



E2012: The Good, The Bad, and The Ironic

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November 6th: Celebrations, Riddles, Questions, Context

E2012—another Democratic victory, a lot of cheering in the streets, living rooms, and even some Election Integrity “war rooms” across America—a lot like E2008. Change you could believe in. Safe to go back in the water. Concerns about election theft greatly overblown. But that was before E2010, when the Tea Party swept in, Democrats and moderates were sent packing, and what seems to be a very long-term blockade of both federal and state governments was installed by those same red-shifted votecounts that had somehow escaped general notice two years earlier when they weren’t red-shifted enough to keep Obama out of the White House. Who, in December 2008, saw E2010 coming? Who, in December 2012, is thinking E2014? (We did. And we are. We hope you are too.)

What *actually* happened on Election Night 2012 remains unclear. In terms of outcome, while the Democrats took what were regarded as the major in-play prizes of the White House and Senate (adding to their narrow majority in the latter), the Republicans maintained a solid grip on the US House (despite Congressional approval ratings hovering in the single digits and despite an overall Democratic *victory* in the national popular vote for the House, only the fourth occurrence of this win-the-vote-lose-the-House phenomenon in over 100 years) as well as on a sizeable majority of statehouses. In effect *little changed in the actual political infrastructure as a result of E2012*, though the election was *momentarily* seen as a repudiation of extreme right-wing politics and of the impact of vast corporate and Super-PAC expenditures on voter choice. It is also worth noting that, much as in E2008, it required a dismal campaign run by a feckless, tone-deaf, and unpopular candidate trying desperately and all-too-transparently to Etch-A-Sketch away an indelible impression of extremism left over from the “severely conservative” primary season, not to mention a series of gaffes by GOP Senate candidates ranging from the borderline moronic to the instantly fatal, to bring about even this tepid electoral result that did little more than maintain the status quo.

But the real riddle of E2012 is what was Karl Rove doing on FOX News at the witching hour making a complete and very uncharacteristic fool of himself? The question remains unanswered. Shrouded still in mystery is whether a planned massive electronic rig was disarmed and, if so, how and why, at what stage, and totally or partially. Much of the evidence here is mixed and muddled, for there was no pervasive red shift relative to exit polls in most elections of national significance, as there had been in

every biennial election since 2004,¹ but it is in no way clear whether that was because the votecounts were honest and accurate or because the exit polls were in one way or another pre-adjusted to *anticipate* a significant red shift of the votecounts.² It is also unclear whether and to what extent a pre-set (i.e., programmed into memory cards installed well prior to Election Day) rig may have affected the outcomes of dozens of down-ballot (e.g., US House and state-level) elections critical to the overall political power balance. Prepared as we were at EDA for a “rapid response” to suspect results or signs of illegitimacy, we resisted the urge to jump into the fray with any speculative account of what had taken place on Election Night. There was a great deal of data to weigh and narratives to consider before either credit could be assigned or alarms issued.

In the end, our takeaway from E2012, qualified as it is by a host of uncertainties, is that there’s no cause for any but the most superficial celebration. All or part of the rigging enterprise may have been deterred and/or disarmed by a variety of efforts and actions (including our own), but the vote counting system remains concealed, privatized, insanely insecure, and an open invitation to future manipulation, especially in the below-the-radar primaries and “off-year” elections like E2014.

We base this assessment on our comprehension of the manifest and indisputable vulnerabilities of the voting system and on our deeply unsettling, if admittedly sketchier, perceptions of the events of November 6, 2012. Ironically the most solid piece of evidence of lurking Election Night drama is the now-infamous “meltdown” of Karl Rove himself on the FOX network, as he essentially challenged *his own network’s* call of Ohio and the presidency for Obama, citing a rapidly closing and minuscule gap between the candidates that did not jibe with any publicly reported returns, and making reference to server issues that sounded eerily reminiscent of the scenario in E2004, in which the SmarTech operation took over the official Ohio elections website at about the same late hour of the evening and Bush

¹ In E2002 the exit polls were withheld entirely from public disclosure, most likely because of the extreme disparities between them and the votecounts.

