of the population being measured. Toss a coin repeatedly, and, as the number of tosses increase, the increasing sum of the tosses rapidly approaches the average of the two-sided coin—50% of the tosses average heads or tails.

The same principle applies to the election results between candidate Sanders and candidate Clinton. As the number of votes accumulate for each candidate, their individual vote share should rapidly approximate their average share of the vote from the entire state. This was not the case in states with large exit polling discrepancies favoring Clinton, however. That Clinton’s vote share rises smoothly with precinct size raises the strong possibility of voting machine tampering.



Fritz Scheuren, professor of statistics at George Washington University and the 100th President of the American Statistical Association (ASA), states: “as a statistician, I find the results of the 2016 primary voting unusual. In fact, I found the patterns unexpected [and even] suspicious. There is a greater degree of smoothness in the outcomes than the roughness that is typical in raw/real data.”<sup>89</sup>

The argument Election Justice USA is advancing suggests that an algorithm may have been applied to electronically counted votes. The proposed algorithm would have increased Clinton’s share of the vote and decreased Sanders’ share of the vote by an increasing percentage as precinct size by total vote increased. Because the final numbers would be algorithmically related to the actual vote total, they would remain random in a way that would avoid detection by election fraud analysis tools. The logic is simple: discrepancies and irregularities are easier to conceal in precincts with more votes, and, in cases where a limited number of precincts can be targeted, the larger precincts yield a greater number of votes to work with.

### Methodology

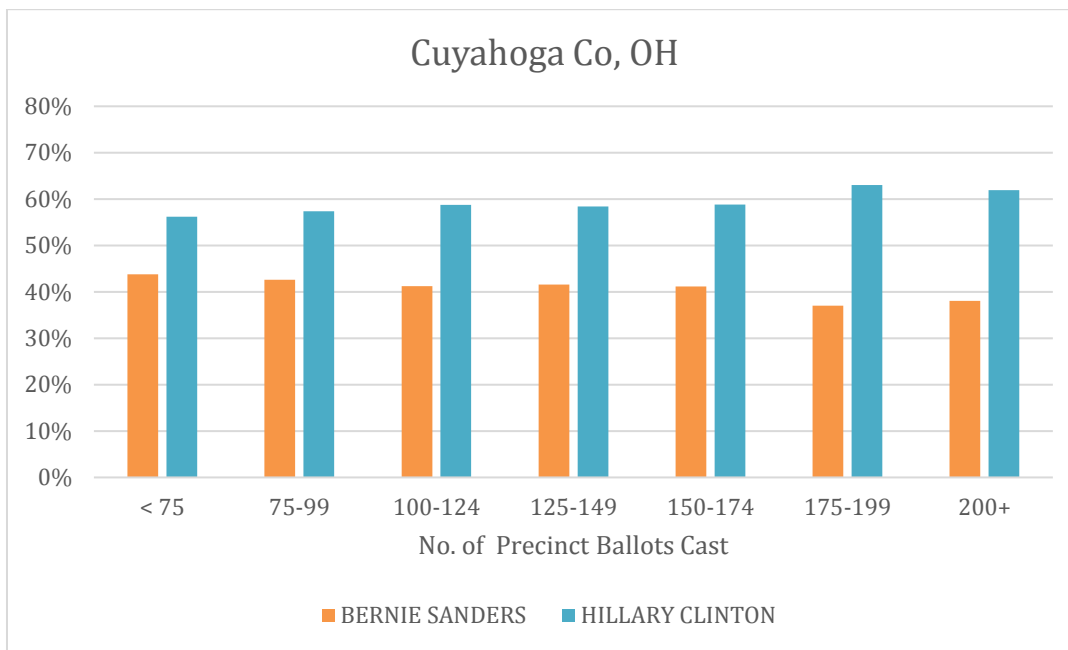
The largest county from each Democratic primary state (except Mariposa County, AZ) were examined at the precinct level. Mariposa County Board of Elections (BoE) does not post precinct-level data on their website. Furthermore, all FOIA attempts made to the Mariposa County BoE about acquiring detailed election results were not answered. The county election results were each sorted by precinct size-- number of Democratic ballots cast. These results were then evenly distributed into seven blocks representing a group of precinct sizes. Based on a wide range of differing state-to-state precinct sizes, these seven blocks could not be standardized across all counties. Instead the grouping sizes were determined based on having ample precinct representation within each block. For example, in Marion County, Indiana, the blocks ranged from less than 100 to 300 or more ballots cast with a separation of 40 ballots. However, in East Baton Rouge Parish, Louisiana, the precinct sizes on average were much smaller than in Marion County. The seven blocks ranged from less than 50 to 175 or more ballots cast with a separation of 25 ballots.

MARION COUNTY, IN							
<b>No. of Precincts</b>	<b>68</b>	<b>99</b>	<b>115</b>	<b>101</b>	<b>72</b>	<b>51</b>	<b>91</b>
<b>No. of Ballots Cast</b>	<b>&lt; 100</b>	<b>100-139</b>	<b>140-179</b>	<b>180-219</b>	<b>220-259</b>	<b>260-299</b>	<b>300+</b>

EAST BATON ROUGE PARISH, LA							
<b>No. of Precincts</b>	<b>34</b>	<b>73</b>	<b>53</b>	<b>39</b>	<b>43</b>	<b>19</b>	<b>54</b>
<b>No. of Ballots Cast</b>	<b>&lt; 50</b>	<b>50-74</b>	<b>75-99</b>	<b>100-124</b>	<b>125-149</b>	<b>150-174</b>	<b>175+</b>

In Ohio, for instance, Hillary Clinton outperformed Edison’s initial full exit poll by 10%. In Cuyahoga County (Cleveland), the gap between Hillary Clinton’s election day share of the vote and Bernie Sanders’ election day share of the vote moved by 11.4% in Clinton’s favor from the smallest grouping of precincts by total votes to the largest grouping of precincts.

<sup>89</sup> <http://www.hollerbackfilm.com/electoral-system-in-crisis/>

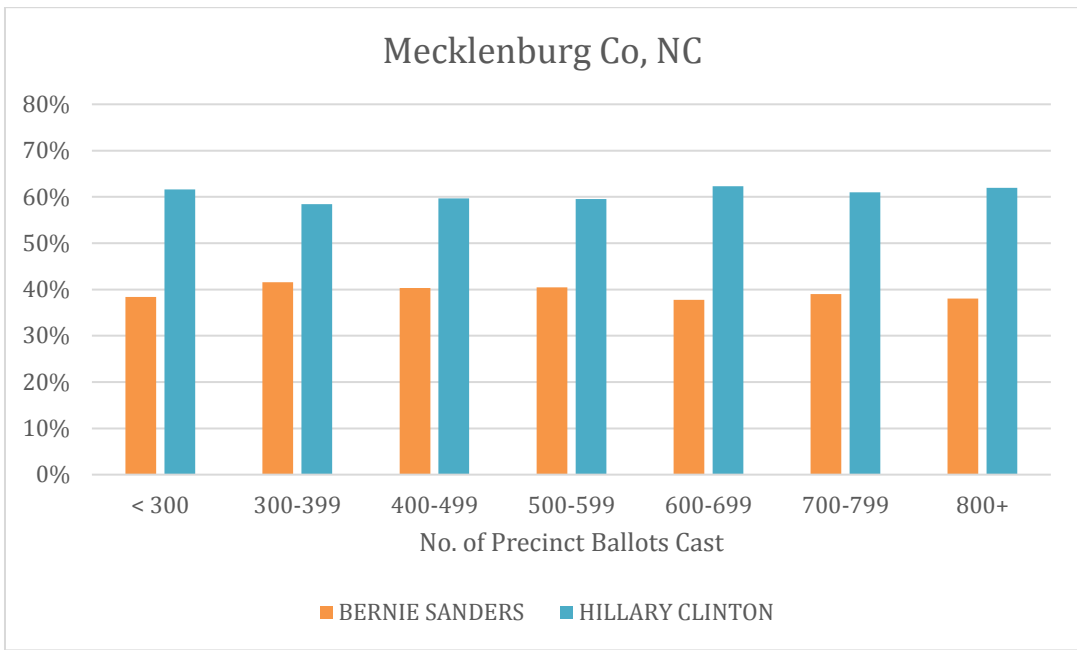


In numerical form, Bernie Sanders’ share of the vote dropped from 43.8% of the vote in the smallest seventy-seven precincts (0-75 total votes) to just 38.1% of the vote in the largest eighty precincts (200 or more votes). Clinton’s share of the vote increased over the same precincts, smallest to largest by total vote, from 56.2% to 61.9%.

The argument Election Justice USA is advancing suggests that an algorithm may have been applied to electronically counted votes. The proposed algorithm would have increased Clinton’s share of the vote and decreased Sanders’ share of the vote by an increasing percentage as precinct size by total vote increased. Because the final numbers would be algorithmically related to the actual vote total, they would remain random in a way that would avoid detection by election fraud analysis tools such as a Benford’s Law Test.<sup>90</sup> The argument is not based upon which candidate won or lost a particular state. Because the Democratic primaries awarded delegates proportionally, winning or losing a state by a greater or lesser percentage had a tremendous impact on the number of delegates each candidate accrued for the overall pledged delegate race.

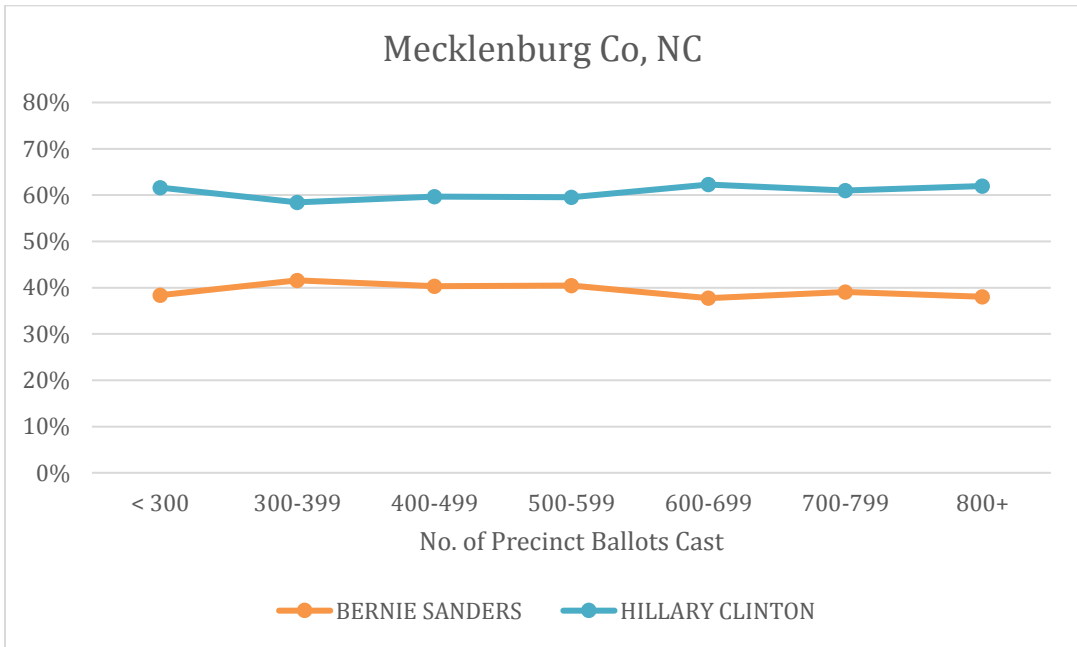
North Carolina, where Clinton won by 14%, shows what a large county looks like where the precinct share increase pattern *does not* appear:

<sup>90</sup> <http://fivethirtyeight.com/features/sc-democratic-primary-getting-weirder/>



The actual difference in the vote share gap between the smallest grouping of precincts for Mecklenburg County (Charlotte), North Carolina is less than 1% - 38.4% in a grouping of the smallest twenty-three precincts for Sanders versus 38.0% for Sanders in a grouping of the largest thirty-six precincts.

A different way of graphing the same data also shows a small amount of expected variation with relatively horizontal, parallel lines.



While Mecklenburg County, North Carolina is known to be highly racially polarized, with the majority of its public schools including 80% or more students from a single racialized group,<sup>91</sup> variation between precinct size throughout the county results in very little variation in terms of vote share by precinct size groupings. Edison Research's initial full exit poll for North Carolina was correct within less than two percentage points.

Even when controlling for factors such as age and racialization, Election Justice USA's analysis of large counties in the following primary states shows that Clinton's share of the vote by percentage increased substantially, grouping by grouping, as precinct size by total vote increased: Alabama, California, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, Ohio, South Carolina, Tennessee. In these seventeen states, precinct level analysis of the largest counties by population show that the gap between Clinton and Sanders' share of the vote by percentage changed in Clinton's favor by more than 10% from the smallest grouping of precincts by total votes to the largest grouping of precincts by total votes. In extreme cases, the gap increased in Clinton's favor by more than 60% from the smallest to largest precinct groupings.

In an additional four states (Massachusetts, Pennsylvania, Maryland, and West Virginia), the pattern appears in weaker form. Clinton's vote share gap increased by between 5% and 10% in Pennsylvania and West Virginia's largest counties from smallest to largest precinct size. In the case of Massachusetts, the pattern appears only in the more specific location of college or university towns. Fourteen primary states showed no meaningful indication of this pattern.

### *Discussion*

Previous analyses claiming fraud in prior elections or in the 2016 Democratic primary have noted substantial differences in vote share by percentage for particular candidates between counties or smaller localities using hand-cast, hand-counted ballots and those using electronic voting machines. One example includes the 2008 Democratic primary in New Hampshire where the analysis has been dismissed as "simply an artifact of the demographics in New Hampshire of the towns that had voting machines versus those that voted on paper."<sup>92</sup> To test and avoid similar criticism, Election Justice USA has analyzed precinct level voting results of fifty counties in states that held Democratic Presidential primaries in 2016. Our analysis has included the largest county in thirty-five of the thirty-six primary states. Election Justice USA could not obtain precinct level results from Maricopa County, the largest in Arizona.<sup>93</sup>

Because an enduring narrative theme of the 2016 Democratic Primary has been Hillary Clinton's strong advantage with non-white voters, particularly with older black voters, Election Justice USA has controlled for demographic factors, particularly race, in a wide variety of ways. These controls began with our decision to focus on the largest counties by state. Almost without fail, these counties are the most demographically diverse within a given state. In several important instances, these largest counties

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<sup>91</sup>[http://www.newsweek.com/charlottes-shame-return-racially-segregated-schools-368826?piano\\_d=1](http://www.newsweek.com/charlottes-shame-return-racially-segregated-schools-368826?piano_d=1)

<sup>92</sup> Joe Lenski, Executive Vice-President and lead pollster for Edison Research, made this comment to an author of this report in "Clinton Does Best Where Voting Machines Flunk Hacking Tests: Hillary Clinton vs. Bernie Sanders Election Fraud Allegations," *CounterPunch* May 16, 2016 <http://www.counterpunch.org/2016/05/16/clinton-does-best-where-voting-machines-flunk-hacking-tests-hillary-clinton-vs-bernie-sanders-election-fraud-allegations/>

<sup>93</sup> An executive assistant for Maricopa County Recorder Helen Purcell informed us that Maricopa's severe reduction in polling sites meant that Maricopa did not even keep track of voting results by precinct anymore, nor at any level below the "county" level results.

by state include a majority population of non-white residents. Our analysis includes all ten of the most racially segregated cities in the United States.<sup>94</sup>

Election Justice USA has further controlled for race in New York City where the *New York Times* website includes data for all five thousand precincts in terms of racialized majority. In Louisiana, Election Justice USA obtained racial registration data by party for every precinct in the state and has included it in our graphical analysis as well as in further linear regression analysis. In Cook County, Illinois and Wayne County, Michigan, controlling for race was made further possible by the fact that separate data is kept in each county for Chicago and Detroit and for their far whiter suburbs.

Specific analysis for each of the twenty states in question is included in Section III of this report. The remainder of this section references specific states in order to support the generalized case and to describe controls for wealth, age, and race. Before conclusions are drawn in the final section, insights from the discussion that follows are brought into conversation with conclusions from the previous sections (on exit polling) and with a nod toward the next section (hackable voting machines) of this report.

### *Wealth*

Certain arguments have been advanced against early versions of our argument about Clinton's percentage share of the vote increasing as precinct size increases. The *New York Times*' Nate Cohn and Twitter user @NaphiSoc have made this argument in slightly different ways. After Cohn wrote an article attempting to debunk exit poll "conspiracy theorists," he went back and forth for several days on Twitter with two co-authors of this report to argue that "racial polarization" was responsible for the phenomenon in question.<sup>95</sup> @NaphiSoc put the argument succinctly: larger precincts are in more densely populated areas that generally have more people of color and therefore more support for Hillary Clinton. Smaller precincts are more rural and white.<sup>96</sup>

Virtually all of our data analysis is intentionally from the largest counties by state, generally anchored by very large, high density cities. The formulation by @NaphiSoc, as such, somewhat misses the point. Very few of the precincts analyzed in what follows qualify as rural, and we are often able to limit our analysis either solely to large cities or two large cities in relation to their less colorful suburbs. The argument by @NaphiSoc overall, however, is a cogent one, even if it is one we anticipated from the outset. Generally, less wealthy people of color can reasonably be assumed to be bunched up in higher density housing areas such as apartments and high-rises. It is logical that precinct size in these areas may be greater, leading to greater support for Clinton than in whiter, less dense population areas.

One problem with this argument already at the theoretical level is that wealthier Democrats were also noted to have favored Clinton.<sup>97</sup> On a theoretical level, then, one might expect to see Clinton doing better in both the smallest *and* the largest precinct groupings, with perhaps a bit of a dip in mid-sized

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<sup>94</sup> Professors John Logan (Brown University) and Brian Stults (Florida State University) developed an index to measure racial segregation based on 2010 United States Census data. A quick overview of their work with easy to interpret color-coded graphics can be found here: <http://atlantablackstar.com/2014/03/24/10-of-the-most-segregated-cities-in-the-u-s/>

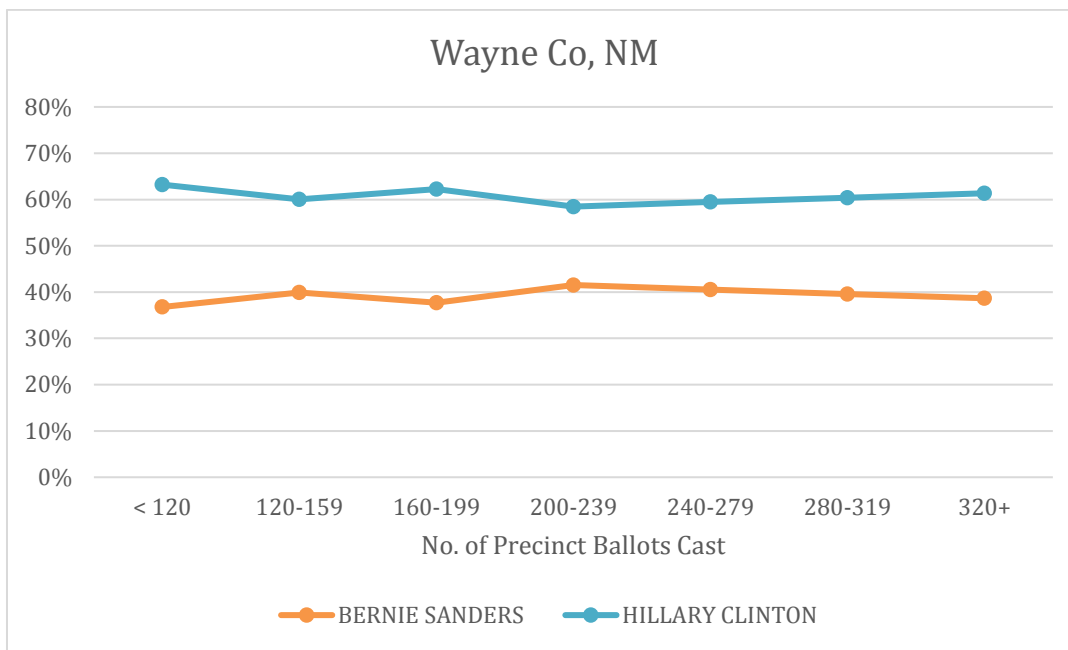
<sup>95</sup>[http://www.nytimes.com/2016/06/28/upshot/exit-polls-and-why-the-primary-was-not-stolen-from-bernie-sanders.html?\\_r=0](http://www.nytimes.com/2016/06/28/upshot/exit-polls-and-why-the-primary-was-not-stolen-from-bernie-sanders.html?_r=0)

<sup>96</sup><https://twitter.com/NaphiSoc/status/743785444723265537>

<sup>97</sup><http://www.nytimes.com/2016/05/06/upshot/bernie-sanderss-legacy-the-left-may-no-longer-need-the-rich.html>

precincts. The line graph chart above for Mecklenburg County shows just such a pattern. And, this is precisely the pattern we see in Wayne County, Michigan. Wayne County includes Detroit (83% Black) as well as its wealthier and whiter suburbs like Grosse Pointe. Grosse Pointe is on the shore of Lake Michigan, it is 92% white, and the median household income is \$100,688.<sup>98</sup> Grosse Ile Township, highly similar demographically, is situated on several islands just offshore from Grosse Pointe.

While there are plenty of Detroit precincts in both the smallest and largest precinct sized grouping in the following graph, Grosse Pointe or Gross Ile precincts in the smallest precinct grouping outnumber Grosse Pointe or Gross Ile precincts in the largest grouping four to one. As expected, Clinton does a slightly better in *both* the smallest and largest precinct grouping, while the overall trend is basically horizontal with a slight edge overall as precinct *increases* for Bernie Sanders.



Election Justice USA analyzed Wayne County as a whole, Detroit alone, Detroit suburbs alone, and early ballots for Detroit alone. We found no indication in any of the four analyses that Hillary Clinton’s share of the vote increased with precinct size. The initial full exit poll for Michigan as a whole showed Clinton outperforming her expected vote total by 4.6% and for Wayne County by 10%. These numbers put Michigan in the middle range, somewhat high, but not outside the margin of error as figured by sample size alone.

### Age

Nate Cohn of the *New York Times* has attempted to explain exit polling misses in large part by reference to early or absentee voting where older, more party loyal voters tend to dominate. Exit polling, as Cohn somewhat persuasively argues, tends not to include a large enough early voting sample.<sup>99</sup> While this argument with respect to exit polling is addressed in more depth in the previous section of this report, it is of interest to Election Justice USA’s study of a precinct size increase pattern favoring Hillary Clinton

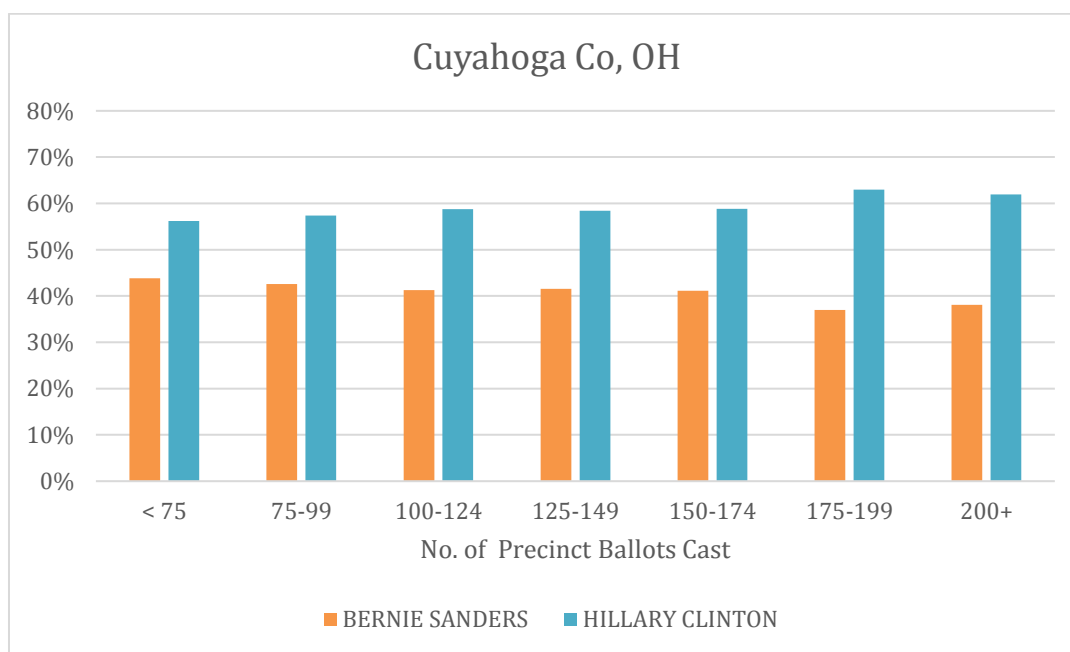
<sup>98</sup><http://datausa.io/profile/geo/grosse-pointe-mi/>

<sup>99</sup><http://www.nytimes.com/2016/06/28/upshot/exit-polls-and-why-the-primary-was-not-stolen-from-bernie-sanders.html? r=0>

because of its impact on the question of age. We have attempted to control for factors that might help explain the pattern and where it shows up; age is one potentially explanatory factor.

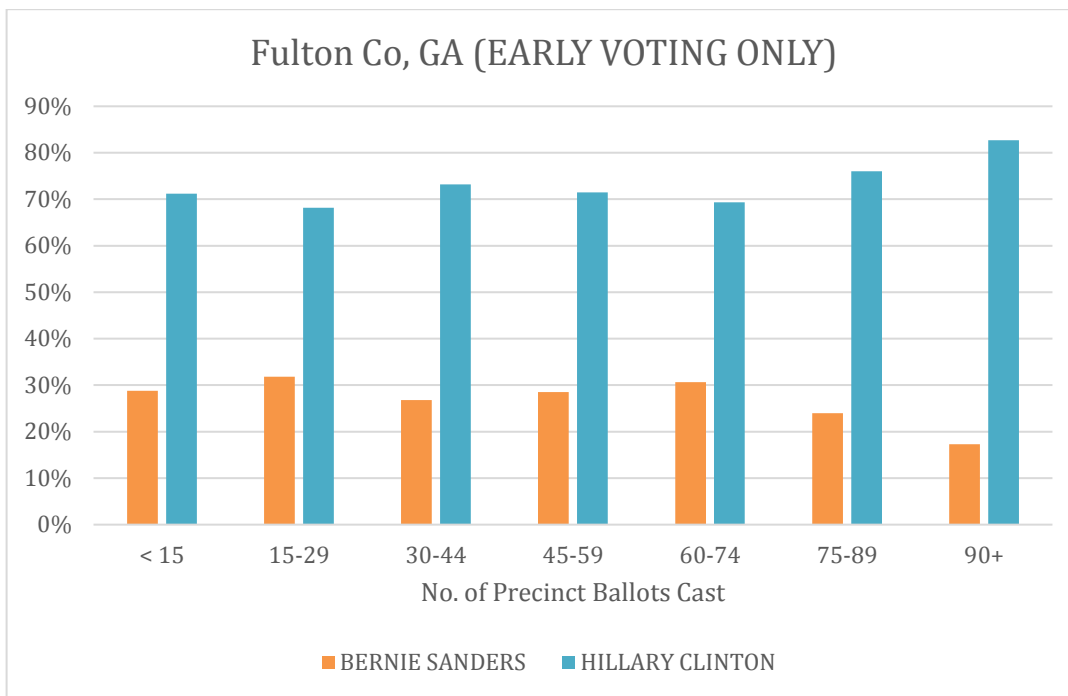
Election Justice USA has separately analyzed early, absentee, or vote by mail balloting for at least eight large counties or cities in six different states. *Capitol Weekly*'s exit poll of vote by mail voters in California was particularly important in this regard as it used data directly from California counties to weight its exit poll by age, race, party, and geography (specifically, by congressional district).<sup>100</sup> Data from the counties showed that nearly 70% of all early voters in California were fifty-five-years-old or older. The fifty-five and older age demographic generally made up around 35-45% of Edison exit polling for each primary state. Election Justice USA was then able to obtain and analyze early vote by mail returns by precinct, as reported on election night, for multiple California counties with more than one million residents.

Given age similarity on top of geographic, political, and racial or ethnic demographics, we would expect an even greater likelihood that voting patterns would be similar across precinct size within a given county. In Detroit (without its suburbs), Harris County (Houston), and even Cuyahoga (Cleveland), fairly straight, horizontal data trend lines fit the expected pattern. Where Cuyahoga in our initial analysis in this section showed a 11.4% increase for Clinton on election day, absentee voting in Cuyahoga looks untouched, with a very slight trend *toward* Sanders:



In Fulton County (Atlanta), Georgia and Los Angeles, Orange, and San Diego counties in California, however, there is a dramatic trend in early voting, increasing in favor of Clinton as precinct size by total votes increases.

<sup>100</sup><http://capitolweekly.net/exit-poll-tight-race-absentee-voters-favor-hillary/>



Edison exit polling missed by a massive 12.2% in Georgia, and while election day voting swung a fair amount in Clinton’s favor (11.4%) according to this analysis, Clinton’s percentage gap over Sanders in *the same precincts* increased by nearly 23.0% from smallest to largest precinct groupings in early voting totals.

Meanwhile, *Capitol Weekly’s* massive poll of early voters in California<sup>101</sup> found “Clinton getting 55%-to-58% of the early vote in the Bay Area congressional districts and narrower margins in the LA-area.” With more than 10,000,000 residents, just 26.6% of them non-Hispanic whites, Los Angeles County is the largest election district in the United States (New York City is divided up into five counties by borough). Latinos make up a near majority at 48.4% as of July 2015, according to U.S. Census figures. Throughout California, the *Capitol Weekly* exit polling missed by 15-25%, in line with where the vast majority of larger precincts differed from the smallest precinct sizes.

Orange and San Diego Counties show the same wide discrepancies for early vote by mail voters - an 15.4% Clinton improvement on the gap for Orange County and a 18.2% improvement for the same in San Diego County. Where we would expect election day to be less stable with more varying demographics, all three Southern California coastal counties show further unusual patterns.

Los Angeles County looks as if it was likely tampered with at a 29% improvement for Clinton on the gap from smallest to largest precinct groupings on election day (still a marked amount lower than the early voting improvement). San Diego and Orange Counties, however, show substantial but weak data trend line improvements in Bernie Sanders’ favor for election day. Sanders improved by 6.8% from smallest to largest precinct groupings in San Diego on election day and by 9.4% for the same in Orange County.

<sup>101</sup>*Capitol Weekly’s* exit poll used a much different methodology than Edison’s, one more geared toward getting it right than helping television networks call a winner very quickly.<http://capitolweekly.net/exit-poll-tight-race-absentee-voters-favor-hillary/>



Since precincts for election day and early vote by mail remained the same for Orange, Los Angeles, and San Diego counties, there appears to be almost no possible demographic argument for Clinton consistently outperforming early voting exit polling in those counties while also improving rapidly and consistently upward from smallest to largest precincts by total votes.

Chicago early voting totals show a discernible but weak improvement in Clinton's favor by 9.2% from smallest to largest precinct groupings. Since early balloting in Chicago has come into question based on a citizen groups' observations of the post-election audit, this material is discussed in more depth in §I.D.

### *Race*

Nicholas Bauer, a member of the research and writing team for this report, was the first to notice and analyze the effect of this pattern even when controlling for race down to the precinct level within a given county. He had previously reviewed *cumulative vote share – cumulative vote total* analyses for earlier primary states, but after the twelve-point exit polling miss in New York, he decided to test the theory at smaller levels within highly diverse New York City. It would not be possible, if the phenomenon showed up in New York City, to dismiss it as an “artifact” of white rural voters preferring Bernie Sanders with non-white urban voters preferring Hillary Clinton.

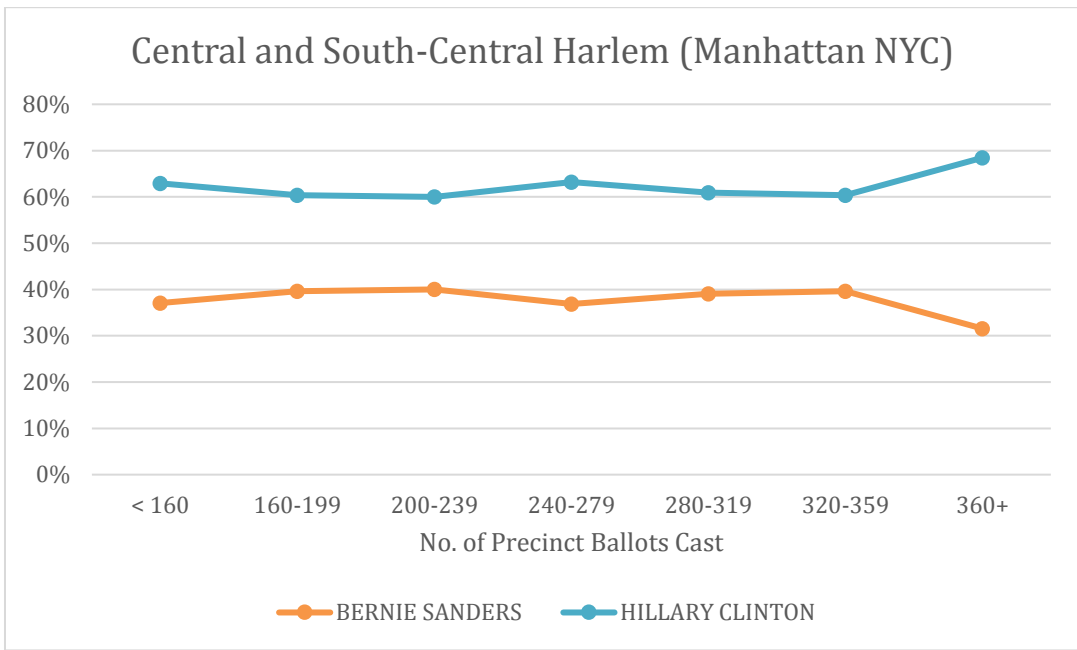
It was discovered that Clinton's share of the vote by percentage increased discernibly and substantially as election district (precinct) size increased in four out of the five boroughs: The Bronx, Brooklyn, Queens, and Staten Island but not Manhattan. Bauer then looked at specific, concentrated areas within those boroughs or counties - Harlem (Manhattan), for a high concentration of black voters, and in the heart of The Bronx, for a concentration of Latino voters. The Bronx is New York's only majority Latino county and is the most diverse county in the United States according to USA Today's Diversity Index.<sup>102</sup>

In Harlem, gentrification is turning the area less black and more white and brown, but black residents remain the majority in Central Harlem.<sup>103</sup> In Central Harlem election districts it was discovered that, as in Manhattan as a whole, precinct size was not a predictor of Clinton's share of the vote. In fact, we see the same pattern in Manhattan that we see in Mecklenburg and Detroit. Clinton does a bit better in both the smallest and the largest election districts amidst an overall, relatively horizontal data trend line:

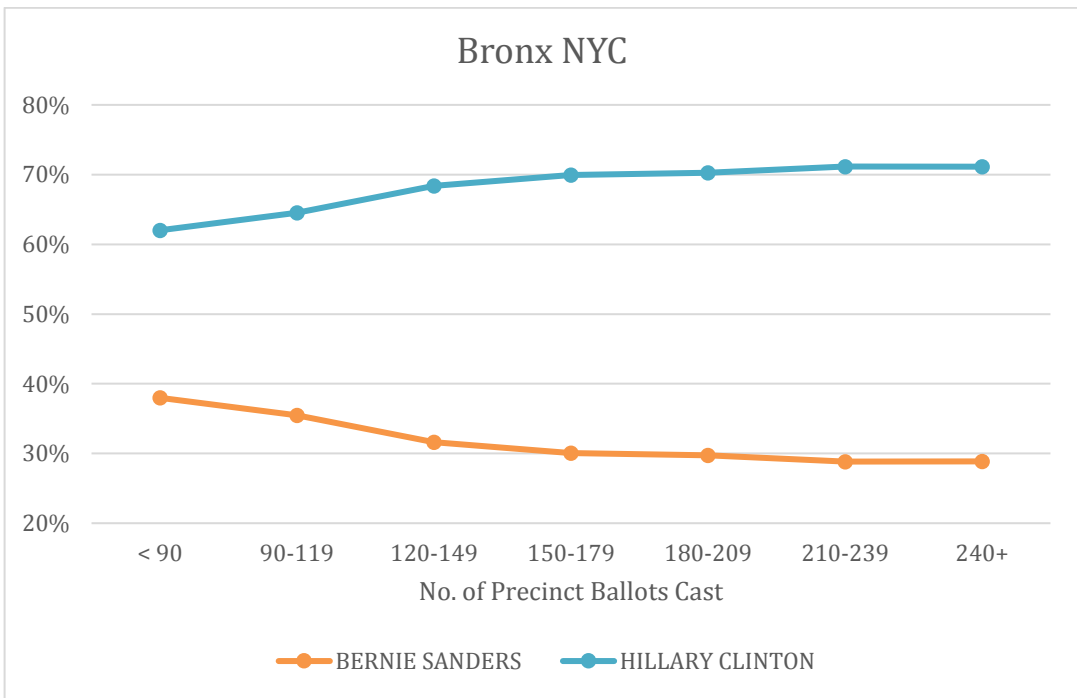
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<sup>102</sup> (flash required) <http://usatoday30.usatoday.com/news/nation/census/county-by-county-diversity.htm> (non-flash summary) <https://www.texastribune.org/2011/03/28/several-texas-counties-rank-high-in-diversity/>

<sup>103</sup> [http://www.nytimes.com/2010/01/06/nyregion/06harlem.html?\\_r=0](http://www.nytimes.com/2010/01/06/nyregion/06harlem.html?_r=0)



Here's what the pattern looked like, however, in Bronx County on Bauer's initial analysis:

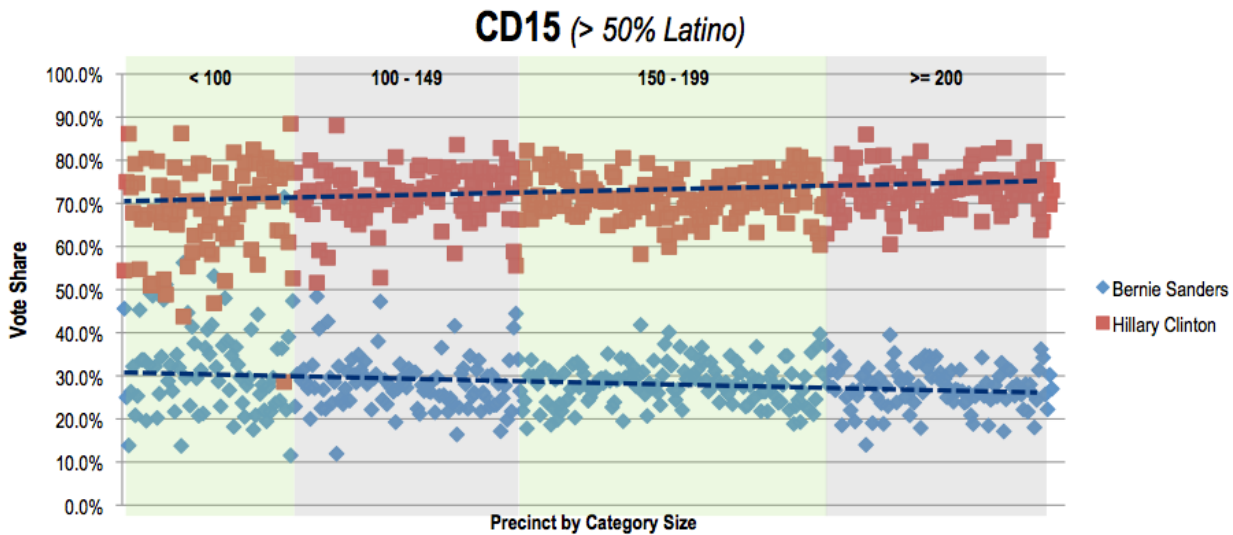


Clinton improved by 18.2% from the smallest precincts (less than 90 total votes) to the largest in The Bronx, a number similar to Clinton's improvement by precinct size for Brooklyn, Staten Island, and Queens as well.

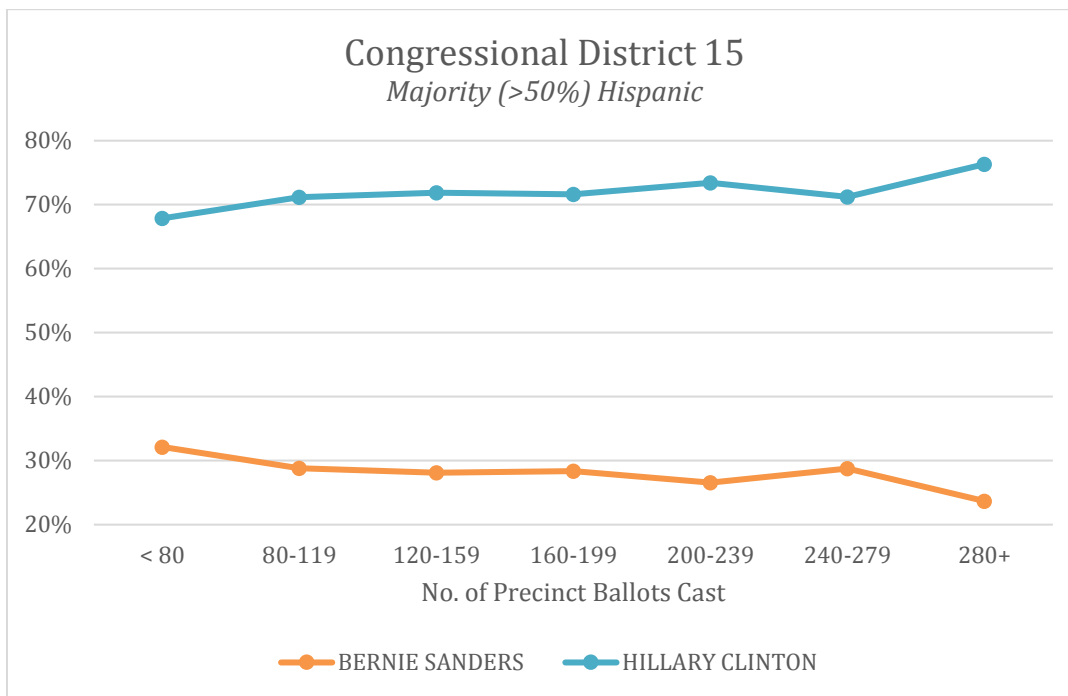
NEW YORK CITY								
<b>a</b>	<b>b</b>	<b>c</b>	<b>d</b>	<b>e</b>	<b>f</b>	<b>g</b>	<b>h</b>	<b>i</b>

No. of Precinct Ballots Cast	< 90	90-119	120-149	150-179	180-209	210-239	240+	DELTA (b - h)
Bronx - SANDERS	38.0%	35.5%	31.6%	30.0%	29.7%	28.8%	28.9%	9.1%
Bronx - CLINTON	62.0%	64.5%	68.4%	70.0%	70.3%	71.2%	71.1%	
Brooklyn - SANDERS	45.7%	43.7%	39.5%	39.6%	38.3%	38.4%	40.1%	5.6%
Brooklyn - CLINTON	54.3%	56.3%	60.5%	60.4%	61.7%	61.6%	59.9%	
Manhattan - SANDERS	35.3%	35.3%	33.3%	34.6%	33.0%	33.3%	34.2%	1.2%
Manhattan - CLINTON	64.7%	64.7%	66.7%	65.4%	67.0%	66.7%	65.8%	
Queens - SANDERS	41.8%	44.0%	41.9%	40.0%	38.9%	38.0%	34.7%	7.2%
Queens - CLINTON	58.2%	56.0%	58.1%	60.0%	61.1%	62.0%	65.3%	
Staten Island - SANDERS	53.2%	51.9%	47.4%	42.5%	40.7%	40.6%	40.2%	13.0%
Staten Island - CLINTON	46.8%	48.1%	52.6%	57.5%	59.3%	59.4%	59.8%	
<b>CITYWIDE - SANDERS</b>	<b>44.4%</b>	<b>42.7%</b>	<b>38.6%</b>	<b>36.8%</b>	<b>35.2%</b>	<b>34.8%</b>	<b>35.9%</b>	<b>8.5%</b>
<b>CITYWIDE - CLINTON</b>	<b>55.6%</b>	<b>57.3%</b>	<b>61.4%</b>	<b>63.2%</b>	<b>64.8%</b>	<b>65.2%</b>	<b>64.1%</b>	

At that point, Bauer contacted Election Justice USA. One of the first follow-on tests we ran included isolating all Latina and Latino majority election districts within a particular congressional district - CD 15. CD 15 lies wholly within The Bronx. The pattern still showed:



In line graph format, the pattern shows even more dramatically, with a 16.8% difference in the gap between the smallest precinct groupings (0-80 at 67.9% for Clinton) versus the largest precinct groupings (280+ at 76.3% for Clinton).