² It must be noted here that exit polling and pre-election polling, are, each in its own way, responsive to official electoral results and hence become part of a feedback loop contaminated when those results are distorted.

In the case of exit polls, the raw response data must be stratified according to the pollsters’ best estimates of electoral composition (which is to say, oversimplifying a bit, that there should be x% Democrats, y% Republicans, p% whites, q% nonwhites, etc., in a given sample). This stratification of course affects the poll’s outcome and it is in turn based strongly on the demographic percentages drawn from the *previous* election’s exit polls. But the exit polls from the prior election(s) used for this purpose are exit polls that have been *adjusted* to congruence with the votecounts in those prior elections (this is standard practice, on the theory that the votecounts are unquestionably *accurate* and therefore any exit poll that is not congruent with those votecounts must be *inaccurate*, not only as to its results but as to its demographics). Thus (and, again, to oversimplify a bit), if a previous election required a 5% rightward exit poll adjustment in order to match the official votecount, that shift will be reflected in similarly shifted exit poll demographics (e.g., %R/%D), and it is those demographics that will find their way into the stratification of the *current* exit poll, pushing the current *sample* to the right and therefore the exit poll *results* to the right. And thus a red shift of x% in the previous election will effectively cover a rig of x% in the current election by erasing the votecount vs. exit poll disparity that would otherwise have accrued. Which is to say that if the current election is *no more rigged than the previous one* it will appear, using the exit polls as baseline, *not to have been rigged at all*.

As data gatherers we simply have no way of knowing whether the initial posted exit polls have already been adjusted toward congruity with the votecount through contamination by “actual” votecounts drawn from “quick count” precincts to which the exit pollsters may have had early access. But we do know that the exit polls have been effectively “pre-adjusted” via a stratification model drawn from prior elections’ adjusted demographics, as discussed in the preceding paragraph. As a result, the exit poll-votecount comparison, so valuable as a baseline in elections such as 2004, before this adjustment process began to be built-in standard equipment, has become progressively less reliable as an indicator of suspect votecounts. Further, in E2012, for the first time since their inception, statewide exit polls were canceled and not performed in 19 states presumed to be solid red (mostly) or blue (a few), creating additional blind spots in this already compromised forensic lens.

suddenly surged ahead as the “late” votes came in. Rove—a heretofore brilliant, disciplined and careful calculator decidedly not prone to public humiliation—so clearly and publicly expected a different result and so clearly and publicly was banking on something to happen that *did not happen* that it begs the questions “What?” “Why didn’t it?” and “How?” This is all the more provocative in light of the information EDA had received that SmarTech had, as in Ohio E2004, contracted with state election administrators in several key swing states to “process” votes on out-of-state servers,³ and the fact that a shift of fewer than 170,000 votes total (easy enough on such servers) among the states of Ohio, Florida, Virginia, and New Hampshire would have reversed the Electoral College outcome and put Romney in the White House.

There are several competing narratives in circulation purporting to account for the thwarting of this putative outcome-reversing, real-time rig of E2012. They are, in no particular order:

- The intervention of either “Anonymous” or a similar “underground” organization to directly disable or interfere with at least part of the real-time vote shifting infrastructure.
- The testimony delivered by former NSA security expert Michael Duniho in an Election Day legal proceeding seeking an injunction to prevent the usage of software that had been recently “patched” in 38 Ohio counties, in which it was revealed that the plaintiffs were aware of and capable of exposing the specifics of the vote shifting setup in Ohio, essentially daring Rove & Co. to proceed with the rig.
- The pre-election publication, by former Rove affiliate Jill Simpson and our colleague and IT engineer Jim March, of a “[roadmap](#)” detailing the historical and contemporary interconnections among Rove, the equipment vendors and servicers, radical right-wing organizations, the Romney family, and IT operatives known to be participants in election-related enterprises.
- The unprecedented quiet engagement of the US DOJ/FBI in undisclosed election protection activities; one can well imagine the leverage, in light of the fate of Mike Connell, of a quiet DOJ threat to haul one or two of Rove’s key operatives—the actual button-pushers for a rig—into court to testify.
- The interest in ES&S apparently purchased by ostensibly left-leaning billionaire Warren Buffett as a counter to the Romney family’s investment in Hart Intercivic.
- The sum total effect of a broad swath of election protection breakthroughs by various members of the election integrity movement, culminating in a *Harper’s* magazine November cover story by Victoria Collier, a number of recently published books including our own [CODE RED: Computerized Elections and The New American Century](#), and a remarkable Election Day piece on Forbes.com.