Soon, Bauer suggested and Election Justice USA agreed that the ideal would be to analyze for this effect in every state by largest county.

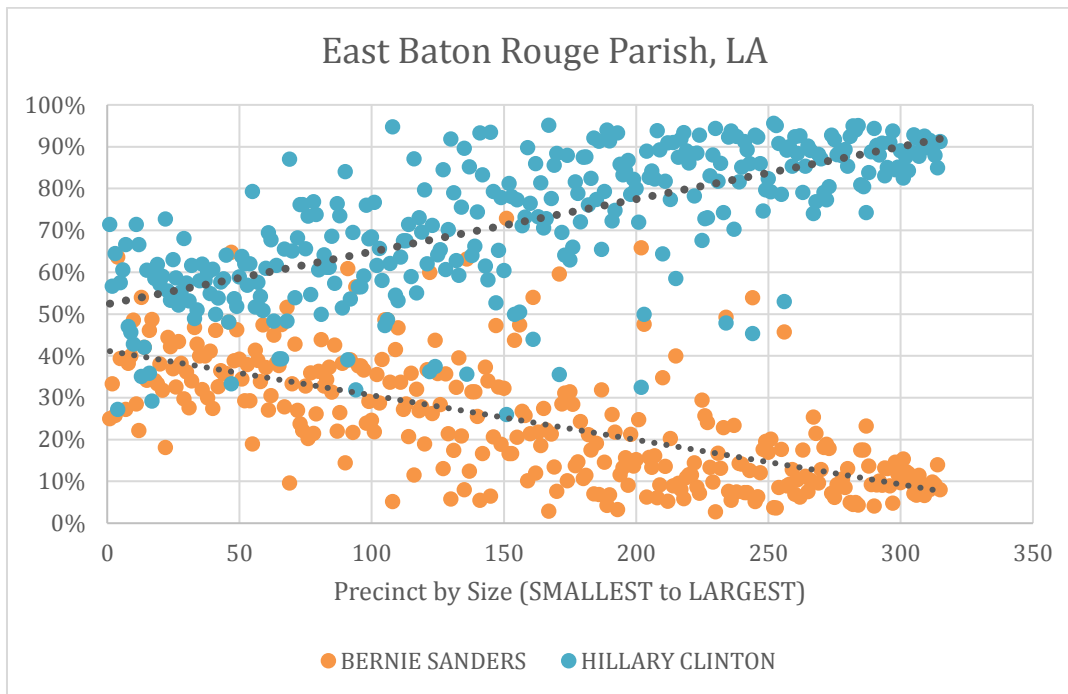
It became clear over time that racialization generally had almost nothing to do with the pattern. The pattern showed up in East Baton Rouge Parish, Louisiana (46% black) and in Hillsborough County, New Hampshire (86% white) but not in Vermont. It appeared in suburban Cook County, Illinois (82% white) but not in Chicago (32% white) or Detroit (8% white). The pattern showed up weakly in Kanawha County, West Virginia (88% white) and strongly in early vote by mail balloting in Los Angeles County (27% white). The pattern appeared in Bernallilo County, New Mexico (49% Hispanic) but not in Harris County, Texas (42% Hispanic).

Looking at the ten most segregated cities in the United States also proves no particular help in discerning whether the pattern will appear. The two most segregated cities in the United States are Detroit and Milwaukee. The pattern shows up in neither, but does show up in New York City, which is third on the list. The pattern shows up in Chicago’s suburbs and weakly in its early voting, but not on election day. Number 5, Philadelphia demonstrates a weak example of the pattern. Then the pattern shows up in all of the cities in the sixth through tenth slots with the exception of Boston (the others are Miami, Cleveland, St. Louis, and Los Angeles).

Still, Election Justice USA knew that the first reaction to the project would be “race!”. Nate Cohn of the New York Times did not disappoint.

A social media discussion began with an author of this report sending the graphic for East Baton Rouge Parish, Louisiana to Cohn after Cohn’s article on exit polling. Cohn began his reply with derision, but eventually settled into a substantial back and forth over the course of several days with two of the authors of this report. Cohn’s first serious response, and one he sustained over time, was that “racial

polarization” accounted for the stunning version of the pattern seen here<sup>104</sup>:

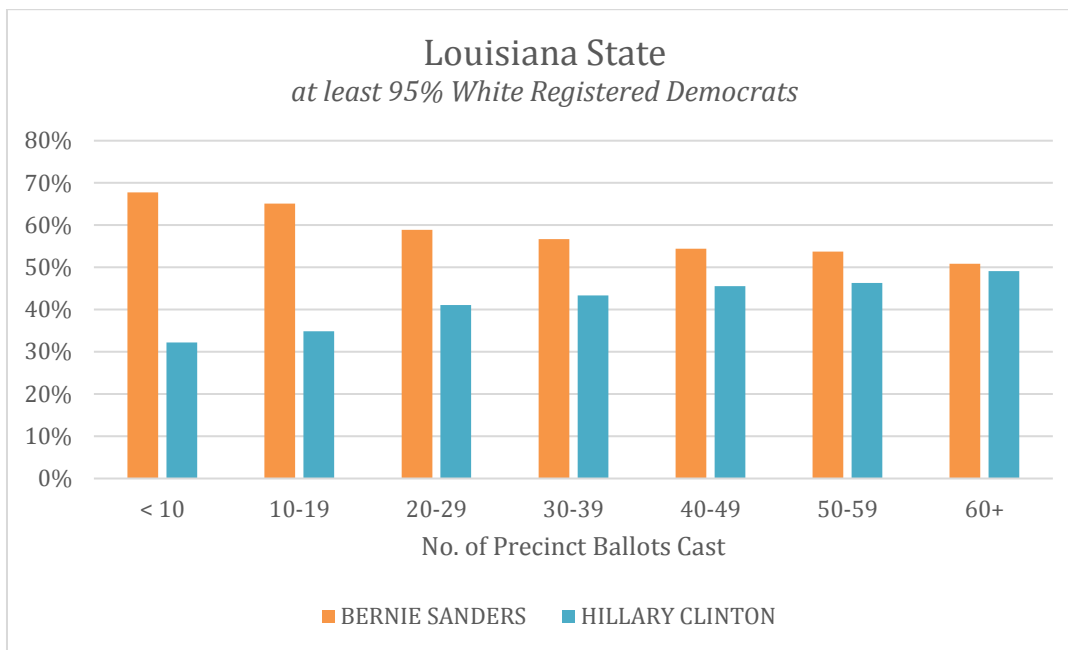


The back and forth included competing linear regression analyses after Election Justice USA obtained race and party registration statistics by precinct for all of Louisiana. Cohn’s linear regression analysis assumed all precincts, ideally, would be of similar size in terms of total votes and applied no transformations to the data. Election Justice USA’s linear regression analysis included a precinct size transformation (and one other transform) and showed that precinct size is a greater predictor of vote total per candidate than the percentage of voters who are either black or white in a given precinct.

This is not to argue that race has no impact on the exaggerated version of the pattern seen in Louisiana. There does appear to be a strong correlation between precinct size and race to the extent that the larger the precinct size, the more likely it is to be predominantly black (between 80% and 99% black). This is rather different than our findings in New York City where the average election district size by total Democratic votes for New York City is 181.7 and the average size by total Democratic votes in Latino majority election districts is *lower* at 173.2.

In Louisiana, Election Justice USA was able to show that the pattern shows up, to the tune of an 33.8% swing for Clinton, even in precincts statewide where 95% of registered Democrats are white.

<sup>104</sup>[https://twitter.com/Nate\\_Cohn/status/747534507960582144](https://twitter.com/Nate_Cohn/status/747534507960582144)



At this point, Cohn basically conceded that the pattern could not be explained by racial polarization alone but switched to suggesting it was insignificant: “I’m astonished you think this shows anything interesting or important.”<sup>105</sup>

Election Justice USA finds the pattern to be significant for a number of reasons. In our view, our controls for wealth, age, and racialization put the burden of proof on those who might suggest any other non-fraudulent explanation for the pattern. A computer algorithm artificially and illegally inflating Clinton’s vote totals at the precinct level, at this point, appears to be the best explanation for the widespread pattern where Clinton’s vote share by percentage increased markedly as precinct size by total vote increased. Even more substantially, this pattern would be monumentally “interesting and important” if it interacted positively with §II.D.1 and §II.D.3 of this report in terms of where exit polling missed and electronic voting machines and tabulators are most insecure and vulnerable to hacking.

### Comparison to Exit Polling

Edison Research conducted exit polling for twenty-five Democratic primaries in 2016 along with two caucus states, Iowa and Nevada. *Capitol Weekly* conducted an exit poll of early vote by mail balloting in California, updating the poll to include some later vote by mail voters whose ballots would not have been counted until after election day. Since our study in this section did not, by nature, look into caucus states and since there was no exit polling for Arizona, that leaves us with twenty-six of the thirty-six primary states to compare our research to where exit polling was correct, where it was clearly wrong, and where exit polling missed the target, but was still within a reasonable margin of error. For our purposes, exit polling numbers from the first full exit poll released by Edison Research to and then by the networks at poll closing time are considered clearly correct where they are right within three percentage points against the final results. We consider the exit polls to be clearly wrong where they fall outside the margin of error as calculated based upon sample size alone. Where the exit polling missed by

<sup>105</sup> [https://twitter.com/Nate\\_Cohn/status/749054419212328964](https://twitter.com/Nate_Cohn/status/749054419212328964)

three percent or more but remained within the sample size margin of error, we have assumed that either a result showing the precinct size increase pattern or a result showing a clean distribution of voting totals by precinct size are a match.

Exit polling for eleven Democratic primary states missed outside the margin of error. In each of the eleven cases, Hillary Clinton outperformed the margin of error. Six primary state exit polls missed by less than three points against the final results and, absent clear proof of substantial election fraud, would be considered clearly correct. The remaining nine states saw exit polling miss by more than three points, but by less than the sample-size calculated margin of error. Seven of those nine middling exit polling misses were in Clinton's favor while Bernie Sanders outperformed exit polling in the final two states, Oklahoma and New Hampshire.

On the principles enumerated so far, we have a very good but not perfect fit for where exit polls missed and for where Clinton's share of the vote by precinct size increased smoothly according to the now quite recognizable pattern. *Twenty-two of the twenty-six* primary states with exit polls show a match between where exit polling was correct or missed and where the share increase by precinct size pattern appears or does not appear. The four states which are not an immediate match for the model are New Hampshire, Massachusetts, Texas, and Maryland.

Given scientific polling's general accuracy interval of 95%, or 19 times out of 20, we would expect that one or two of the state primary exit polls might miss outside the margin of error, even if the election were absolutely clean of any fraudulent activity. In other words, if exit polling misses or hits and our increased-share-by-precinct-size pattern were a match at twenty-five or even twenty-four out of twenty-six times, we could reasonably claim that the correlation was extremely strong between exit polling misses and our suspicious pattern.

As is, the correlation is strong but not decisively so. For two states, Massachusetts and Texas, the exit poll missed outside the margin of error, but the pattern does not show up or does not clearly show up. For two states, New Hampshire and Maryland, the exit poll came out accurate against final results, but the pattern of increased share for Clinton by increasing precinct size pattern still appears. In fact, Bernie Sanders outperformed the exit polling in both New Hampshire and Maryland. In Maryland, Sanders outperformed the exit poll by just 0.6%, which means the exit poll appears on its face to be highly accurate. In New Hampshire, Sanders outperformed the exit poll by 4.2%, greater than three percentage points, but within the margin of error as figured by sample size only.

Are there possible explanations that could get us closer to a nearly perfect fit?

Any one or two of the four states could reflect an expected miss based on scientific polling's accuracy interval. Beginning with Massachusetts, there are some additional factors to consider. Election Justice USA was tipped off by another elections integrity organization that Massachusetts may have only been targeted in college or university towns. This would mean that our focus on the largest county (Middlesex) as a whole was misplaced. In fact, when we isolated specific university towns, the pattern did appear.

Additionally, Edison Research's Joe Lenski insists that the margin of error should be greater than that figured by sample size alone, but would not provide us with what the actual margin of error should be by state. The exit polling miss in Massachusetts was just 2.6% greater than the sample-size alone margin of

error. It could be that Massachusetts fits within the scientific margin of error (just barely) as calculated by Edison.

At 4.0% above the sample size only margin of error, it is hard to see how Texas could be brought into line in the same way. Texas, along with Massachusetts, voted early in the primary cycle on Super Tuesday, March 1. At that point, just four other states had voted, just two of them in primaries. It could be that if only university towns were targeted in Massachusetts, a more limited targeting occurred in Texas that we have not yet discovered in our analysis of the largest county (Harris) and the second largest county (Dallas). Perhaps also an entirely different algorithm was used – for instance, one that raised Clinton’s percentage by the same amount across the board instead of by precinct size. Our analysis was looking for a precinct share increase by precinct size pattern, and we generally ignored other potentially anomalous results. One such potentially anomalous result showed what looked like a uniquely synergistic relationship between early voting in Harris County (Houston) and election day voting. We did not see such a relationship elsewhere, but would need to expend a great deal more time and effort to explore this apparent effect.

Maryland voted much later in the process, a week after the highly commented upon 11.6% exit polling miss in New York. One of the authors of this report asked Joe Lenski directly if Edison would “be changing any of its polling practices for the final states you will be exit polling?” Lenski replied that they make adjustments as needed after each election for which they run exit polling.<sup>106</sup> In other words, feeling the sting of missing badly in New York, Edison may have adjusted its methodology in nearby, also deeply Democratic and diverse, Maryland in a way that masked what could have been an exit polling miss if the same methodology was used as in New York.

It could be, on the other hand, that the Maryland exit polling methodology was the correct one, but Edison missed outside the margin of error again a few weeks later in Indiana. Also intriguing is the fact that voting results in Baltimore, Maryland were certified, decertified, then re-certified, without the state providing very substantial reasons for the back and forth. The Baltimore Sun suggested that one problem was that there were more votes than voters who had checked in at polling stations in Baltimore.<sup>107</sup>

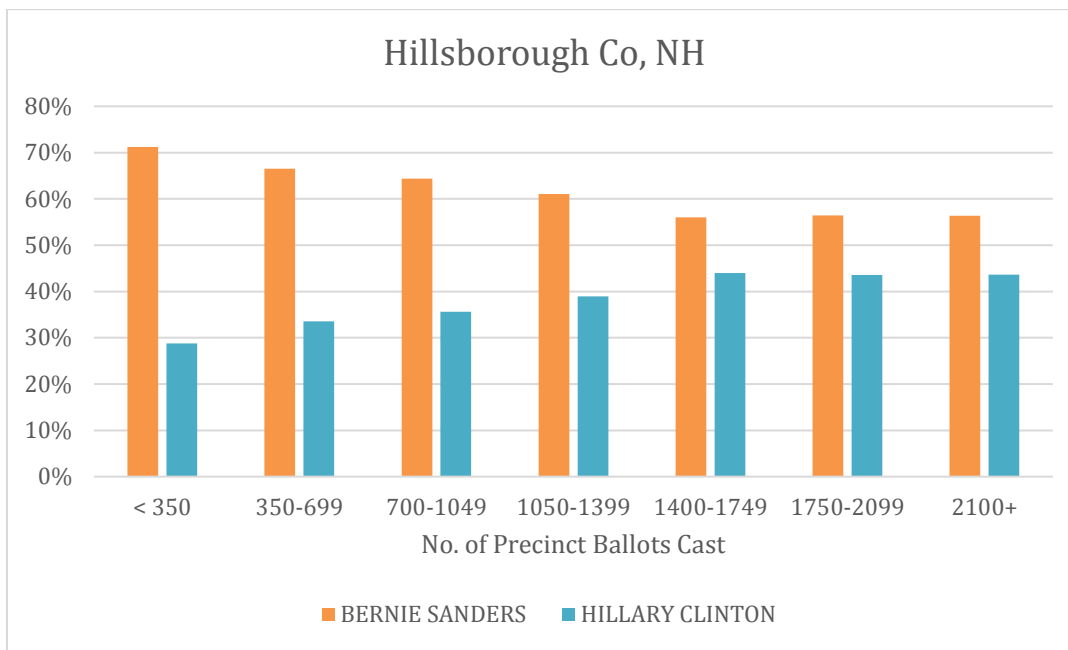
New Hampshire presents the most intriguing case. As noted, exit polling missed by more than three percentage points in Bernie Sanders’ rather than Hillary Clinton’s favor. The county we analyzed (Hillsborough) is 86% white, which means racial polarization is unlikely to account for either the weaker exit polling miss or the presence of share increase for Clinton by township and ward voting size (rather than precinct). A brief analysis of wealth by New Hampshire township yield some insight, but nothing definitive enough to account for a 30.6% improvement for Clinton from smallest to largest township/ward groupings.

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<sup>106</sup> <http://www.counterpunch.org/2016/05/11/an-interview-with-lead-edison-exit-pollster-joe-lenski/>

<sup>107</sup> <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-election-intervention-20160512-story.html>





One could bring analysis here in to conversation with the much remarked upon surprise Clinton victory in New Hampshire in 2008, but that would raise issues too large to resolve in this report.

The simplest routes to a near perfect fit between analysis by precinct size and exit polling misses include Massachusetts in both cases. One route would also include Texas and would continue to look for whether and how it was uniquely targeted. The second route would include Maryland and would work hard to discover and analyze any exit polling methodology changes that may have masked real differences between exit polling and actual results.

Combined with analysis of particular counties in Alabama in the previous section on hackable voting machines, there appears to be a strongly correlative relationship between here exit polling missed, where voting machines are most hackable, and where Clinton otherwise inexplicably improved her results by percentage as precinct size increased.

### 3. HACKABLE MACHINES<sup>108</sup>

At the end of the climactic scene (8 minutes) in HBO’s Emmy nominated *Hacking Democracy* (2006), a Leon County, Florida Election official breaks down in tears. “There are people out there who are giving their lives just to try to make our elections secure,” she says. “And these vendors are lying and saying everything is alright.” Hundreds of jurisdictions throughout the United States are using voting machines or vote tabulators that have flunked security tests. Those jurisdictions by and large are where former Secretary of State Hillary Clinton substantially outperformed the first full wave of exit polling in her contest against Senator Bernie Sanders.

Election Justice USA has interviewed hackers, academics, exit pollsters, and elections officials and

<sup>108</sup> This section is an adaption of an article by one of the reports authors that originally appeared in *CounterPunch* <http://www.counterpunch.org/2016/05/16/clinton-does-best-where-voting-machines-flunk-hacking-tests-hillary-clinton-vs-bernie-sanders-election-fraud-allegations/>

workers in multiple states for this section. The tearful breakdown in *Hacking Democracy* is not surprising. There is a well-beyond remarkable gap between what security experts and academics say about the vulnerability of voting machines and the confidence elections experts and academics, media outlets, and elections officials place in those same machines.

In Leon County, Bev Harris' Black Box Voting team had just demonstrated a simple hack of an AccuVote tabulator for bubble-marked paper ballots.<sup>109</sup> Ion Sancho, Leon County's Supervisor of Elections, also fights back tears in the *Hacking Democracy* clip: "I would have certified this election as a true and accurate result of a vote." Sancho adds, "The vendors are driving the process of voting technology in the United States."<sup>110</sup>

Joshua Holland's [column](#) in *The Nation* "debunking" claims of election fraud benefiting Clinton rests its case on a simple proposition: why would Clinton need to cheat when she was winning anyway? Apparently, Mr. Holland has never heard of an obscure American politician named Richard Nixon. More importantly, entering the South Carolina primary, the pledged delegate count was 52-51. CNN's poll two weeks out projected an 18 point Clinton win. Ann Selzer, [the best pollster in the United States](#), projected a 22 point Clinton win. RealClearPolitics' polling average projected a 27.5% win. FiveThirtyEight was much bolder in projecting a 38.3% Clinton win. The [early full exit poll](#) said Clinton had won by 36%, pretty close to FiveThirtyEight's call. Tellingly, white people in that exit poll went for Sanders 58-42. But the final results said Clinton won by 47.5%, an 11.5% exit polling miss. And the exit polls had to adjust their initial figures to a 53-47 Clinton win with white Democrats in South Carolina.

It should be noted that in 2010 a [FiveThirtyEight column](#) argued that *hacking* was one of two possibilities for statistical anomalies in a Democratic Senate primary in South Carolina: "B. Somebody with access to software and machines engineered a very devious manipulation of the vote returns."

Three days after South Carolina's primary, Clinton seriously outperformed her exit polling projections again in a bunch of states on Super Tuesday, including Massachusetts where she went from a projected 6.6% loss to a 1.4% win. Super Tuesday set the narrative that Sanders had no chance of beating Clinton in pledged delegates.

### [Correlating Exit Polling Misses and Bad Machines](#)

Election Justice USA is aware of the old truism: *correlation does not equal causality*. What strong correlation does do, however, is set the agenda for reasonable investigation.<sup>111</sup> Mocking fraud claims where there is a strong correlative case *and* actual evidence of potential vote tampering in places like Arizona, New York, and Chicago is precisely the kind of thing that has seen [confidence in media outlets plummet](#) to an all-time low. Just 6% of people in the U.S., about the same number as for Congress, have high confidence that media are unbiased and accurate.

Meanwhile, according to a September 2015 [study](#) (.pdf) by the Brennan Center for Justice at New York University's School of Law, South Carolina uses all machines more than ten years old. In fact, drawing on the source of the Brennan Center report over at [Verified Voting](#), South Carolina uses provably hackable voting machines without a verified paper trail. Virtually all counties in South Carolina use two machines

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<sup>109</sup><http://blackboxvoting.org/>

<sup>110</sup><https://www.youtube.com/watch?v=t75xvZ3osFg>

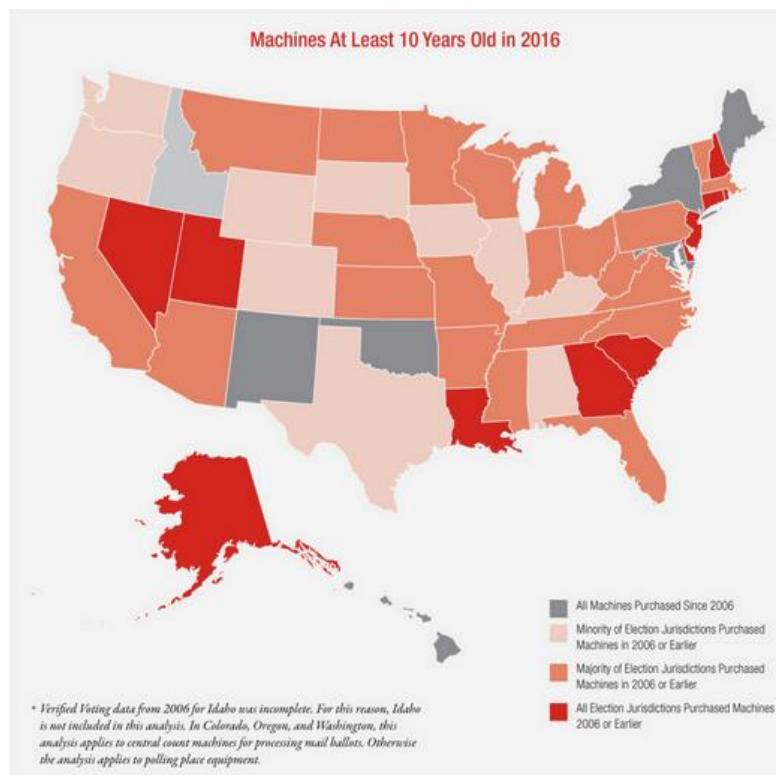
<sup>111</sup> <https://drive.google.com/file/d/0B6mLpCEIGEYGYI9RZWFRCmpsZk0/view?pref=2&pli=1>

in particular – Electronic Systems and Software’s (ES&S) iVotronic, a touch screen voting machine without a paper trail, and ES&S’s Model 100, used to tabulate absentee and provisional ballots.

Kim Zetter, the best reporter on hacking and computer security at *Wired Magazine*, delved into the Brennan Center report with [an article](#) entitled “The Dismal State of America’s Decade-Old Voting Machines.” Zetter noted that in 2002, after the Bush v. Gore disaster, Congress passed the Help America Vote Act (HAVA) with billions of dollars available for counties throughout the U.S. to upgrade to new voting machines. Zetter then hits the critical point for discussion of election fraud allegations in the Democratic presidential primary:

But many of the machines installed then, which are still in use today, were never properly vetted—the initial voting standards and testing processes turned out to be highly flawed—and ultimately introduced new problems in the form of insecure software code and design.

Things are dismal, yes, but they are not evenly so. As this map from the Brennan Center report shows, there are just a few states that are as bad off as South Carolina (all machines ten years old or greater). But there are also just as few states that are relatively well off with all machines newer than ten years old.



Of ten places where exit polling has missed by more than 7% (South Carolina, Alabama, Georgia, Massachusetts, Tennessee, Texas, Mississippi, Ohio, New York, California), seven are states where all or the majority of election jurisdictions are using machines ten years old or greater. For six of these seven states (excluding California which only included an early voting poll with a very large discrepancy of 14-22%) the average initial exit polling miss is a whopping 9.98%. The average exit polling miss in Clinton’s

favor was about 5%.<sup>112</sup> For the three states (Oklahoma, New York, Maryland) for which there is polling and for which all election jurisdictions use machines less than ten years old (gray in the map), the average is just a 1.67% miss in Clinton's favor. Now take note, this 1.67% average *includes* New York with its huge miss in Clinton's favor. Alabama is also worth looking at, with a minority of jurisdictions having machines more than ten years old, because I have been using an "Alabama Test" to see whether theories for the exit polling misses make sense.

We put figures like this to exit pollster and Executive Vice President of Edison Research Joe Lenski. I wanted to know whether the gap in exit polling misses raised any red flags. Here was Lenski's reply:

The reliability of vote equipment is a true concern but I don't see any evidence how the concentration of older voting machines in certain states would have affected either candidate more than the other. There are many examples of vote count errors. Here is a link reporting a recent vote count error in the Michigan primary that inflated Ted Cruz's vote by 3000 votes <http://uselectionatlas.org/WEBLOGS/dave/>. These types of errors are discovered all the time but there is no evidence that these are anything more than mistakes by local election officials – not a systematic attempt to affect a single candidate's vote totals. This reminds me of theories after the 2008 New Hampshire Democratic Primary based upon the fact that Hillary Clinton did better in towns with voting machines while Barack Obama did better in towns that voted on paper. That was simply an artifact of the demographics in New Hampshire of the towns that had voting machines versus those that voted on paper. Again the states with older voting machines in 2016 may just be the same states with demographics that favored Hillary Clinton over Bernie Sanders.

But again, as argued previously, the demographics by state and other proposed reasons for exit polling misses do not actually add up. Big misses have happened in the South, in Massachusetts, and also in Ohio where Sanders otherwise did quite well in the Midwest. Nor do age or early voting patterns predict exit polling misses (see §II.D.1 of this report). Still, what is most remarkable about Lenski's statement is that he is one of the few non-tech experts we spoke with who recognized that the "reliability of voting equipment is a true concern."

At this point we should take a look at the proven flaws in four very old and hackable machines in particular. These machines or similar elderly and vulnerable machines are in use in almost all places where Clinton outperforms exit polling most substantially. Because we are taking evidence and counter-evidence seriously, we will also look at the machines used in New York City, which are not quite so old (about six or seven years). While those machines, ES&S's DS200, have had several problems over the years of the type suggested by Lenski, they also have not verifiably flunked independent security tests, so far as we know.

#### *AccuVote (TS, OS, TSX models)*

AccuVote technology is among the worst of the worst. This is the Diebold technology hacked in the *Hacking Democracy* clip. It is more than ten years old, can be hacked in such a way that even those models (OS, TSX) with a paper trail can be tricked, and it is in use throughout Georgia (12.2% miss) and in more than 300 counties or other election jurisdictions in more than 20 states.

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<sup>112</sup><http://www.counterpunch.org/2016/05/11/hillary-clinton-versus-bernie-sanders-in-depth-report-on-exit-polling-and-election-fraud-allegations/>

### *AVC Edge and Edge II*

The AVC Edge and Edge II (with paper trail) were provably hacked by a “Red Team” from UC Santa Barbara hired by the State of California in 2008. Jim Allen, spokesman for the Chicago Board of Elections, called and emailed to complain after my article last Friday. He dismissed the suggestion that Edge II could be hacked because of the paper trail. Not only is this laughable since his team engaged in a wildly inaccurate audit of the paper trail from the Chicago Democratic primary, but Allen apparently failed to click on the [link](#) regarding the UCSB Red Team test that I included in the article. The first paragraph of that article notes that Edge machines, “even those with a so-called Voter Verified Paper Trail” can be successfully hacked by a single person. AVC Edge machines are in use without a paper trail throughout Louisiana (where there were no exit polls but where Clinton seriously outperformed her pre-election day polling average) and in more than 130 counties in various other states.

### *Model 100 (from ES&S)*

Model 100 also badly flunked (.pdf) the California “Red Team” test in 2008. Like the other machines in this list, it is hackable in a way that spreads virally to other machines in the same network. Hundreds of jurisdictions still use Model 100 to tabulate votes, including especially Wayne County (Detroit), 27 counties in Ohio, 9 counties in Tennessee, 78 counties in Texas, and many more that match very well with where Clinton has outperformed exit polls.

### *iVotronic (ES&S)*

iVotronic machines are touchscreen voting machines, many without a paper trail. iVotronic machines flunked a University of Pennsylvania test in 2007 and are the precise machines in question in the previous suspicious Democratic primary results in South Carolina in 2010. They continue to be used throughout South Carolina (no paper trail) and in hundreds of counties in states where Clinton has suspiciously outperformed exit polling.

### *DS200*

DS200 machines have had a wide variety of malfunctioning problems, particularly in New York City, but those problems can and mostly have been addressed in places like New York City by retraining poll workers to check immediately whether each voters’ vote was counted and then offering a new chance to vote if necessary. As stated, the DS200 has not been provably hacked so far as we know. Newer machines of this sort were put into use just this year in Maryland where the overall exit polling missed in Sanders favor, for once, but by just 0.6 points. Still, the votes in Baltimore County have now been decertified because, among other things, there were more votes than voters who checked in at the polls. In Maryland, the DS200 machines are all networked to a statewide system for tabulating votes quickly. Networking, however, is not required, and my best information suggests that networking is not how the DS200 is used in New York City. Instead, precinct workers pull the results off the machine at the end of the voting day and relay them to county headquarters, according to my discussions with a poll worker from Brooklyn.

### *What About the Exceptions to This Correlation?*

But we also would have to deal with where there are exceptions to this strong correlation between hackable machines and Clinton beating the exit polling badly. Here’s where conversation with a particular veteran hacker comes into play. We chatted securely with a long-time member of Anonymous whom we’ll call the King of SciAm (not the handle they use publicly or privately). The King of SciAm has long

worked with the Telecommix branch of Anonymous. Telecommix rose to fame when Hosni Mubarak cut off internet access in Egypt during the Arab Spring uprising. Telecommix found work-arounds via dial-up internet to keep information from activists on the ground flowing out of Egypt. As a general rule, Telecommix does not take part in Anonymous leaks or website shutdowns and defacements, but they made an exception to that rule early in this campaign cycle. Telecommix members defaced Donald Trump's website with a tribute to Jon Stewart upon his retirement. The New Yorker's Alex Koppleman called it the "classiest website hack ever," a compliment the King of SciAm relishes.

The King of SciAm emphasized that, if hired to hack an election (which they would never do), the first thing they would do would be to figure out the best way to leave no trace: "we'd target the network packets or their headwater." The key idea being for "a hack to survive the security audit trail after the vote is certified." Furthermore, "we would likely try to target the thing most likely to get its logs wiped first – so – whatever it plugs into to move the data. Are the voting machines in use network connected?"

The King of SciAm told us that targeting old, provably hackable machines is "not an unfair theory," but "you asked how (if we did these sort of things) we would do them." The problem, they noted, "is that any change to the voting machine operating system or driver stack will likely be found in the security auditor's rotation pretty quickly. This is because once the machines are down (end of election day) – they are no longer accessible to revert any source code changes or wipe any logs that said you were there, unless you've written STUXnet – in which case you wouldn't be targeting the booth machines either."

The King of SciAm was not at all surprised that sloppy hackers may be targeting older machines in places like South Carolina and Chicago, nor that elections officials were cluelessly trusting those machines and not even properly following procedures that could catch a less sophisticated hack.

So if, instead of targeting the DS200 in New York, hackers had targeted further upstream in the voting ecosystem, how would you catch it? The King of SciAm noted that you would have to use some procedure to "match 100% of the data, not 5%," as in Chicago.

Taking a look at Alabama on a county level gives us a fairly strong answer. Most of Alabama's counties also use hand cast ballots tabulated by the DS200, but a minority use Model 100, one of our flunked election machines. Three of the flunked Model 100 counties, however, are three of the four biggest counties in Alabama (Jefferson, Mobile, and Montgomery) and accounted for around 40% of the vote for Democrats in Alabama. Clinton won by a 64.2% spread in Jefferson, by 66.5% in Mobile, and by a stunning 73.4% in Montgomery. What happened in Madison, the one county of the top four by population that votes using the DS200 model? Clinton won by just a 38.5% spread! In fact, Clinton did not make it to 80% of the vote in any of the top twelve counties by population except for those three counties using Model 100 to tabulate votes.

And controlling for factors like African American voters or wealth does not account for this phenomenon. Take for instance Mobile where the population is 35.3% black versus a 24.6% black population in Madison County. A 10% difference in black population does not account for a 28% difference in the Clinton-Sanders spread. What's more, if you compare Mobile to a very similar county in North Carolina (where the exit polls did not really miss), you see something similarly telling. Cumberland County, NC is very comparative to Mobile, Alabama. They have similar populations, similar numbers of black residents (with Cumberland slightly higher at 37.6% African American), very similar per capita income figures, and both counties had about 35,000 Democratic voters. Clinton won Cumberland

by 32.8%, very close to the Madison County (DS200 model) results and about *half* the percentage spread Clinton saw in Mobile (Model 100).

Of the theories we have so far<sup>113</sup> for why exit polling missed in Alabama by a huge 14%, the only theory that provides a reasonable explanation is vote tabulating machine tampering. Now, perhaps someone else will come up with a non-fraudulent exit polling miss theory that passes the Alabama Test and explains other states as well. Such a theory cannot be about early voting (Alabama had none) and over-projecting young voters (there were very few according to exit polls of Alabama).

## **E. THE DEMOCRATIC NATIONAL COMMITTEE (DNC) OBSTRUCTED THE SANDERS CAMPAIGN AND COLLUDED WITH CORPORATE MEDIA OUTLETS TO MARGINALIZE AND SMEAR SENATOR SANDERS**

### **1. USE OF SUPERDELEGATE PRE-POLLS TO SHAPE MEDIA NARRATIVE ABOUT PRIMARIES**

*FiveThirtyEight's* Harry Enten predicted<sup>114</sup> quite frankly in June 2015 that if Bernie Sanders did well in Iowa and New Hampshire, "you'd likely see the Democratic establishment rush in to try to squash Sanders, much as Republicans did to Newt Gingrich in 2012 after he won South Carolina." The use of superdelegates in the mainstream media played a defining role in shaping the narrative surrounding the 2016 Democratic primaries. Debbie Wasserman-Schultz baldly admitted<sup>115</sup>, in response to Jake Tapper of CNN's question about a "rigged" process, that the superdelegate system is designed to keep party stalwarts from "running against grass roots activists" like Sanders. Enten's boss Nate Silver went so far as to write<sup>116</sup> that "Donald Trump Would Be Easy to Stop Under Democratic Rules," in part because superdelegates play a substantial role. Major media followed the Associated Press (AP) in consistently including superdelegates in their counts starting with Sanders' big win in New Hampshire, and metadata appears to show<sup>117</sup> that the AP colluded with the Clinton campaign to announce her as winner the day before last Tuesday's vote with nearly 700 pledged delegates at stake, largely based on polls of superdelegates, which do not vote until the Democratic National Convention.

The most damning evidence of top DNC officials working against the Sanders campaign came in the form of a leaked DNC email archive published by whistleblowing website WikiLeaks on July 22<sup>nd</sup>, 2016. In addition to depicting a general culture of contempt for the Sanders campaign, the emails show DNC officials colluding with journalists from corporate media outlets to marginalize, and in some cases, smear Sanders himself by planting stories.

### **2. EVIDENCE FROM THE WIKILEAKS DNC EMAIL ARCHIVE**

On July 22, 2016, the whistleblowing website WikiLeaks released nearly 20,000 e-mails from top DNC staffers, including communications director Luis Miranda, press secretary Mark Paustenbach, and

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<sup>113</sup> <http://www.counterpunch.org/2016/05/11/hillary-clinton-versus-bernie-sanders-in-depth-report-on-exit-polling-and-election-fraud-allegations/>

<sup>114</sup> <http://fivethirtyeight.com/datalab/what-to-make-of-the-bernie-sanders-surge/>

<sup>115</sup> <https://youtu.be/w5llIKM9Yc>

<sup>116</sup> <http://fivethirtyeight.com/features/donald-trump-would-be-easy-to-stop-under-democratic-rules/>

<sup>117</sup> <https://www.thenewsamerican.com/2016/06/did-clinton-know-about-ap-victory-story-in-advance/>

chairperson Debbie Wasserman Schultz.

The leaked e-mails demonstrate officials suggesting PR attacks on Sanders and a general feeling of contempt/marginalization toward the Sanders campaign. In fact, after the release was made public, major news organization headlines included:

1. *Observer*: “Wikileaks Proves Primary Was Rigged: DNC Undermined Democracy” – 7/22/16
2. *BuzzFeed*: “Leaked Emails Prove DNC Staffers Plotting Against Sanders Campaign” – 7/22/16
3. *ABC*: “Emails Released by WikiLeaks Appear to Show DNC Trying to Aid Hillary Clinton” – 7/22/16
4. *The Huffington Post*: “WikiLeaks Emails Show DNC Favored Hillary Clinton Over Bernie Sanders During the Democratic Primary” – 7/23/16

Some media sources questioned the authenticity of the emails. But DNC staffer Brad Marshall’s public apology on Facebook for his emails in the WikiLeaks release confirmed the authenticity.

Beck & Lee Trial Lawyers has filed a class action lawsuit against the DNC, filing charges of fraud and negligence based on the allegation that they did not remain neutral during the primaries.

Here is a quick look at some of the most egregious emails:

### **1. The Bernie Narrative**

In one case that particularly stands out, using the subject line “Bernie narrative,” national press secretary Mark Paustenbach proposed moving to weaken the Sanders campaign by planting the media narrative that the campaign itself was poorly organized and in disarray, thereby acquitting the DNC:

*“It’s not a DNC conspiracy, it’s because they never had their act together.”*

### **2. Weaken Sanders’ Support By Questioning His Religion**

DNC’s chief financial officer, Brad Marshall, suggested that top party officials should plant a question to Sanders about his religious beliefs in order to weaken his support in Kentucky and West Virginia in advance of their primaries. Sanders’ name was never explicitly mentioned, but it seemed the DNC CEO knew exactly who he was talking about. Marshall wrote:

*“This could make several points difference with my peeps. My Southern Baptist peeps would draw a big difference between a Jew and an atheist.”*

### **3. Polling Locations Were Cut in Rhode Island, but the DNC’s Worry Was About Sanders**

Another exchange among DNC staffers discusses a “Problem brewing in Rhode Island” after polling locations were cut. But the problem wasn’t voter access. The problem was “If she (Hillary) outperforms this polling, the Bernie camp will go nuts and allege misconduct. They’ll probably complain regardless, actually.”



#### 4. WikiLeaks Emails Provide Even More Examples

Numerous other emails discuss strategies for promoting Clinton's campaign and suspicion or dislike of Senator Sanders.

- I. One exchange talks about not letting a Bernie supporter attend a fundraiser *because* she was a staunch Bernie supporter.
- II. In other emails, DNC staffers talk negatively about Sanders and his campaign. They write “lol” in response to his wanting to debate Clinton in California or in response to his concern about underfunded state parties. They talk about addressing “the Bernie bs.” One email says that a Hillary Clinton primary loss simply meant: “[Bernie] is more obnoxious.”
- III. Members of the DNC appeared to work with reporters, clearing messages about Clinton before the stories were published. The same hasn't yet been seen with any Sanders stories.
- IV. Several emails indicated that DNC staffers *had people inside Bernie's staff providing them information* without Sanders' knowledge.

If you want to read the emails for yourself, Heavy.com has an in-depth story with links to the emails at: [bit.ly/WikiLeaksDNC](http://bit.ly/WikiLeaksDNC).

### V. EVIDENCE FOR FRAUD OR SUPPRESSION IN EACH PRIMARY PHASE, STATE-BY-STATE

#### A. INTRODUCTION

In the present section, we provide a full date-by-date, state-by-state breakdown of evidence for election fraud, voter suppression, or other irregularities documented throughout the course of the 2016 Democratic presidential primaries.

Based on this work, Election Justice USA has established an upper estimate of 184 pledged delegates lost by Senator Bernie Sanders as a consequence of specific irregularities and instances of fraud. Adding these delegates to Senator Sanders' pledged delegate total and subtracting the same number from Hillary Clinton's total would more than erase the 359 pledged delegate gap between the two candidates. EJUSA established the upper estimate through exit polling data, statistical analysis by precinct size, and attention to the details of Democratic proportional awarding of national delegates. Even small changes in vote shares in critical states like Massachusetts and New York could have substantially changed the media narrative surrounding the primaries in ways that would likely have had far reaching consequences for Senator Sanders' campaign.

In what follows, we summarize the evidence on a state-by-state, date-by-date basis. Each state is introduced followed by a minimum and maximum estimate of the delegate cost to candidate Sanders. Each state name is followed by an acronym signifying the following fraud or suppression types:

- Direct voter suppression (DVS)
- Registration tampering (RT)
- Illegal voter registration purges (RP)

- Inaccurate voting machine counts (H; hacking)
- Miscellaneous Forms of Election Fraud (M)

## B. EARLY STATES

### •Iowa (M) (2; 6)

Beginning with the first Democratic Caucus in Iowa on February 1, there were clear signs that the Democratic Party had no intention of playing above board in its quest to anoint insider favorite Hillary Clinton. These are not simply the observations of partisans of Bernie Sanders. *The Des Moines Register's* Editorial board was so disgusted with irregularities, some of which they witnessed with their own eyes, and the Democratic establishment's refusal to respond to them transparently that it penned an editorial entitled: "Something Smells in the Democratic Party."<sup>118</sup> It noted that the whole process produced a "whiff of impropriety," called into question "the accuracy of the caucus results," and found that the Democratic Party response "reeks of autocracy."