Perhaps time and further sleuthing will clarify what impact, if any, each of these interventions may have had on the events and outcomes of November 6th. For the present, it seems reasonable to conclude

³ In addition to SmarTech, several other outfits with partisan ties, such as Command Central and Scytll, were also contracted to “process” votes sent through cyberspace to remote off-site servers.

that infrastructure designed to permit an outcome-determinative, real-time electronic manipulation was in place and that it was, for one reason or another, either not activated or thwarted in its operation, yielding top-of-the-ballot election results at or near pre-election non-LVCM⁴ polling expectations and little or no traditional red shift. *We must re-emphasize here that this in no way equates with a confirmation that the election was honest or the vote count accurate.* As over 98% of the votes were counted unobservably, we simply have no way of knowing. In fact, although it is unlikely, there is no *proof* that *Obama's* victory and the *Democratic* hold on the Senate were not maintained through electronic vote manipulation. Would it after all be entirely surprising to find that the darkness of cyberspace, long monopolized by the technical dominance of right-wing affiliates, was opening at last to other comers? Is not that the way most arms races ultimately proceed?

We return, however, from what is possible in theory to the outcomes observed in fact. Nationally, as has been noted above, the Democrats won the aggregate *vote* for the US House while the Republicans won a comfortable majority of the *seats* (234 – 201), a rare event that echoes the strange outcome in E2010, in which the Republicans achieved a spectacular net gain of 128 seats by virtue of a very modest (apparent) 6.8% aggregate popular vote margin, a seats-to-votes ratio unprecedented in US history. Our EDA Pennsylvania and Ohio forensic analyses unexpectedly showed the (mostly noncompetitive) House races, when aggregated across each state, to be red shifted relative to the high-profile and highly competitive presidential and US Senate races in each state. All else being equal, this pattern would suggest the possibility that at least some of the US House races, presumably the competitive ones, were rigged to the right (assuming that the presidential and senatorial races were not rigged to the left). US House races are not exit polled, either individually or statewide, so the only corroborative evidence we can point to at this stage is the egregious seats-to-votes pattern in each of these states. In Pennsylvania the Democrats *won* the aggregate House vote but the GOP came away with a 13 to 5 margin of the state's 18 seats. In Ohio, the Republicans did manage an (apparent) aggregate victory of 5.7% but parlayed this marginal advantage into a grossly disproportionate 12 to 4 sweep in seats. Overall, the US House remained in firm Republican control as this pattern was repeated throughout much of the country, especially in the many "purple" states where E2010 brought GOP control of the legislatures and/or electoral apparatus.

⁴ LVCM is the infamous Likely Voter Cutoff Model sampling methodology. In the case of pre-election polling the problem of baseline corruption is even worse than is the case with exit polls, detailed above in fn. 2. Not only do the plethora of pre-election polls also, like exit polls, liberally employ adjusted exit poll demographics in stratifying their samples, most also restrict their samples to so-called "Likely Voters," with many employing the Likely Voter Cutoff Model, a set of screening questions that eliminate from the sample respondents who are disproportionately members of traditional Democratic voting blocks (such as renters, young, minority, and low-income voters), thereby skewing the sample further to the right. These manifestly unrepresentative polls have, not surprisingly, enjoyed a superb track record during the computerized voting era, effectively covering the red shifted vote counts via an otherwise unjustifiable distortion of sampling methodology. See Simon J: *The Likely Voter Cutoff Model: What Is So Wrong With Getting It Right?* http://electiondefensealliance.org/files/TheLVCM_0.pdf.