Specifically, the *Des Moines Register* made the case that the results, at just a 2/10ths of percentage point win for Clinton, were "too close not to do a complete audit of results." Party officials, however, refused to even entertain the possibility of releasing exact figures of reported votes. The details of the *Register's* complaints are worth quoting at length:

Second, too many questions have been raised. Too many accounts have arisen of inconsistent counts, untrained and overwhelmed volunteers, confused voters, cramped precinct locations, a lack of voter registration forms and other problems. Too many of us, including members of the Register editorial board who were observing caucuses, saw opportunities for error amid Monday night's chaos.

The Sanders campaign is rechecking results on its own, going precinct by precinct, and is already finding inconsistencies, said Rania Batrice, a Sanders spokeswoman. The campaign seeks the math sheets or other paperwork that precinct chairs filled out and were supposed to return to the state party. They want to compare those documents to the results entered into a Microsoft app and sent to the party.

"Let's compare notes. Let's see if they match," Batrice said Wednesday.

Dr. Andy McGuire, chairwoman of the Iowa Democratic Party, [dug in her heels and said no](#). She said the three campaigns had representatives in a room in the hours after the caucuses and went over the discrepancies.

McGuire knows what's at stake. Her actions only confirm the suspicions, wild as they might be, of Sanders supporters. Their candidate, after all, is opposed by the party establishment — and wasn't even a Democrat a few months ago.

The kinds of complaints noted by the *Register* and other observers fit almost exclusively into the "miscellaneous" category of types of election fraud. In Election Justice USA's database of 2000 complaints from various states shows just one, from Boone County, that may be indicative of registration tampering. Since Iowa caucuses allowed for same day registration, a widespread tampering campaign would have

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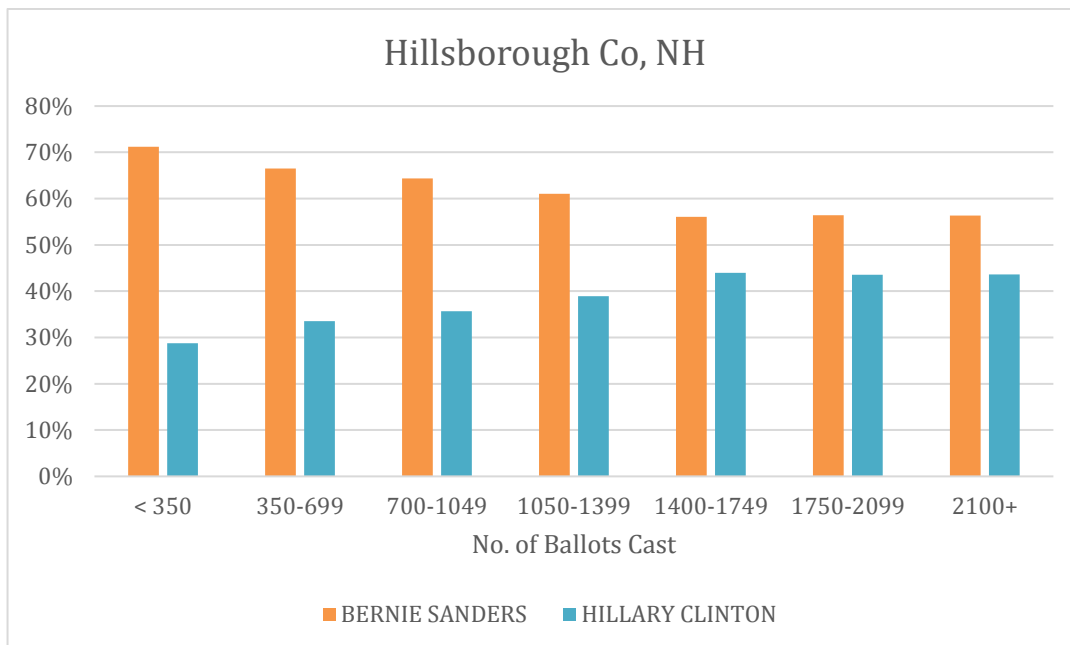
<sup>118</sup><http://www.desmoinesregister.com/story/opinion/editorials/caucus/2016/02/03/editorial-something-smells-democratic-party/79777580/>

made no sense.

Based upon the number and kinds of complaints about the Iowa caucus along with initial full entrance polling by Edison Research (a three-point edge for Clinton), Election Justice USA fairest estimate is that Sanders may have won an additional one to three national delegates in Iowa if the show had not been run by an “autocratic” Democratic establishment beholden to Clinton. Clinton's delegate total would have been reduced by a corresponding one to three delegates.

### •New Hampshire (H?) (0; 6)

On February 9<sup>th</sup>, Sanders won a convincing victory (61.1% - 38.9%) over Clinton in the New Hampshire Democratic primary. When including Martin O'Malley, this win represented a 4.2% improvement for Sanders over the initial full exit poll projection. According to this predictor, Hillsborough County, New Hampshire's largest, ought to show no irregularities in its CVS-CVT or precinct size data. A column chart, however, of Hillsborough shows a smooth and dramatic increase for Clinton, closing the gap between her and Sanders by 29.8% from smallest to largest township/ward.



Examining the income levels and racial demographics of the townships in Hillsborough gives us no insight that would suggest such an unexpected increase for Clinton.

Given smaller size of New Hampshire, though, and Sanders already sizable win, and given the way Dem proportional counting works, EJUSA has calculated that Sanders could have won the additional 8,000 or so votes it would take to keep Hillsborough from showing an irregular precinct size vote result *without* it affecting the overall delegate count.<sup>119</sup> If, however, the same irregular results are present statewide and a reasonable explanation could be given for why the exit poll missed by a margin substantially outside the

<sup>119</sup><http://www.thegreenpapers.com/P16/NH-D>

sample-size alone margin of error, Sanders may have picked up as many as three additional national delegates, with Clinton losing the same. Because of the discrepancy between the vote share by precinct size analysis and the exit poll, Election Justice USA has not shifted any national delegates to Sanders in our lower estimate of national delegate count.

Given Clinton's unexpected big win there in 2008, New Hampshire remains fertile ground for further study of the vote share increase by precinct size increase pattern for particular candidates.

#### •Nevada (M; RT?) (2; 8)

The Nevada Democratic caucuses saw Senator Harry Reid and casino bosses rig the election in favor of Hillary Clinton over Bernie Sanders. This is neither hyperbole nor sour grapes from sore Sanders losers. The rigging was openly lauded in *USA Today* by Jon Ralston – no friend of Sanders or his followers – as an example of Reid's political prowess.<sup>120</sup> Harry Reid would not have been able to help control the processes of caucuses and conventions in Nevada if he had publicly endorsed Hillary Clinton. Instead, Reid feigned neutrality in public while rushing home at the last minute in February to convince casino bosses to get their Culinary Unionworkers to caucus for Clinton, a move they were not planning prior to Reid's intervention. Ralston calculates that Clinton won six Casino locations by healthy margins, all of which she had been previously expected to lose according to Ralston.

Casino bosses simply turning out the vote would not be problematic if there were not highly credible reports that they also unethically gamed the system in a way that inevitably raises questions of a potential *quid pro quo* with Reid, a possibility Ralston strongly hints at. Deborah Burger, Co-President of the National Nurses Union (NNU), was present in Clark County. Other NNU nurses were spread out across various casino caucus sites. A NNU press release after the “faux riot” at the Democratic state convention months later relays eye-witness testimony of Casino bosses overseeing a process where they selected who could have time off to caucus, provided selected workers with food, drink, and Hillary Clinton shirts and hats during the caucus along, and directly watched in person to see how those employees voted.

The entire scene amply demonstrates the ‘squash’ after Iowa and New Hampshire predicted by *FiveThirtyEight*'s Harry Enten or the “rigging” about which so many voters and outside observers have complained in the 2016 Democratic primaries and caucuses.

Election Justice USA read complaints about irregularities ahead of and at the State Convention that saw so much vitriol and false claims of violence by Sanders delegates and supporters. While we do not think it can be established to any degree of certainty that Democratic establishment antics ahead of and during the convention were responsible for lost national delegates for Bernie Sanders, an unconfirmed registration tampering report on social media report fits a pattern seen in several other states. According to the report, at least one of the delegates refused entry to the Nevada Democratic convention was deemed not to be a Democrat after his registration was switched without his knowledge or consent.<sup>121</sup>

Election Justice USA, primarily on the basis of Ralston's analysis, estimates that Bernie Sanders would have picked up an additional one to four national delegates if Reid had not put his thumb on the scales in Clark County. Hillary Clinton's national delegate count would have been reduced by a corresponding one to four delegates.

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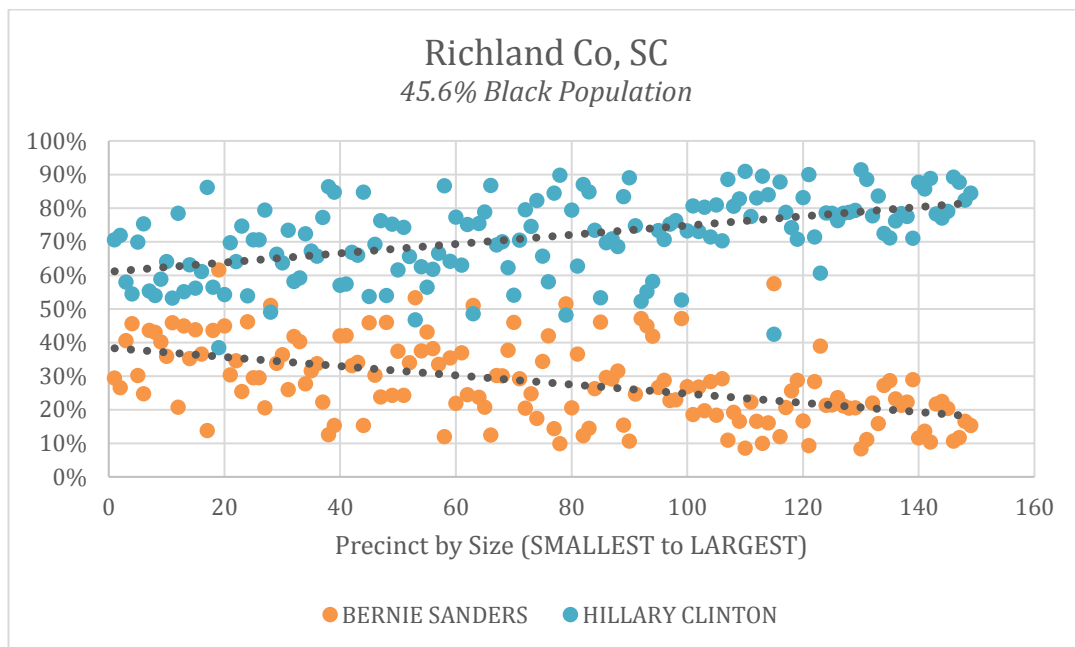
<sup>120</sup><http://www.usatoday.com/story/opinion/2016/02/20/hillary-clinton-wins-nevada-caucus-harry-reid-culinary-union-jon-ralston/80688750/>

<sup>121</sup> <http://heavy.com/news/2016/05/nevada-democratic-convention-what-happened-roberta-lange-delegates-election-fraud-videos-recount-denied/>

## •South Carolina (4; 8)

Writing in *The Nation*, Joshua Holland has suggested that it makes no sense that Clinton would cheat in a contest she was clearly winning already.<sup>122</sup> Besides massively begging the question and ignoring the historical example of Watergate and Richard Nixon, the argument ignores the contours of the primary calendar and when those arguing for rigging that benefitted Clinton believe it began. Heading into the February 27<sup>th</sup> vote, the pledged delegate count between Hillary Clinton and Bernie Sanders was an extremely close 51-50. Sanders' virtual tie in Iowa, large victory in New Hampshire, and close running in Nevada put the Democratic establishment on notice that Sanders could be competitive for the long haul. South Carolina was the first Democratic primary to definitively turn the inaccurate machine count hat trick.

- The first full exit poll missed by more than 10%
- Voting machines in South Carolina are extremely hackable
- Voting results by precinct in Richland, South Carolina's largest county, are noticeably irregular



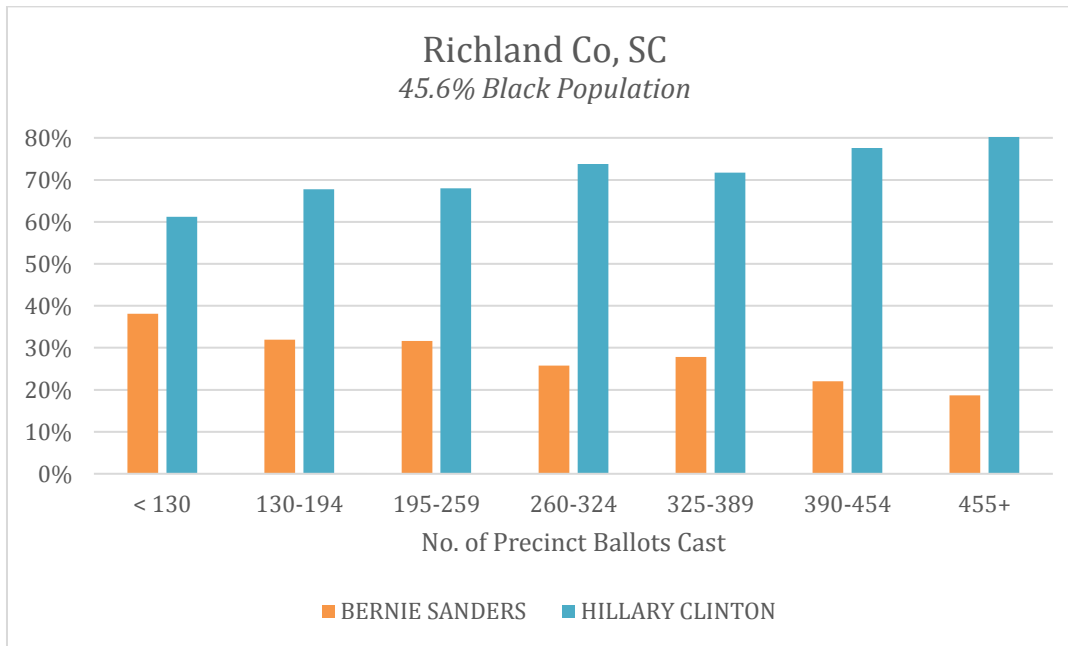
Theodore Soares, a co-author of this report, has calculated the sample-size only margin of error for South Carolina at 5.0% while the initial full exit poll missed by 15.3% in Clinton's favor. Edison Research projected a 37.2% win for Clinton, very close to *FiveThirtyEight's* polls plus projection of a 38.3% win for Clinton.<sup>123</sup> The final result, however, shows a 47.5% win for Clinton, a 10.2% miss, more than double the expected margin of error. Notably, Edison's initial projection did not miss outside the margin of error for black voters, as one would expect if misreading black preference for Clinton were responsible for the increased share of the vote by precinct size increase in the scatter plot chart above. Instead, Edison's initial projection of substantial win with white voters gave way to an adjusted exit poll margin that favored

<sup>122</sup><https://www.thenation.com/article/reminder-exit-poll-conspiracy-theories-are-totally-baseless/>

<sup>123</sup> [FINALIZE]

Clinton with white voters.<sup>124</sup>

Since the exit poll missed by a large margin with white voters, most Democratic voters in Richland County are black, and racially polarized Mecklenburg County in South Carolina's neighboring state directly to the North does not show this pattern, the burden of proof now lies with Clinton supporters for a non-fraudulent explanation of the irregular increase in Clinton's share of the vote as precinct size increased. From the smallest twenty precincts in Richland County (130 or fewer total Democratic votes) to the largest twenty-six precincts (455 or more votes), Clinton's gap over Sanders increased by a stunning 38.8%.



Based on Election Justice USA calculates based on initial exit polling projections, vote percentage in the change in the smallest versus largest precincts, and comparison to Democratic proportional assignment of delegates as viewable at the Green Papers blog, that inaccurate machine counts likely cost Bernie Sanders at least two more national delegates and perhaps as many as four in South Carolina, with Clinton having a corresponding number fewer delegates.

### C. SUPER TUESDAY (MARCH 1)

#### •Alabama (H) (6; 8)

In May 2016, Doug Johnson Hatlem, one of the authors of this report, wrote a series of articles for *CounterPunch* on election fraud allegations. In pieces on exit polling and hackable voting machines, he zeroed in on Alabama as a Democratic primary state where the exit polling miss of fourteen percentage points simply could not be explained away by available non-fraudulent theories. The articles pointed out that Clinton did especially well in three of the four largest counties in Alabama that used Model 100 vote tabulators as discussed in §II.D.3 as extremely hackable.

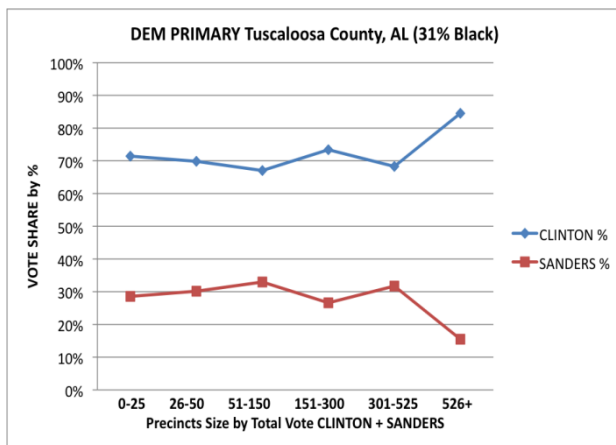
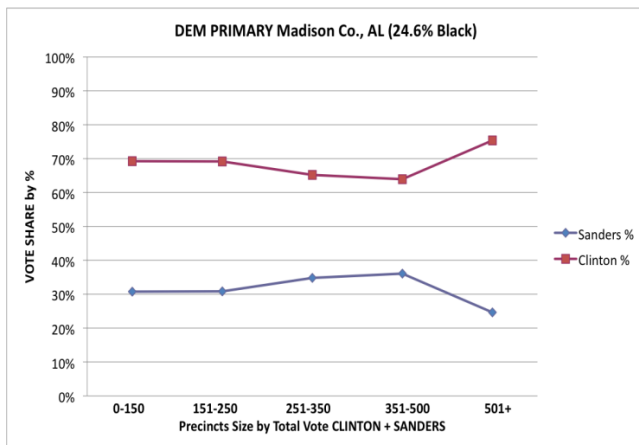
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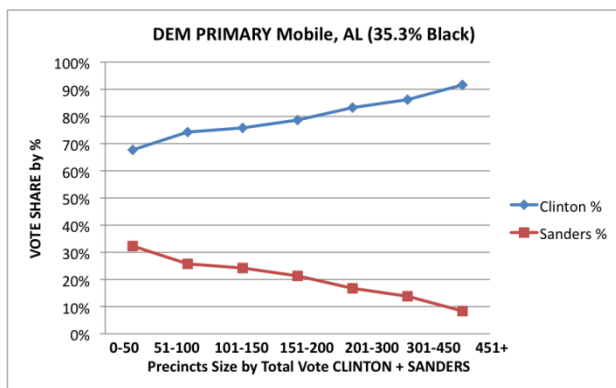
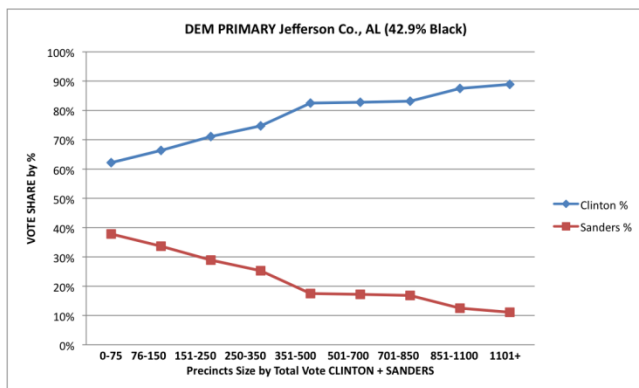
In those articles, and before having encountered the irregular precinct increase pattern in favor of Clinton, Johnson Hatlem theorized that Clinton did especially well due to inaccurate machine counts in Jefferson, Mobile, and Montgomery counties, while suggesting that, if there was a way of testing the theory, Madison and Tuscaloosa counties would be clean. Madison is the second largest county by population in Alabama and Tuscaloosa was the fifth largest in terms of Democratic primary votes. Jefferson is the largest county in Alabama; Mobile and Montgomery round out the top five.

The irregular increase for Clinton by precinct size increase pattern, in fact, shows up as predicted in Jefferson (the largest county) and in Mobile. The irregular increase does not show up, also as predicted, in Madison and Tuscaloosa. In Montgomery, the pattern likely does not appear as expected, though there are some complicating factors for analysis, and the irregular pattern may show in weaker form.