Ironically, when in the run-up to E2012 certain pollsters moved away from the conventional seven-question LVCM screening approach (not in an effort to restore methodological purity but simply because voters would hang up in droves on telephone robo-polls that asked too many preliminary questions), so that their polls swung Democratic, there was an outcry from the pundit chorus on the right about the rash of "left-skewed" polls. Gallup, known along with Rasmussen for their consistent right skew, set things to rights with an LVCM poll that appeared to show, for those unaware of the methodological prestidigitation, a sudden Romney surge of nearly 10% in early October.

The roiling arguments about methodology left many—right, left, and center—dismissing the polls altogether as chimerical and, again ironically, awaiting the actual election results—unobservable, unverifiable, more faith-based than the polls—for the *truth*.

Granted that some of this can't-win-for-losing pattern can be attributed to the urban concentration of Democratic votes (giving the Democrats outsized majorities in a relatively few districts), greatly augmented by the uber-cynical Congressional redistricting plans shoved through by Republican state legislatures following E2010 (though this ruthless gerrymandering cannot account for the similarly bizarre results of E2010 itself, which *preceded* the decennial redistricting process). But there is another scenario, more pernicious still than gerrymandering, to be investigated for its possible contribution to these egregiously undemocratic results in Ohio, Pennsylvania, and elsewhere.

Pre-set and Real-time Rigging

Based on evidence from the past decade, it is virtually certain that attempted electronic election theft on a national level would not confine itself to reliance on a single logistical tactic. We strongly suspect that election rigging has evolved into what might best be described as a two-tiered strategy consisting of pre-set and real-time manipulations.

Of these, pre-set rigging is by far the most facile and least visible. It is quite simple, for example, to set the zero-counters on a memory card deployed in a precinct tabulator to +X for the supported candidate (or proposition) and -X for the candidate whose defeat is desired. At the end of the day an election administrator will perceive a "clean" election in which the total ballot count matches the poll book total of voters, unaware that a net of 2X votes have been successfully shifted per tabulator so tainted. Similar exploits can also be used to rig central tabulators. All that is required is the insertion of a few lines of malicious code among hundreds of thousands of lines on a given card, and it is trivial to replicate this alteration on hundreds or thousands of such cards. Given the current level and practice of election security, such a rig is virtually undetectable and needs only to pass the numerical smell test.⁵

The difficulty with pre-set rigs programmed into memory cards deployed well before the election, however, is that of *accurate calibration*, guessing well in advance how many votes need to be stolen to reverse the outcome of a given election. This is far from a trivial problem: in both E2006 and E2008 late-breaking political developments so changed electoral dynamics that what appeared to be a substantial pre-set rig was overwhelmed and rendered far less effective than would have been anticipated at deployment.⁶

⁵ Although there is no real technical limit to the magnitude of such a rig, the smell test comes into play at some point because the likelihood of suspicion, investigation, and ultimately exposure of the rigging enterprise increases with the magnitude of the rig. Although there have been a few egregious "outliers," red shift evidence over the years suggests that the outer limit of electronic rigging is in the 7% - 10% range. The recent forensics contributions of Francois Choquette and James Johnson have strong relevance here. They have shown, through painstaking precinct-level analysis, that suspect elections present what could be characterized as a "signature" pattern in which the allegedly benefitted candidate's vote share increases with increasing precinct size (such a pattern virtually never occurs in noncompetitive/nonsuspect elections). Having controlled for "benign" factors (e.g., urban/rural differences), it appears that the most likely explanation for this recurrent pattern is that larger numbers of votes can be safely shifted in larger precincts without failing the smell test and raising a red flag (compare, for example, 100 votes shifted from a total of 200 votes, =50%, vs. the same 100 votes shifted from a total of 1000 votes, =10%). See Choquette F & Johnson J: *Republican Primary Election 2012 Results: Amazing Statistical Anomalies* (2012)

http://electiondefensealliance.org/files/PrimaryElectionResultsAmazingStatisticalAnomalies_V2.1.pdf

⁶ In each of these elections, unanticipated events—in 2006 the Foley scandal and in 2008 the collapse of Lehman Brothers and the general economy—occurred in mid-September, turning close elections into routs. Recalibration and redeployment of the pre-

Real-time rigging, executed as the votes are tabulated on Election Day (or more often late on Election Night), avoids this problem. The manipulation can be precisely calibrated to overcome what would be the losing margin and reverse the outcome. It requires, however, the unavoidable deployment of infrastructure to intercept and alter vote counts, and thus is inherently more “visible” than the simple pre-set, memory card-based rig. The operation that permitted interference with, and apparent outcome-determinative alteration of, the Ohio presidential vote in E2004—the SmarTech/GovTech servers set up under the late Mike Connell’s direction in Chattanooga, Tennessee—was eventually detected, through its IP footprint, and privately investigated, coming very close to fatal exposure of the entire rigging enterprise.⁷ So there is a tradeoff between visibility/detectability (i.e., risk) and control/efficacy.

It is evident that each species of manipulation, pre-set or real-time, is best suited to a specific type of electoral contest. Where the volatility is low and the ultimate outcome can be roughly predicted well in advance, the pre-set rig is likely to be effective enough in the vast majority of cases. Where the volatility is high, however, and the contest(s) subject to unpredictable shifts in the political wind, pre-set rigs are more likely, as in E2006 and E2008, to undershoot (or overshoot) the mark and come up short (or suspiciously “long”). Of course there is essentially no *technical* limit on how large a pre-set, memory card-based rig can be deployed. But the cardinal algorithm of election rigging is that since the risks of suspicion, investigation, and detection increase with the magnitude of the rig, it is advisable if not imperative to steal no more votes than are needed to bring about the desired electoral outcome. Rigs of too great magnitude, such that they do not or might not pass the smell test, are dangerous and inadvisable.

In examining E2012 it is clear enough that the presidential race and the critical US Senate races were of the high-volatility genus. Not only were pre-election polls in fluctuating disagreement about the prospects of these highly competitive contests, but they were further subject to the vagaries of current events such as the recording of Romney’s “47%” gaffe and the political hay-making opportunities presented by Hurricane Sandy. It would have been extremely difficult to predict with the necessary accuracy even a month in advance what magnitude of vote theft would be necessary to gin up victories in these top-of-the-ballot battles. Lower profile down-ballot races for the US House and state legislatures would, on the other hand, be much lower in volatility and far easier to gauge. While it would of course be possible for a given such race to turn sharply on a gaffe or a brilliant attack ad, the much greater number of these races would smooth out such one-off bumps in the aggregate. And while it would also in theory be possible to see a repeat of something like the Foley scandal of 2006, which managed to sink many down-ballot Republican boats, the likelihood of such a “perfect storm” event reoccurring and having a comparable impact was exceedingly small.

It is, therefore, plausible to posit a two-tiered rigging strategy in which a pre-set rig covering competitive US House and statehouse races would be complemented, where feasible, by a real-time rig targeting the

set rigs was not only impractical at that juncture from a technical and logistical standpoint, but would also have likely had to be, to be successful in achieving overall Republican victories, of too great a magnitude to pass the smell test.

⁷ Had star witness Connell survived the plane crash which killed him just weeks before his scheduled court appearance to testify for the plaintiffs, such fatal exposure of the rigging enterprise might well have become a reality.

more volatile top-ballot races for President and US Senate. It is also possible that such critical top-ballot races were set up for manipulation via *both* pre-set and real-time methods.⁸ Pending further investigation, we do not know for certain where such off-site vote “processing” infrastructure was deployed, though we do know that SmarTech servers were networked with, at the very least, Ohio county tabulators; and, on information and belief, also with tabulators in several other key swing states. We do not know specifically if such networking, enabling a man-in-the-middle real-time rigging exploit along the lines of that employed in Ohio 2004, was either technically feasible or deployed in fact in Massachusetts.