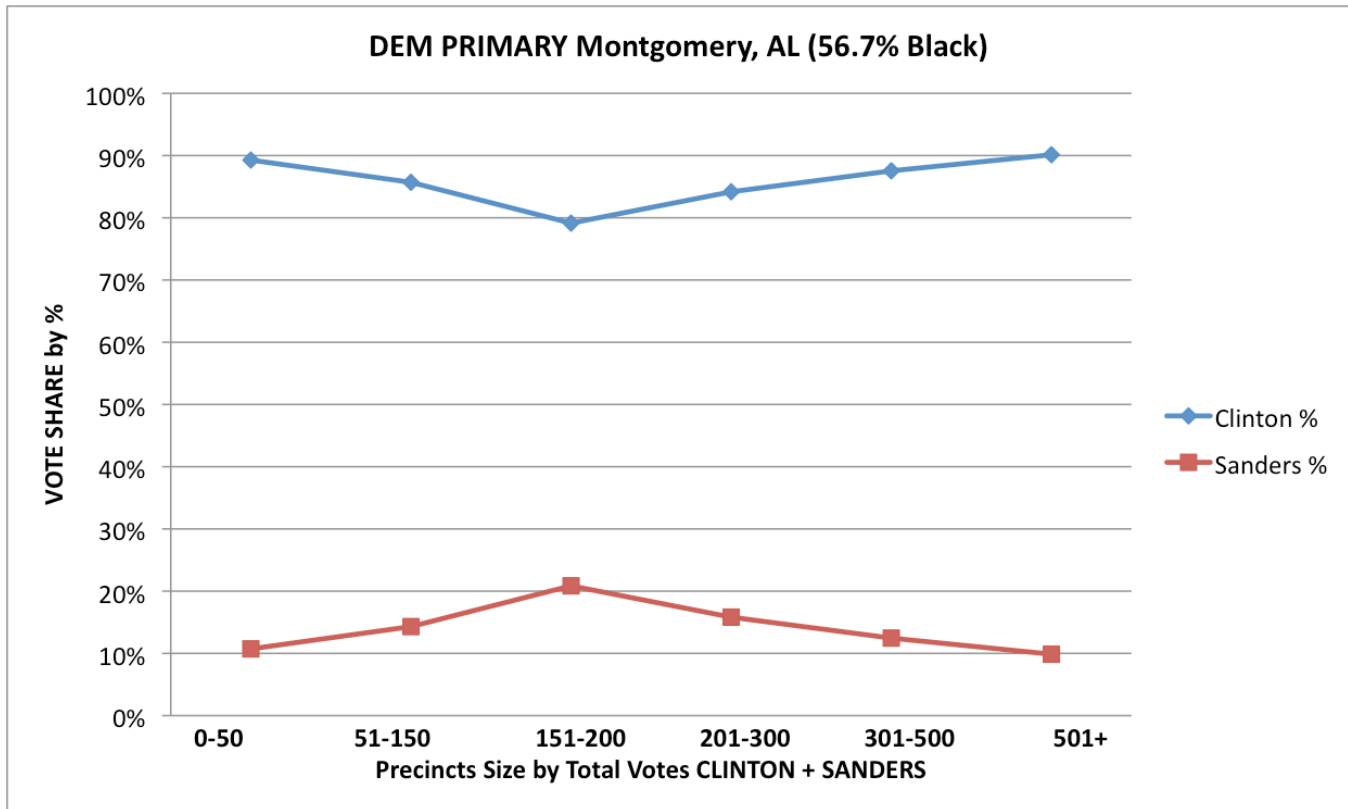
Both Madison and Tuscaloosa show the recognizable “fishtail” pattern where an otherwise relatively flat, parallel lined pattern (clean) jumps for Clinton in the final precinct grouping. In several otherwise clean states or counties, this fishtail pattern shows rather than a steady increase by precinct grouping for Clinton and *can* in every circumstance be attributed to a findable cluster of very large precincts with heavy elderly or African American populations or registrations. In Madison, for instance, the second largest precinct by total vote for Clinton plus Sanders is at the predominantly African American Bob Harrison Senior Center.



Jefferson County and Mobile County, with the easily corruptible machines, show the radically different, irregular pattern. Jefferson saw a 53.4% increase in Clinton’s spread between the smallest fourteen precincts and the largest ten. Mobile saw a 48% increase for Clinton from the smallest twenty-nine precincts (0-50 total votes) to the largest (451+ total votes) sixteen.



Montgomery County, the very largest black county by population percentage in Alabama, meanwhile, shows a pattern that is difficult to call either totally clean or definitively irregular.



If placed in a scatter plot chart, it the pattern appears in weak form with about a seven or eight percent increase for Clinton from smallest to largest. The line chart is more revealing, however. It could almost be considered to fit the parabola pattern (clean) where Clinton does somewhat better in richer, whiter small precincts and somewhat better in the very largest, heavily black precincts with the middle precinct groupings showing a regular flat or even structure. There appears, however, to be a clean break at around two hundred votes with improving her gap by 22% from the 150-200 grouping of precincts to the 501+ votes grouping.

Election Justice USA has seen no public indications of voter registration tampering or illegal purges in Alabama for the Democratic primary cycle and has likewise received no specific voter complaints from our online, fillable complaint form.

While Montgomery, and even Alabama as a whole, requires further investigation, the clear existence of the dramatic, irregular vote share increase by precinct size increase in two of the largest three counties in Alabama with provably hackable vote tabulators combined with the otherwise unexplained fourteen point exit polling miss, leads Election Justice USA to a low end estimated vote loss for Bernie Sanders of three national delegates (in Congressional District 1, the PLEO and At-Large categories if you are following along via Green Papers<sup>125</sup>) and a higher end estimation of four lost delegates (adding a possible delegate pick-up in Congressional District 2), with Clinton estimated to have gained a corresponding number of delegates.

<sup>125</sup> <http://www.thegreenpapers.com/P16/AL-D>



## •Georgia (H) (14; 20)

The entire state of Georgia votes on electronic machines without a voter verified paper trail. Georgia's vote was held in an open primary and Election Justice USA received no complaints about registration tampering from Georgia. As noted and charted in an earlier section of this report on suspicious precinct size vote share increases, Clinton outperformed exit polling projections in Georgia by 12.2%, and on election day voting swung in Clinton's favor by 11.4% from smallest to largest precincts and in early voting, which made up 22% of the overall vote in Georgia, by 23.0%. Election Justice USA estimates a seven to ten national delegate loss and an equal pick-up for Clinton based on inaccurate machine counts

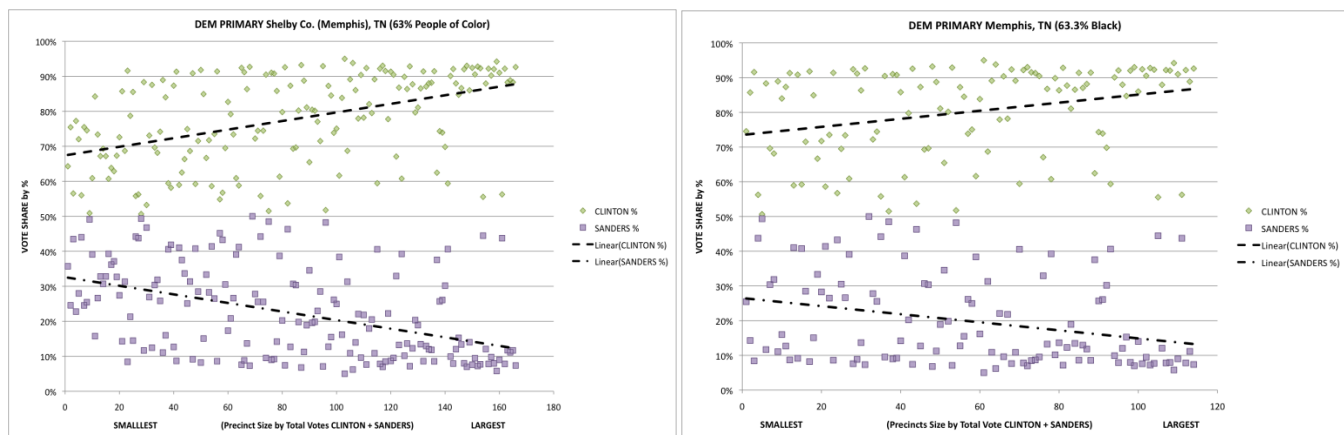
## •Tennessee (H) (6; 14)

Hillary Clinton outperformed exit polling expectations without explanation in Tennessee by 8.3% or 2.3% outside the margin of error as calculated by sample size. With the difference between Memphis and its somewhat whiter suburbs, Shelby County, Tennessee presents a good example of how Election Justice USA has been able to control for race in analyzing irregular patterns in Clinton's vote totals.

Nearly all of Tennessee, including Shelby County, votes using highly hackable AccuVote machines without a voter verified paper trail. Originally manufactured by Diebold, the machines are now sold by Premier.

Shelby County as a whole shows a 37.4% growth in gap over Sanders for Clinton from the smallest seventeen precincts (200 total votes or fewer) to the largest 15 precincts (900 votes or more). But it could be counter-argued, reasonably, that just one of the smallest 17 precincts is in Memphis (63.3% Black) while all but three of the largest precincts are within Memphis.

But does racial polarization tell the whole story of the irregular precinct size increase pattern?



The chart on the left shows Shelby County as a whole, while the chart on the right separates out just the Memphis precincts. There is a less dramatic, irregular increase pattern, but the pattern remains and is well above the 10% threshold Election Justice USA is using as a relevant marker. From the smallest thirteen precincts (300 or fewer votes) in Memphis alone to the largest 12 precincts (900 or more votes), Clinton still shows an increase of eighteen percentage points in her gap over Sanders. Controlling for race, as in Louisiana, the Bronx, Mecklenburg County, North Carolina and more does not explain away the irregular increase in Clinton's vote share by percentage as precinct size increases. Tennessee has extremely hackable voting machines, exit polls missed outside the expected margin of error, and precinct size turns

out to be the most outstanding factor in how much Clinton won by.

Election Justice USA did not receive any complaints of registration tampering in Tennessee but estimates that electronic rigging of voting machines moved between three and seven national delegates from Bernie Sanders column to Hillary Clinton's.

#### **D. MARCH 2 – MARCH 15**

##### **•Louisiana (H, RT) (4; 10)**

While Edison Research did not conduct exit polls in Louisiana, the state uses all electronic voting machines that have no paper trail and are extremely hackable and, as discussed and graphed in the precinct size §II.D.2, the irregular pattern shows up dramatically in East Baton Rouge, Louisiana and throughout (and statewide) as in other Southern states such as Alabama, Georgia, South Carolina, and Tennessee.

Assuming inaccurate machine counts between 8% and 15% as in those states yields an estimate of between two and five delegates moved from Bernie Sanders to Hillary Clinton.

Louisiana is where Election Justice USA has been able to control most assiduously for race as we were able to obtain registration data by part and race for every precinct in the state and rigorously compare the data to a clean state, North Carolina, where we also obtained precinct level registration data by part and race for Mecklenburg County. Time and again, our modeling shows that while race and precinct size and race and Clinton's share of the vote are related in both Louisiana and North Carolina, only in Louisiana is precinct size a much more determinative factor on a statistical level.

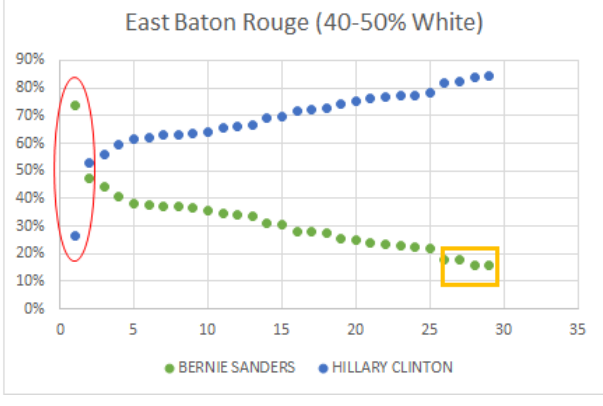
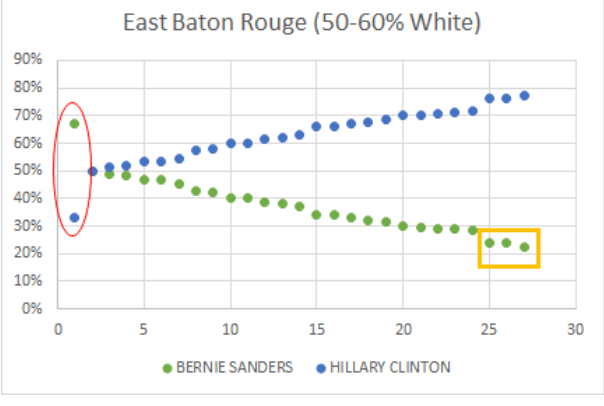
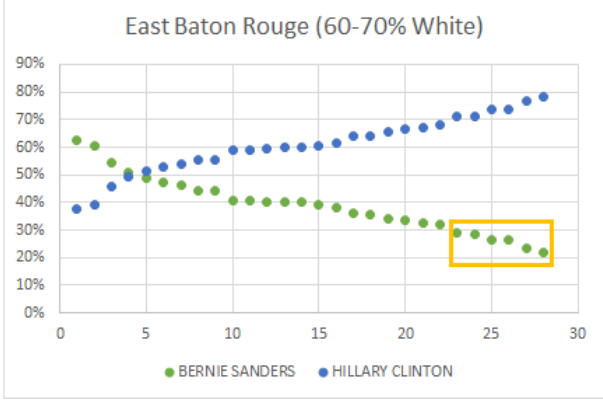
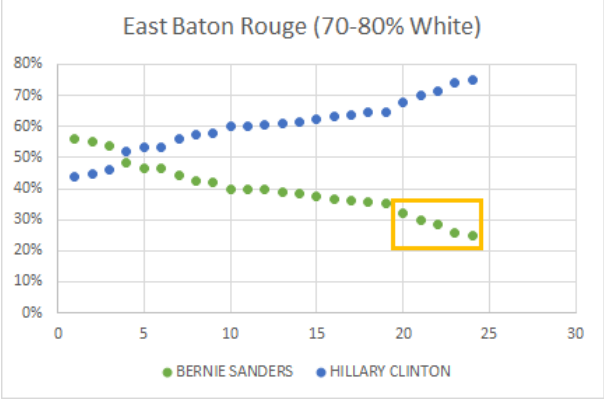
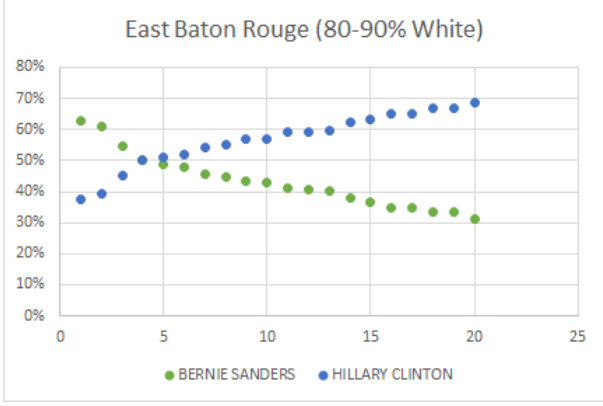
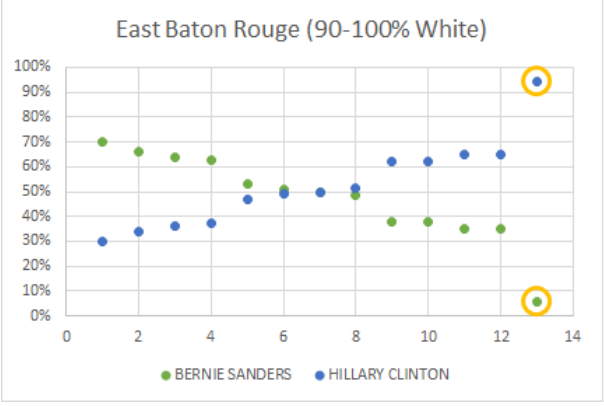
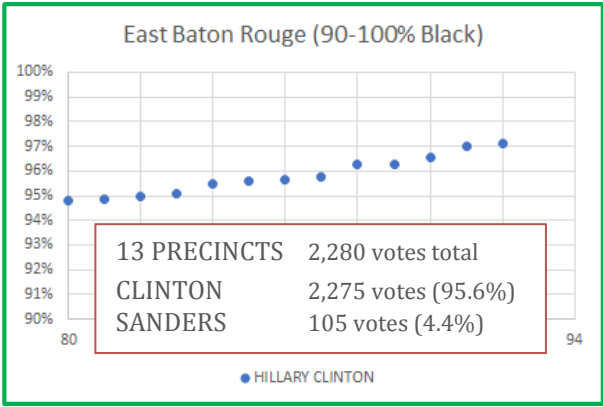
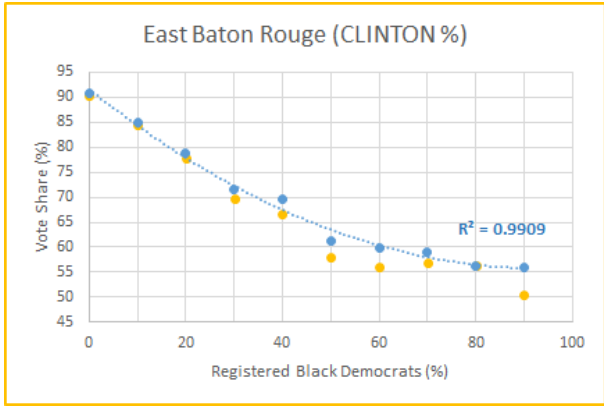
Regression analysis is available for those with statistical training. Nicholas Bauer, who was the first to suggest and research taking cumulative vote share analysis down to the county and neighborhood level, has created a series of twenty powerful charts for East Baton Rouge and for comparing East Baton Rouge to Mecklenburg County (Charlotte), North Carolina.

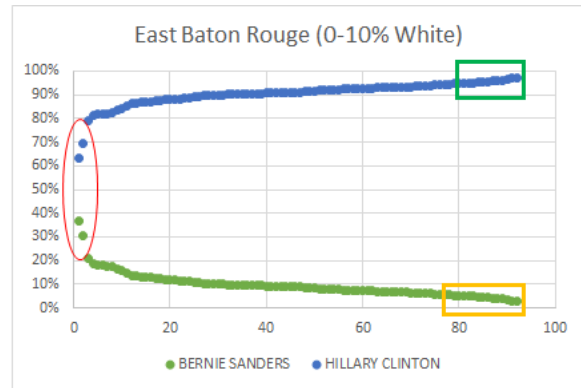
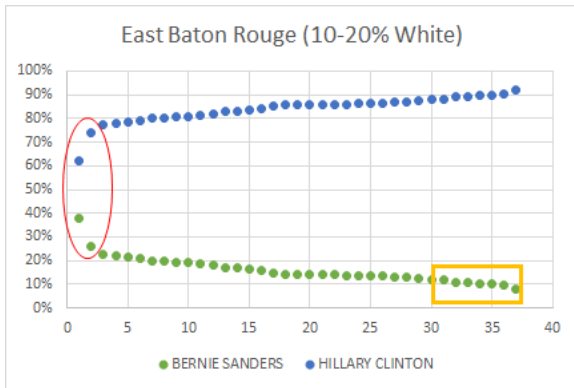
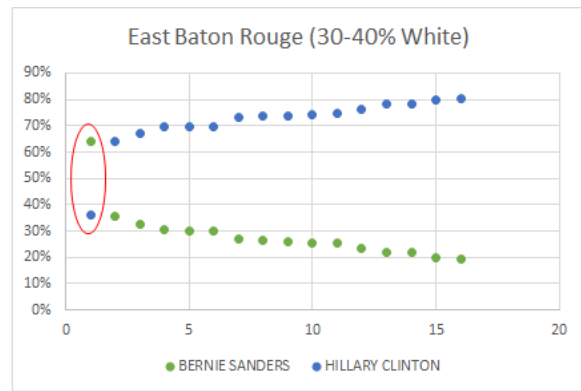
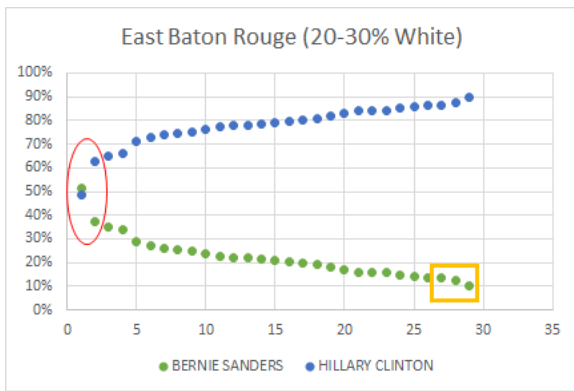
All precincts within East Baton Rouge that reported at least one vote, were lumped into 1 of 10 blocks based on %White registered Democrats in that precinct (0-10% White, 10-20% White, etc.). These precinct results contained in these 10 blocks were sorted by Clinton's vote share (smallest to largest).

When examining the first chart (ORANGE outline) on the next page, the BLUE dots represent Clinton's reported vote share, and the BLUE dotted line represents a linear parabolic trend line. This model suggests that the output (i.e. vote share) can be almost entirely (or 99.09%) explained by race alone. Although these results were smoothed since each dot represents results from multiple precincts and in some cases 1000s of voters, a 99%  $R^2$  value is a bit concerning whenever human-behavior is introduced.

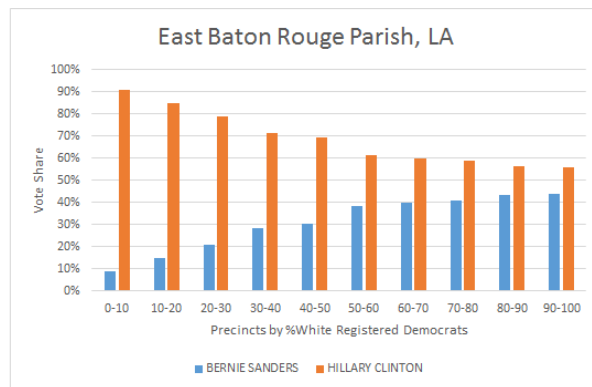
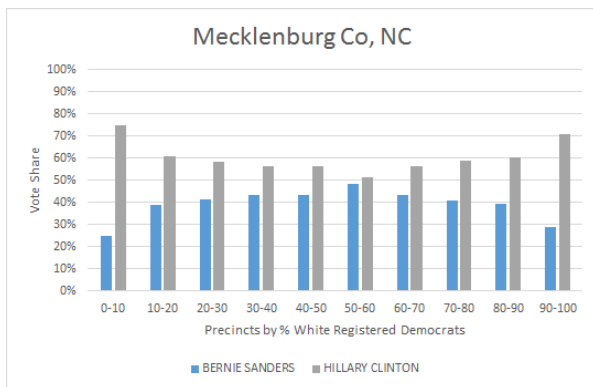
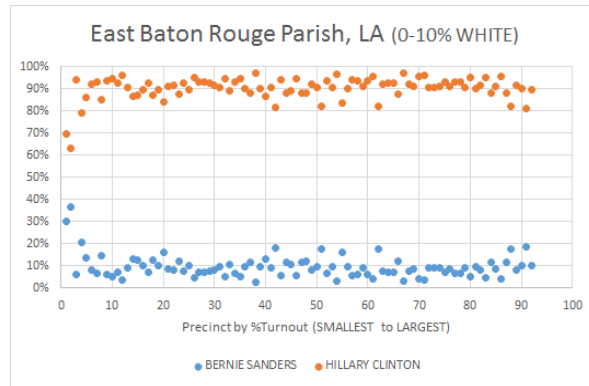
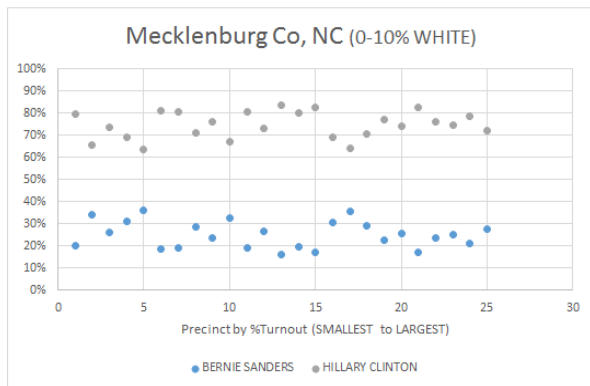
The ORANGE dots represent Clinton's vote share without the "fish tails" (marked by orange boxes) that were observed in 8 out of the 10 racial blocks. For instance, in the 90-100% White Registered Democrats block, one precinct with 90 total ballots cast went for Clinton with about 94% of the vote. This one precinct (circled in ORANGE), increased Clinton's vote share in this block by nearly 5% and remain in line with the parabolic trend line.