If the combined approach thus postulated was in fact the rough layout of election theft 2012, it would go some distance toward a possible explanation of the “reverse” results of our surveys in Ohio and Pennsylvania. We may have been erroneous in our assumption that the US House races in these states could be aggregated and treated as a single noncompetitive and unrigged baseline by which to measure the presumptively targeted top-ballot races. If in fact the three or four arguably competitive US House races in each state had been the target of a pre-set rig, and if the plug was then pulled (or if the rig was actually counter-rigged) on the real-time rig of the top-ballot races, as it appears to have been, it is entirely possible that we would see a relative red-shift of the supposed “baseline” contests for US House. This could be the case even if the top-ballot races were both pre-set and real-time rigged, since the late national pro-Democratic volatility would likely have had a stronger impact on these races than on the more locally-determined down-ballot (e.g., US House) contests. Evaluating this hypothesis will require further drilldown into and analysis of our data, the results of which will be presented in due course.⁹

Life After Forensics: The Case For Observable Counting

If the foregoing discussion appears speculative at a number of points, that is because, unavoidably, it is. Numerical election forensics have become progressively more difficult and problematic for a number of reasons, including the corrosion of traditional baselines (exit polls, pre-election polls, prior elections, e.g.; see fn. 2 and fn. 4) and the apparent proliferation of real-time rigging infrastructure, which allows outcome-reversing manipulations to succeed while leaving a smaller numerical footprint than that left by traditional pre-set manipulations.

In the past our competitive-noncompetitive analysis has served as a corroborating complement to these other measures of electoral manipulation and the picture drawn has been relatively straightforward. In E2012, in the three states we examined as well as in the broader national context, the picture is more complex and confounding. There was, to all appearances, a major rig deployed but, for reasons continuing to be explored, not executed. There was a convincing Democratic victory, taken naturally at face value by virtually all observers not involved in the Election Integrity movement, that nonetheless

⁸ In this scheme, a limited (i.e., safe) pre-set rig could then be “topped off” by a precisely calibrated real-time rig of the type that Rove, to all appearances, was counting on in protesting the “early” call by his employer FOX News.

⁹ We will also be examining additional evidence--derived from other projects, such as FOIA requests for election-related materials and documents in Massachusetts—in an attempt to clarify the picture.

left the underlying national political balance of power effectively unchanged. And there is essentially no way of knowing what the collective intent of the public, as expressed in the votes cast in thousands of elections by well over 100 million American, really was. Successfully rigged, unsuccessfully rigged, partially rigged, pristine; legitimate or illegitimate: the count was 99% unobservable so there is simply no way to know.

While numerical election forensics may continue to play a role in the quest for election integrity, it is ultimately the fundamental unacceptability of concealed and unobservable vote counting, *independent of any proof or even evidence of fraud*, that is likely to be the newly forming line of battle. By now there are bulging archives of data, analysis, and numerical proof that in the computerized counting era elections have been electronically manipulated and outcomes altered. That case has been made, redundantly, for anyone with the stomach to heed it. It has not brought us observable vote counting any more than the recurring senseless slaughter of innocents with assault weapons has yet brought us an assault weapons ban. The difference however is that Virginia Techs, Auroras, and Newtowns are stark, visible, gut-wrenching, and undeniable catastrophes, while the Red Shift is a string of numbers, the province of wonks, and easy enough to continue to ignore.

The way forward, therefore, is unlikely to rest primarily on further “proofs,” at least not numerical ones. Direct investigation and infiltration of rigging enterprises seem perhaps to have “saved the day” in E2012, but these too are at best a shaky way to achieve anything like accurate vote counts, and are no recipe at all for genuine election security or integrity.¹⁰ Without an observable count on Election Night at the voting sites before the ballots ever leave the public view,¹¹ elections are fatally compromised as the legitimate foundation of democracy, and this basic truth requires no forensics, direct or indirect, to establish.¹² The task that remains is that of changing a process passively accepted as a *fait accompli* and currently possessing the vast weight of legal, bureaucratic, and habitual inertia. This change, to an observable counting system, will require a reawakening in the American citizenry of a compelling sense of both its collective rights in, and collective duties to, our democracy.