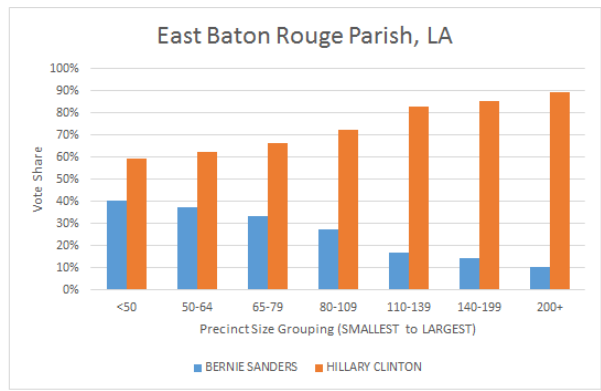
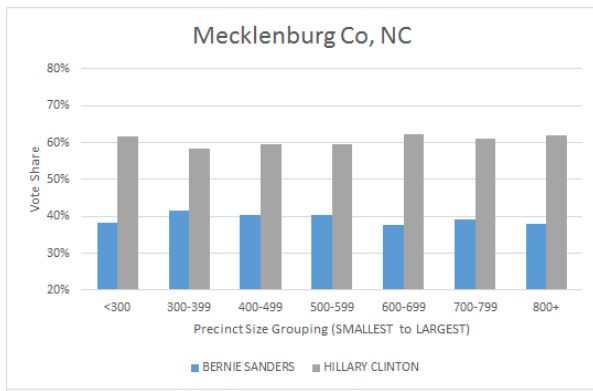
The chart outlined in GREEN, represents the Clinton's best performing precincts in East Baton Rouge Parish. In these 13 precincts, which represented 2,280 voters, Clinton's vote share ranged from 95% - 97%. Clinton received 2,275 votes to Sanders 105 votes, or about a 20:1 lead in Clinton's favor.



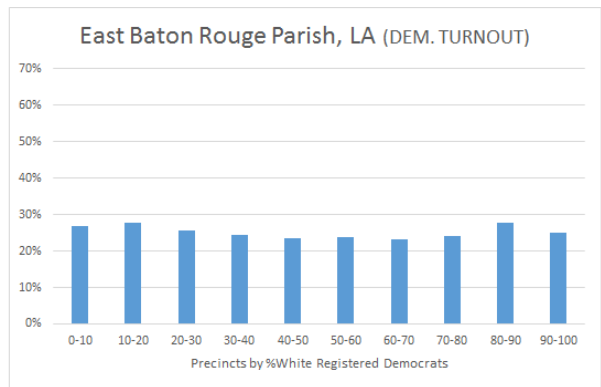
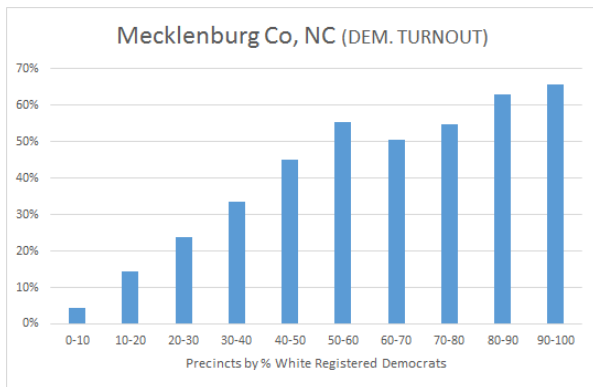


When comparing the results from East Baton Rouge Parish, LA and Mecklenburg County, NC, there is a stark difference in racial tendencies. In Mecklenburg, Bernie carried about 25% of the vote but less than 10% in East Baton Rouge when examining only the precincts with less than 10% white Democrats:



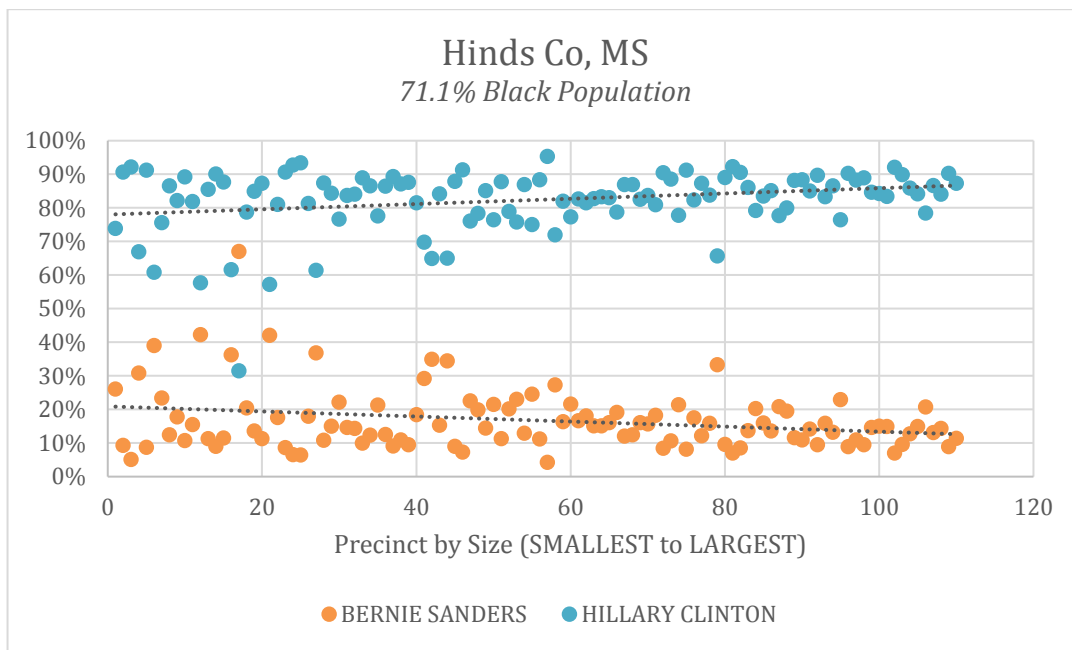


But probably the most concerning comparison between North Carolina and Louisiana is examining turnout rates for the same 10 racial blocks used in the above comparisons. In Mecklenburg County, turnout skyrocketed as the % white registered Democrats increased. While on the other hand, Louisiana's turnout by race is nearly a flat line. The nearly even turnout by race in Louisiana would explain the tight correlation between race and vote share, but this would not explain the extreme difference in relative turnout rates from state to state.



·Mississippi (H) (6; 8)

In Hinds County, Mississippi's largest by population, Clinton's share of the vote increased by 5.1%, or 10.2% swing, from smallest to largest precinct groupings. Clinton beat exit polling by Edison by 9.9%, 4.7% above the sample-size calculated margin of error.



Nearly every county in Mississippi uses electronic voting machines that are highly-susceptible to tampering and do not have a voter verified paper trail. Hinds County, however, is an exception. It uses the DS200 model to count paper ballots from Election Systems and Software, the same model used throughout New York City. This report discusses the DS200’s vulnerabilities in more depth in §II.D.3 (hackable machines) and in §III.F (New York).

In Congressional District 2 (CD 2) in Mississippi, Bernie Sanders was awarded no national delegates while Clinton was awarded nine as inaccurate machine counts pushed Sanders below the 15% viability threshold. On the basis of showing all three factors (divergence from exit polling outside the margin of error, demonstrably hackable machines, and an irregular precinct size increase pattern), Election Justice USA estimates that Sanders should have won at least two delegates in CD 2 and either three or four more delegates total in Mississippi, with Clinton’s earned total reduced by the same.

Election Justice USA received just one complaint in our database of 2000 registration complaints. It was from a young voter who believed he had registered through an on-campus registration drive in 2015 but discovered he had not been registered on election day.

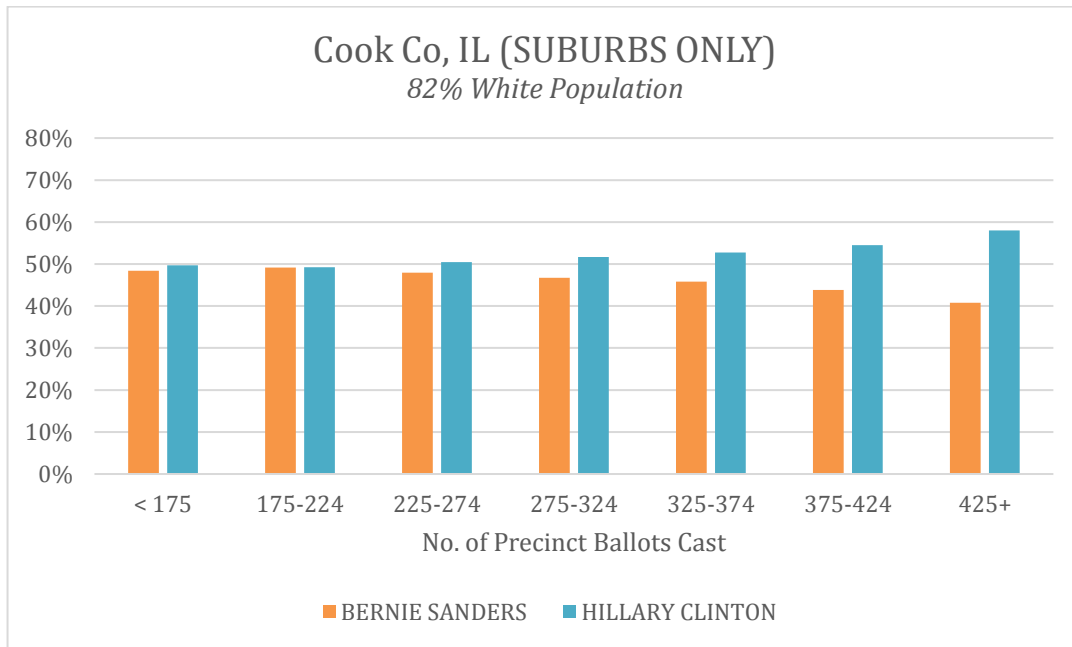
• **Illinois (H, M) (6; 20)**

Cook County (Chicago), Illinois presents several unique features for analysis in terms of inaccurate voting machine counts. Clinton beat exit polling in Illinois by Edison Research by 4.1% putting the state into a category of states that could be considered clean or dirty based on exit polling data alone. Cook County Suburban and Chicago have separate Boards of Election (BOE), but both use the provably quite dangerously hackable AVC Edge II voting machines for early voting. Furthermore, Illinois requires a 5% audit of election results for each political contest. As noted in the section on lawsuits, citizens' groups launched a lawsuit on Thursday July 21, 2016 (the same week this report was being concluded) after observing the audit in Chicago and finding it to be wholly inadequate, especially with respect to early balloting. Several of the groups’ members gave sworn testimony, publicly available online, at a meeting of the Chicago BOE shortly after the audit. A spokesperson for the Board admitted many of the points

thecitizens' groups have made about the audit to one of the authors of this report by phone.<sup>126</sup>

Chicago's early balloting by precinct may show the irregular pattern somewhat weakly and a bit unusually in terms of the way the pattern usually works. Clinton's vote share increases from beginning to middle precincts by 7.4% then drops back down a bit below the smallest precincts before rising again by 12.6% gradually from middle to largest precincts. Overall, Clinton's share of the early vote in Chicago rises by 9.2%. It is unclear whether this represents an irregular pattern at all since it falls below the 10% threshold.

Early balloting in Cook County Suburban (82% white), however, unmistakably shows the irregular pattern.



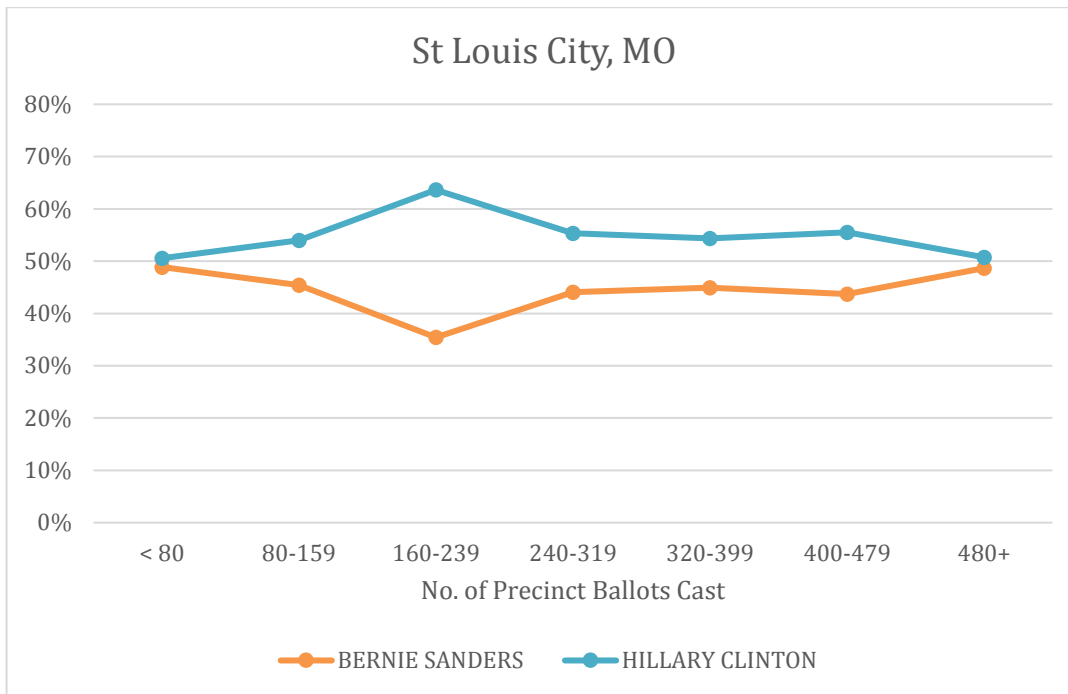
Sanders is shown in the smaller precincts with a near 50:50 split in Suburban Cook, but gradually tapers off to losing the largest precincts by 17.2%, a 34.4% swing.

On the basis of some uncertainty in the midst of a clear case of the irregular pattern that cannot be dismissed by racial polarization or other factors as well as on the basis of many Congressional districts having been narrowly lost by Sanders, Election Justice USA's lower and upper estimates for Illinois are quite stark in range, a six national delegate swing in Sanders favor at the low end, a twenty delgate swing at the high end.

#### •Missouri (H) (8; 12)

St Louis City and St Louis County, MO are interesting cases. Along with Detroit and Milwaukee, St Louis represents a very racially divided city. Page Boulevard divides the city into two distinct areas, white residents to the south of Page Boulevard (with the exception of a small area between Delmar Blvd and Page Blvd) and black residents to the north of this divide.

<sup>126</sup><http://www.counterpunch.org/2016/05/13/chicago-election-official-admits-numbers-didnt-match-hillary-clinton-vs-bernie-sanders-election-fraud-allegations/>



Although our model above did not indicate an increase in vote share, based the racial division in St Louis, precincts were divided up based on location. Furthermore, this in depth analysis of racial demographics for each section of St Louis City, indicated the same pattern of vote share divergence in Clinton's favor as precinct size increased in St Louis (regardless of race). The table below represents polling locations north of Page Blvd (racial divide) which housed voting booths for at least one small precinct (less than 165 ballots) and one large precinct. In 6 out of these 7 polling locations, Sanders' small precinct vote share is significantly greater than his large precinct vote share. On average, Sanders outperforms by 8.3%, or a 16.6% swing.

St Louis City, MO (SMALL V. LARGE PRECINCTS IN +90% BLACK PRECINCTS)							
MAP ID	POLLING LOCATION	PRECINCT	TOTAL BALLOTS	HILLARY CLINTON		BERNIE SANDERS	
				TOTAL	PRCNT.	TOTAL	PRCNT.
15	5821 Kennerly Ave	W 22 P 07	141	94	66.7%	47	33.3%
15	5821 Kennerly Ave	W 22 P 02	340	265	77.9%	73	21.5%
31	1927 Cass Ave	W 03 P 01	125	70	56.0%	55	44.0%
31	1927 Cass Ave	W 03 P 03	226	163	72.1%	58	25.7%
28	4370 North Market St	W 04 P 10	56	40	71.4%	16	28.6%
28	4370 North Market St	W 04 P 03	208	162	77.9%	45	21.6%
28	4370 North Market St	W 04 P 01	220	160	72.7%	58	26.4%
30	3120 St Louis Ave	W 05 P 02	163	111	68.1%	52	31.9%
30	3120 St Louis Ave	W 05 P 01	186	140	75.3%	43	23.1%
5	1022 Baden Ave	W 02 P 02	45	24	53.3%	21	46.7%
5	1022 Baden Ave	W 02 P 04	230	171	74.3%	58	25.2%
16	5030 Lexington Ave	W 01 P 07	57	38	66.7%	19	33.3%
16	5030 Lexington Ave	W 01 P 02	353	253	71.7%	99	28.0%
16	5030 Lexington Ave	W 01 P 05	419	317	75.7%	100	23.9%
21	5511 Wabada Ave	W 22 P 01	150	113	75.3%	36	24.0%
21	5511 Wabada Ave	W 22 P 05	288	217	75.3%	71	24.7%
<b>SMALL PRECINCTS</b>			<b>737</b>	<b>490</b>	<b>66.5%</b>	<b>246</b>	<b>33.5%</b>
<b>LARGE PRECINCTS</b>			<b>2470</b>	<b>1848</b>	<b>74.8%</b>	<b>605</b>	<b>25.2%</b>



### •Ohio (RT, H) (8; 14)

Charts for Ohio's early balloting and election day balloting were included in §II.D.2. In short, Cuyahoga (Cleveland), Ohio shows a 12.4% discrepancy from smallest to largest precincts. The discrepancy favors Clinton on election day only totals with a clean bill of health for early balloting in the same. Clinton outperformed initial full exit polling by 10% (and perhaps more as Theodore Soares argues in the exit poll section of this report).

Election Justice USA's estimate is that Bernie Sanders lost four to seven national pledged delegates from Ohio with Clinton picking up the same without truly having earned those votes.

### E. ARIZONA<sup>127</sup>

#### •Arizona (DVS, RT) (4; 12)

Arizona is the one primary state out of thirty-six for which Election Justice USA could not obtain precinct level results for its largest county, Maricopa. An executive assistant for Maricopa County Recorder Helen Purcell stated that they were no longer keeping track of precinct level votes after dramatically slashing the number of polling stations, as discussed in §II.A.1 of this report. Direct voter suppression in the form of closed polling station, lack of precinct level results, and no exit polling make it more difficult to estimate the impact of election fraud on delegate totals for Hillary Clinton and Bernie Sanders, but it is clear that registration tampering happened on a previously unseen scale.

EJUSA reviewed each individual record in a 151 person database collected and published by the online collective Anonymous.<sup>128</sup> The beginnings of EJUSA saw one of our current board members independently collect a database of more than fifty registration tampering complaints, very few of which we found to overlap with the Anonymous database. Our analysis of each entry in the Anonymous database and the early EJUSA database confirms that the primary target for registrations switched without the knowledge or consent of the intended voter overwhelmingly affected supporters of Bernie Sanders. Anonymous found that registration switching affected the following: 1 Unknown Party, 12 GOP, 139 Dem, 113 Sanders supporters, 24 Unknown Preference, 2 Clinton. These numbers are highly consistent with our analysis of more than 200 records.

While Southwest Voter Education Registration Project's Antonio Gonzalez thinks the major issue in Arizona was voter suppression "consciously, or unconsciously" by Republican state officials, he is very clear about what the remedy should be: "In my view, the Arizona primary, the Democratic primary, the Republican primary, should be thrown out and a new election should be held." According to Gonzalez, "the suppression of tens of thousands if not hundreds of thousands of Arizona voters" was a violation of the Voting Rights Act as it had a "disproportionate effect on Latino" voters. "Typically, Latino voters vote more heavily on election day" rather than in early or absentee balloting. Seventy percent of Latino voters in the state are in Maricopa county, according to Gonzalez, and the Democratic (and Republican) party should not seat delegates from Arizona: "Those delegates should be thrown out, the awarded delegates based on a fraudulent vote should not be allowed. Either that delegation should be disqualified in total at the party convention or you have to have a new election."

While registration switching affected voters all over Arizona, Maricopa County was hardest hit in

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<sup>127</sup> Portions of this section previously appeared in this article: <http://www.counterpunch.org/2016/05/12/purged-hacked-switched-on-election-fraud-allegations-in-hillary-clinton-vs-bernie-sanders/>

<sup>128</sup> <https://anonymousinvestigationblog.wordpress.com/2016/03/26/anonymous-report-was-arizonas-voter-registration-database-hacked/>

combination with a reduction in the number of polling places. There were more than 20,000 uncounted provisional ballots in Maricopa alone.<sup>129</sup> As the Anonymous report puts it quite well:

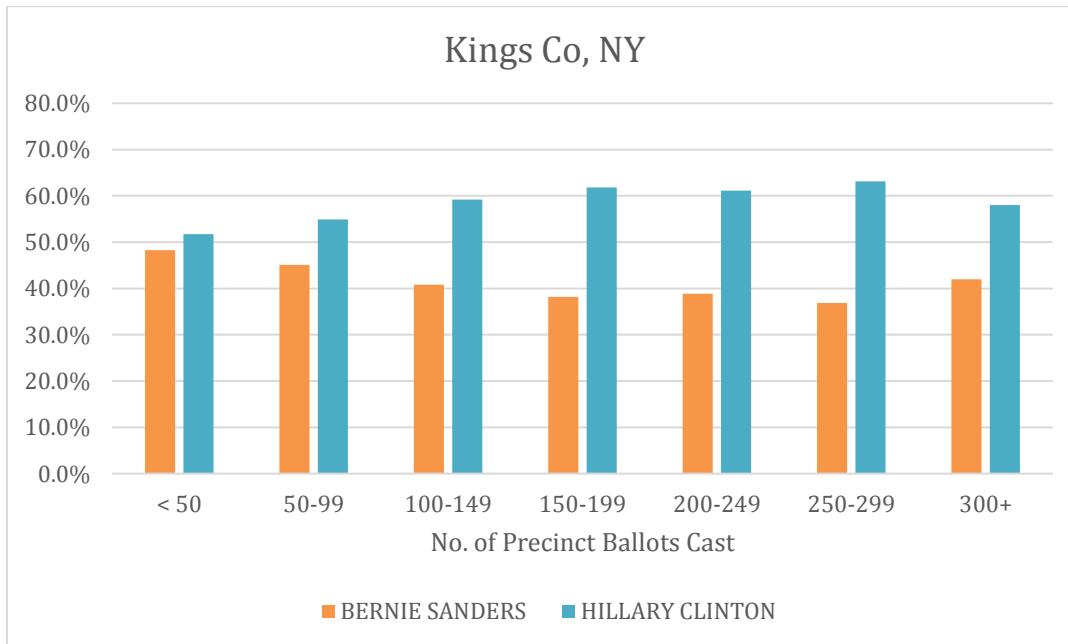
The lack of polling stations alone in Maricopa County cannot explain how Phoenix, with a Democratic Mayor, could see Republicans show up at the polls on election day to the tune of around 80,000 voters, while Democrats cast a paltry 33,000 votes in Maricopa County on election day. While Early Voting is increasing in Arizona with each election, we are rather skeptical of the idea that Maricopa had nearly 100,000 fewer Democrats voting in-person over against 2008’s primary between Clinton and Obama.

The argument made by Clinton’s campaign manager on Reddit that these issues affected Clinton’s supporters as much as Sanders supporters does not hold water. Apart from solid analysis of registration tampering complaints primarily affecting Sanders supporters, early voting plays a heavy role in Arizona. Everywhere else that was the case, Clinton won early voting handily with early voters skewing much older.

Election Justice USA agrees with estimates of the likelihood that 50,000 to 250,000 Democratic voters, largely Sanders supporters, were disenfranchised between direct voter suppression and registration tampering in Arizona. On that basis, and in consultation with Green Paper records<sup>130</sup> for Democratic delegates in Arizona, estimates that election fraud cost Bernie Sanders between two and six national delegates, with Clinton’s total inflated by the same amount.

## F. NEW YORK

### •NY (RT, RP, H) (16; 28)

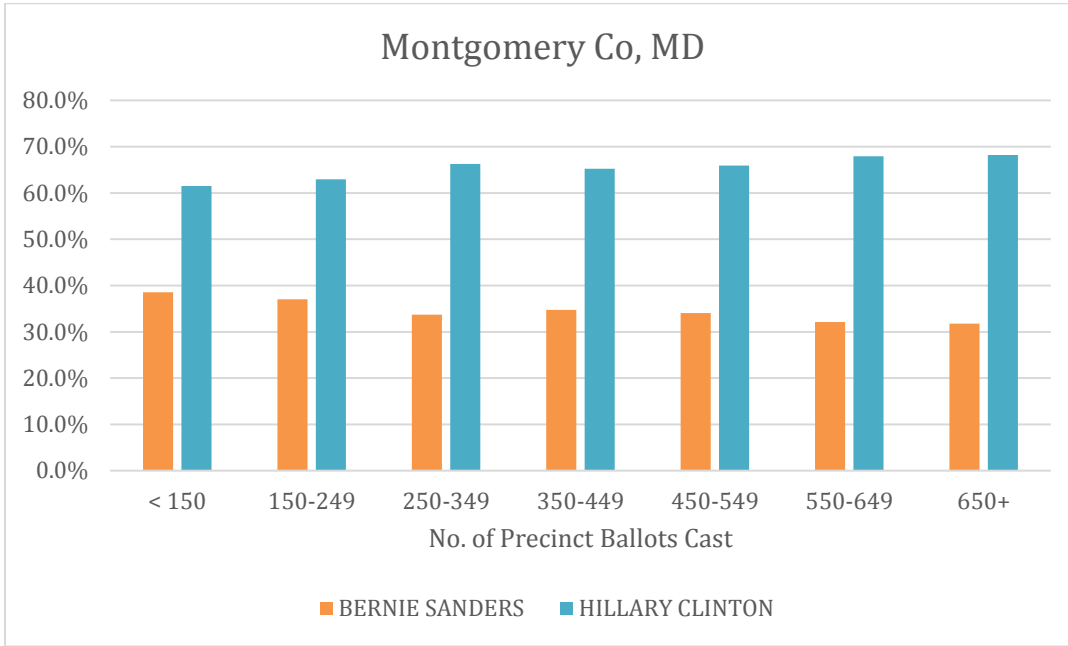


<sup>129</sup><http://www.azcentral.com/story/news/politics/elections/2016/03/30/maricopa-county-arizona-primary-election-canvass-results-protest/82427224/>

<sup>130</sup> <http://www.thegreenpapers.com/P16/AZ-D>

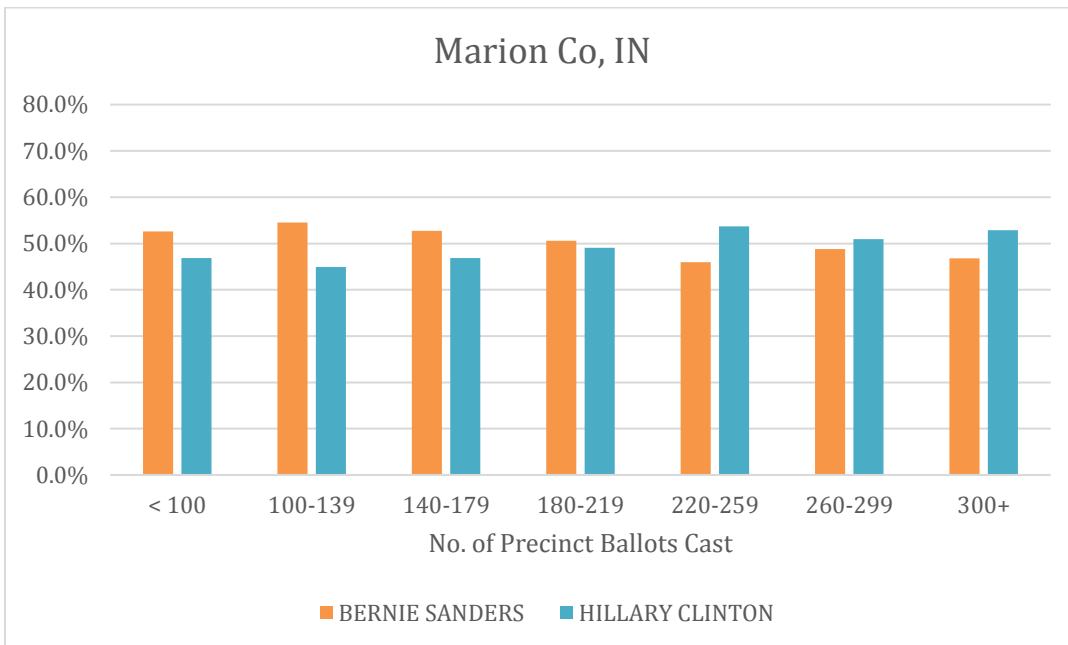
**G. APRIL 26**

•Maryland (RT, H) (0; 6)



**H. MAY CONTESTS**

•Indiana (H, RT) (6; 8)



· **Kentucky (RT, H) (2; 4)**

**I. JUNE CONTESTS**

· **Puerto Rico (DVS) (10; 14)**

· **California (DVS, RT, H)(40; 70)**

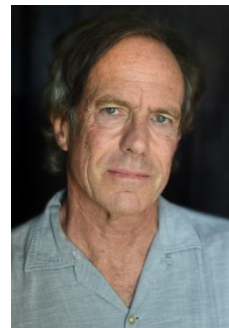
On May 31<sup>st</sup> the *Wall Street Journal* published a piece entitled “Clinton Might Not Be the Nominee: A Sanders win in California would turbocharge the mounting Democratic unease about her viability.”<sup>131</sup>

While most commentators disagreed, it was a legitimate argument that appears to have precipitated the same full scale effort to suppress votes from Sanders supporters and electronically manipulate voting on an industrial scale.

A previous section of this report details six different ways California elections officials engaged in voter suppression targeting no-party-preference (NPP) voters. Our online complaint form saw EJUSA receive testimony and affidavits from over 700 California voters who experienced voting and registration problems. Of these respondents, 84 were switched to another party without their knowledge or consent. In some cases, these changes were back-dated such that they were listed as made before the voter initially registered.

1) We have testimony from CA voters who were given provisional ballots by pollworkers despite their names being on the Democratic voter rolls; 2) We have testimony from CA Democratic voters who received the wrong ballot type in the mail; 3) We have testimony/video evidence from CA Democratic voters who were given provisional ballots instead of being directed to a recently-changed polling location; 4) We have testimony from poll inspectors about a shortage of ballots: in some cases, fewer than 39% of registered voters would have been covered by the amount of ballots provided for Los Angeles County precincts, despite a CA State Law requirement that 75% coverage be guaranteed. We also have testimony from voters who were forced to use provisional ballots due to ballot shortages; 5) We have testimony from poll workers did not count or keep a roster of provisional ballots in CA, hence no chain of custody is possible.

Alan Rifkin is one voter we spoke with after a specific recommendation from his poll worker. Mr. Rifkin provided us with several forms of proof that he had been registered as a Democrat and was sent to a specific polling place. When he arrived, however, his name was not on the voter rolls. Alan was forced to vote provisionally and spoke with us shortly afterward. “I left there demoralized that my vote won’t be counted for a long time, if at all. And I have heard from three or four friends who had the same experience today, something I’ve never heard happen before.” Rifkin’s vote was counted, but as he feared, it took more than a month for this confirmation to arrive. When it arrived, the postal worker inadvertently put his neighbors similar notice in Mr. Rifkin’s mailbox too.



*Photo 2 Alan Rifkin*

Meanwhile, a well-controlled California early voter exit poll (Capitol Weekly/Open CA) consisting of 21,000 data points matched early returns for down-ballot races, but showed a discrepancy with unverified

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<sup>131</sup> <http://www.wsj.com/articles/clinton-might-not-be-the-nominee-1464733898>

machine results (to Clinton's benefit) by an average of 14% to as much as 22% across the. Significantly, Capitol Weekly obtained exactly data directly from each California county that gave them the ability to control nearly perfectly for race, gender, age, geography, and political party. For state-level races, the exit poll proved highly accurate, even though Capitol Weekly noted in correspondence with an author of this report that down-ballot races were only weighted by age rather than all demographic factors the way the Presidential race was weighted. Capitol Weekly released two version of the poll, the first showing a 12% lead for Clinton with 69% of early vote-by-mail voters aged fifty-five or older. Counties in California publicly announced varying cut-off dates and times for early vote-by-mail returns. Ballots received before that cut-off time were counted and announced at 8pm on election night when polls closed. All those ballots received after the cut-off time were counted in the month after the election when the huge number of provisional ballots were also counted. Capitol Weekly's later version of it's vote-by-mail exit poll showed movement toward Sanders with a 10% lead for Clinton and a greater number of younger voters.

Election Justice USA was able to obtain early vote-by-mail (before the cut-off) numbers by precinct from several large counties, including Los Angeles, Orange County, and San Diego. All three counties show our irregular pattern of increased vote by percentage for Clinton as precinct size increased. In Los Angeles, the largest election county in the United States (New York City is divided into five different boroughs or counties), the pattern shows for election day voting as well.

Clinton saw a 29% increase in the difference between her and Sanders in Los Angeles from smallest to largest precinct sizes for election day voting in Los Angeles County and a massive 39.4% increase for the same in early vote-by-mail precinct level totals.

In Orange County, the sixth largest in the United States, Clinton improved over Sanders by 9.4% from smallest to largest precinct size on election day. That alone would qualify for showing the pattern weakly or uncertainty with our 10% cut-off for definitely showing the pattern. Early vote-by-mail balloting in Orange County, however, bumps into the certainly showing category with a 15.4% difference in the gap between Clinton and Sanders, favoring Clinton.

San Diego County, the fifth largest in the U.S. by population, likewise shows the pattern definitively in early vote-by-mail ballots with a 18.2% improvement in Clinton's advantage over Sanders from smallest to largest precincts. Election day totals in San Diego fall further down the 5%-10% uncertain range for diagnosing existence of the pattern with a 6.8% improvement on the difference for Clinton from smallest to largest precincts.

While full analysis of all of California's counties will have to be undertaken at a later date, irregularity in precinct level voting patterns is not limited to Southern California. Nicholas Bauer recently discovered one of the most striking patterns of all in Berkeley, California and some surrounding cities. Bauer excluded the UC Berkeley campus, and the wild pattern appears upon analyzing vote totals compared to the number of registrants in a particular city rather than strictly on precinct voting totals on election day.

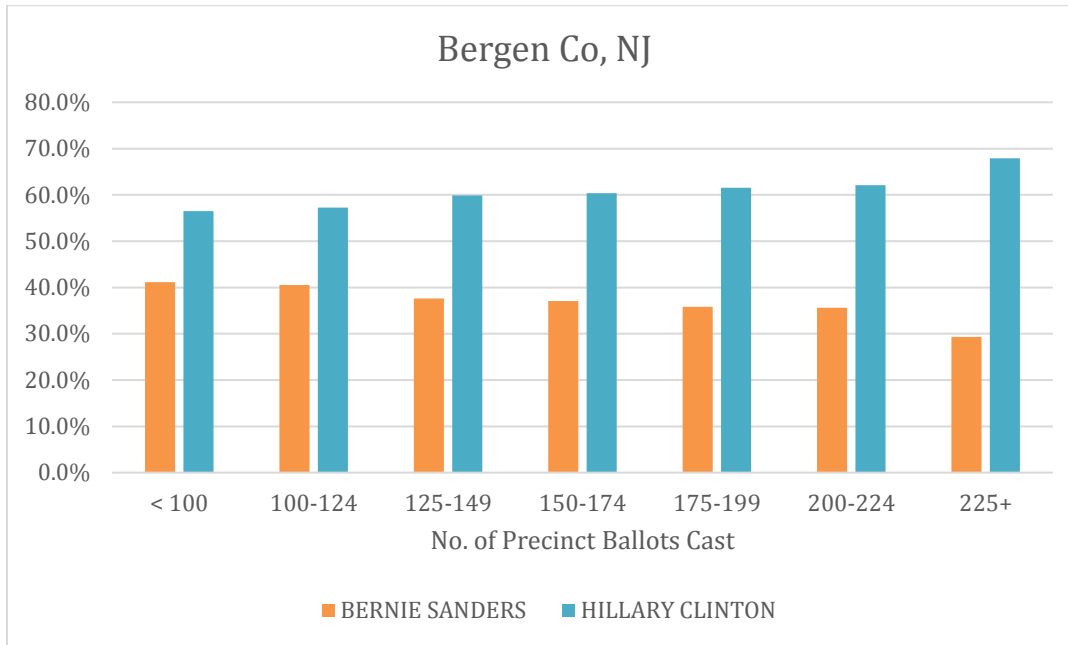
All told, the strategy to push back against a possible Sanders victory that could make Superdelegates skittish about Clinton (per the Wall Street Journal) seems to have proceeded along two specific fronts: 1) a massive effort to rig early vote-by-mail balloting as evidenced by discrepant exit polling and consistently large differences between smallest precinct sizes and largest precinct sizes in early vote-by-mail balloting in California's three largest counties and 2) a huge number of tampered registrations, especially moving people to permanent vote-by-mail status in a way that lead to huge numbers of provisional ballots so that

even if pro-Sanders ballots were cast, they were not counted and included in election night totals.

Taken together, Election Justice USA's estimates that twenty to thirty-five national delegates may have been awarded to Clinton that should have been awarded to Bernie Sanders.

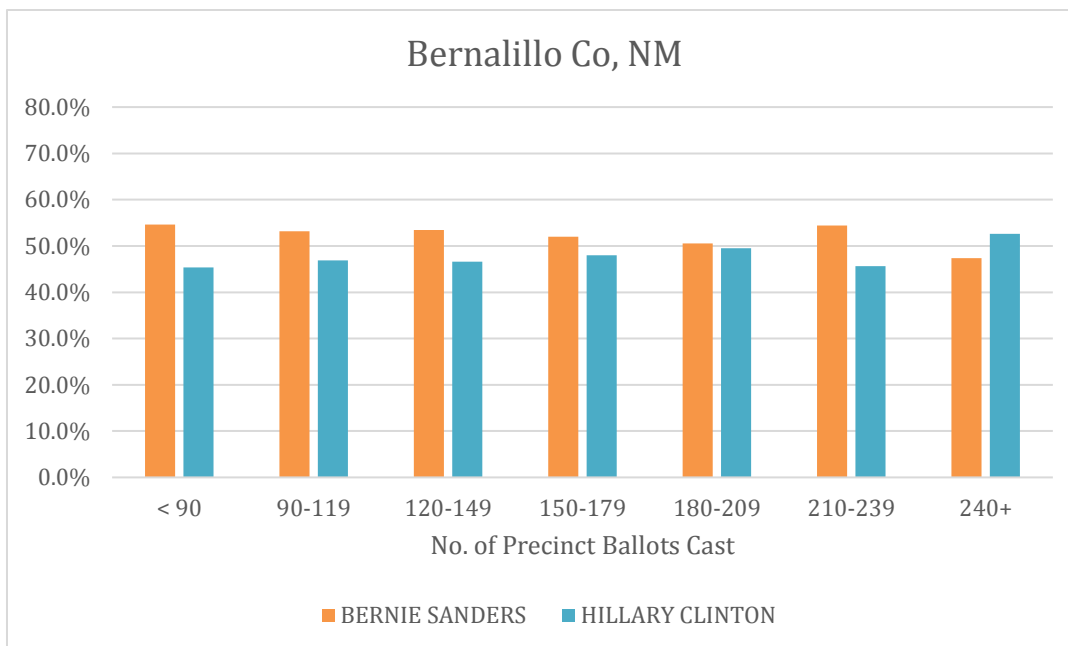
•New Jersey (RT, H) (10; 12)

23.8% swing smallest to largest



•New Mexico (RT, H) (4; 6)

14.4% swing smallest to largest



## **J. STATES REQUIRING FURTHER ANALYSIS**

- **Massachusetts (H)(2; 16)**
- **Texas 3/5 + 6/12 (H)(0; 34)**
- **Pennsylvania (H?, RT) (0; 14)**
- **West Virginia (H) (0; 8)**
- **Washington D.C. (H, RT) (0; 2) ?**

## **VI. CONCLUSIONS AND RECOMMENDATIONS**

### **A. CONCLUSIONS**

We have aimed to provide an overview of the evidence for various types of fraud and targeted voter suppression impacting the outcomes of the 2016 Democratic presidential primaries. After covering the legal background and the history of Election Justice USA's legal actions, our best efforts to combat election fraud and voter suppression, we gave a thorough treatment of:

- 1) Targeted voter suppression
- 2) Registration tampering
- 3) Illegal voter purges
- 4) Exit polling discrepancies
- 5) Evidence for voting machine tampering
- 6) The security (or lack thereof) of various voting machine types

Finally, we gave a date-by-date, state-by-state overview of each of these fraud or suppression types at work throughout the course of the 2016 Democratic presidential primaries.

Based on this work, Election Justice USA has established an upper estimate of 184 pledged delegates lost by Senator Bernie Sanders as a consequence of specific irregularities and instances of fraud. Adding these delegates to Senator Sanders' pledged delegate total and subtracting the same number from Hillary Clinton's total would more than erase the 359 pledged delegate gap between the two candidates. EJUSA established the upper estimate through exit polling data, statistical analysis by precinct size, and attention to the details of Democratic proportional awarding of national delegates. Even small changes in vote shares in critical states like Massachusetts and New York could have substantially changed the media narrative surrounding the primaries in ways that would likely have had far reaching consequences for Senator Sanders' campaign.

### **B. RECOMMENDATIONS**

We conclude by calling for decertification of the 2016 Democratic primary results in every state in which we have established a reasonable doubt as to the accuracy of the vote tally.

Finally, we wish to bring the reader's attention to three simple reforms that would eliminate the mere possibility of the vast majority of fraud types demonstrated or evidenced in this report:

- 1) Exclusive use of hand-counted paper ballots in all future US elections.
- 2) Automatic voter registration, with same-day party affiliation switching as a mandatory condition for all elections that are publicly funded.
- 3) Restoration of voting rights legislation which would ensure adequate access to polling sites.

Election Justice USA maintains that these recommendations for future elections, contrary to common claims, save taxpayer money. While beyond the scope of the present report, we aim to present a convincing case for this as part of subsequent publications.

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