Rights and Duties

For we maintain that the *right* to honest elections and an observable vote count comes with the *duty* to be a participant in that counting process. If we insist on outsourcing that collective duty to others, we have thereby acquiesced in the compromise of the collective right. If we place convenience,

¹⁰ One can imagine a new era of “may the best rigger win” elections in the Wild Wild West of cyberspace, of small comfort to the ordinary citizens of Bottleneck caught in the crossfire, awaiting the official results and their biennial fate.

¹¹ When ballots are counted in a recount, a days-later audit, or even at central counting stations on Election Night that require the ballots be transported, continual public observation is lost and there is no way to be certain that the ballots being counted are the same ones as were cast.

¹² It remains an open question within the ranks of election integrity advocates to what extent a fully paper-based system with a mandated and robust audit protocol would provide sufficient public “observation” (albeit indirect) to meet the standard of observable counting. While robust audits conscientiously executed could indeed serve as an effective deterrent to the rigging enterprise, we have seen in practice that audits themselves often are ineffectual or corrupted. It is our opinion that, whatever their utility as a stopgap, audits fall short of the fundamental principle of observable counting that hand counting of all ballots on Election Night at the polling sites and public posting of results at the precinct and successive higher levels of aggregation would secure.

expediency, or our own ease and leisure first, ahead of this basic duty to our democracy, can we really be judged to deserve that democracy as our right? So two fundamental questions must be addressed in the name of election integrity:

- 1) Are the citizens of America willing to stand up for the right to an observable count as intrinsic to the right to vote; are they willing to fight secret vote counting with the same energy that they would fight mass disenfranchisement?
- 2) Are the citizens of America willing to assume the modest burden of direct participation an observable count would impose on them?

Progress on both fronts will require powerful initiatives of education and outreach, using all available media, including a major reliance on bottom-up social media to compensate for the sluggishness, stubborn indifference, or intentional stonewalling of established top-down media.

Fortunately the ground is fertile for this campaign: when voters were asked in a national Zogby poll taken in October, “Would you be willing to work as a volunteer vote counter for 4 hours at some time during your lifetime as part of a national effort to make vote counting in our elections public and observable?” a solid majority of 57% responded “Yes” (to 23% “No”).¹³ That represents nearly 70 million Americans willing to put in the hours estimated necessary to have a fully public, unpaid vote counting “labor force” for American elections.¹⁴

It is now our job not only to impress this reality upon reflexively nay-saying election administrators and politicians, but to let the American people know what they don’t yet know about themselves: that they are ready and willing to work for and serve their democracy, that they are more *genuinely* patriotic than anyone would have guessed.

One promising path to this epiphany will be to organize, record, and promulgate a serious and substantial public counting of a mock election. Such an effort is well within the compass and capabilities of EDA and/or our fellow election integrity organizations. Another is to recommence the “We Count” campaign to recruit such a public counting force nationally, collaborating with our sister EI organizations and using our growing understanding of social media to spread the word far more effectively. Looking forward, therefore, our plan of action is to raise consciousness about the critical importance of observable counting to the health and well-being of our democracy, about the public duties inherent in this process, and about its demonstrable practicality. We believe the American people are prepared for this revisiting of the meaning of participatory democracy and will respond with enthusiasm and insistence to a well-framed, well-presented, and well-publicized call to action.

¹³ Positive response was found among majorities of both Democratic and Republican voters, across all age groups, among both white and minority voters, and in all geographic regions. In response to a companion question, fully 60% of voters expressed some degree of “worry” that “insiders or hackers could change the results of important elections by manipulating the Electronic Vote Counting Systems that count the votes here in America,” a majority again consistent along the political spectrum.

¹⁴ In a typical protocol that has been proposed, citizens would be vetted, as they are for jury duty, and would work in teams of three counters selected from three pools representing each major party and minor party/independent voters, so both major parties and the growing remainder of the electorate would be represented in each counting team, and at least three sets of eyes would be on every ballot counted. An alternative recommendation would provide for two-member teams (the major parties) with observers of every team allowed from every other party (or issue) on the ballot.

Let us begin.