

Institutional Actions Needed to Protect the Presidential Election 2008

Summary Proposals -- What State Democratic Party Offices and the Obama/DNC Voter Protection Group Can Do Now to Prevent Election Issues

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1) PRIORITY - Voter Education, Re-Registration and ID: Publicize the need for voters to check their registration and re-register if they've been incorrectly purged. Publish state laws on voter ID requirements and ask all voters to come to polls prepared with ID. Inform new voters they need to have received a registration confirmation card, and if they have not received it before the registration cutoff date, to re-register. Voters may bring unmarked sample ballots to polls if paper ballots are not available (check per state law).

2) TOP PRIORITY - TIME SENSITIVE - Monitor all state voter registrations databases for purging and voter category changes (valid, invalid, active, inactive, pending, cancelled): Many state databases are planning to be live on election day, allowing ongoing tampering. Lock down the data on a read-only CD, don't allow live databases as this will increase the opportunity for extensive changes without proper checks and balances. Live databases can lead to 4-5 methods of changes, very hard to document or unravel later. Monitor the interface between the state database and private vendors; some states have blamed vendors for making incorrect party changes. Wholesale changes of databases must be monitored closely in all states, not just battleground.

Shifting of voter categories in databases is one of the most subtle ways to hide purging and this may occur until election day, in some states legally. Watching for patterns allows purges and shifts to be spotted and corrected prior to registration deadlines. Category shifts have occurred recently with no consequences, so the practice may be used widely, not only in battleground states. Consider what means can be used to re-register purged voters while time allows.

3) PRIORITY -- Help Obtaining ID: Help voters without ID to obtain appropriate ID. This may require going into neighborhoods where such voters are likely to be found. Paper work takes time so this needs to be done immediately. **Cost Of ID:** If voter ID is too expensive, can the DMV or DNC provide it at reduced cost or can the party underwrite the cost?

4) Monitor Paper Ballot Orders: Request the Secretary of State to issue an administrative order to have all counties provide an adequate supply of paper ballots. Request from the Secretary of State the number of paper ballots ordered for each county and the total number ordered from the certified ballot printers for the whole state. Compare these orders to expected turnout and the state law regarding the right to an adequate supply. Take immediate action to have Secretaries of State increase orders if necessary, and also publicize alternate 'ballots' citizens can use when voting if their polling site has run out of ballots or if other voter qualification questions arise.

5) Monitor Staff Shortages To Process New Registration Forms: Monitor how fast the county election staff is processing new voter registrations. If processing is backed up, publicize it and request that the county add additional staff immediately. A partisan manager may intentionally hire insufficient temps to input new Democratic registrations.

6) PRIORITY -- Strategists need to stay abreast of new problems and consult with each other to identify new clues: Protection team leaders and strategists in each state and county can keep up with new problems and solutions by subscribing to Daily Voting News, a free, one-page daily email. Subscribe by sending an email to DVN@votersunite.org. Additional field tested resources for counteracting dirty tricks are listed in [Toolkit 2008](#), which can be downloaded from www.blackboxvoting.org/toolkit.pdf. Connect with election protection resources nationally to pool clues coming in and share evidence collected on an ongoing basis. Establish emergency contact conduits for urgent situations.

7) PRIORITY -- Election Observer Access Issues: On election day, official observers may be prevented from exercising their legal right to witness the election, often with no consequences to those who prevent observation. Observers who ask informed questions are more likely to be thrown out or arrested. Inform observers of their rights to observe at the polls and at the internal county hotlines; before, during and after the election; during any recounts and during preparation for audits and during audits (for example, access to see the ballot room and ballot bags, and see the ballots during the audit); and access to hear (that is, no whispering by staff or written notes passed to avoid audible communications).

Rights to observe and ask questions need clarification from attorneys. Ask the Secretary of State to broaden observer rights if needed. Example: the CA SoS has been asked for clarification of the right to witness the Registrar and Election Managers in counties where, to prevent observation, they retreat to private offices to manage elections.

Observer materials should include a list of what to watch for: broken security seals, breaking machines, polls down, long lines, private vendor access to the polls, memory card handling, response to running out of paper ballots (or lack of response), observer access blocked, incorrect information given to voters, the ballots not being counted and voter intimidation at the polls. Example: in Los Angeles for the February 2008 Primary, the new Registrar didn't want to count 100,000 provisional ballots. Without observers this would not have been known.

Observers are needed BEFORE the election to provide chain of custody security for mail-in ballots. Locks and security cameras are needed for ballot rooms, as well as observer access to view the videos. Observers are needed AFTER the election to ensure that ballots are counted; that machines to be audited are randomly selected (not pre-selected); and that audits are done with witnesses present at all times. Example: in San Mateo county the "missing ballots" (the check against the machine count) were found only after observers were sent home! Because there was a ballot printer on site, there was no way to know whether the "found ballots" were legitimate, since observation of the chain of custody was broken by the election managers.

8) Legal Reference Booklet For Every State: A short reference booklet is needed for observers, monitors and election protection teams for every state. The following must be clearly defined: election observer rights, whether video cameras may be used to document problems, legal and media hotline numbers to call for help, how to document issues, what to watch for. Legal information is difficult to find and hard to interpret. Example: in CA info comes from the Elections Code, the Secretary of State, the state assembly and senate election committees.

9) Litigation Readiness: Prepare emergency preliminary injunctions for election days in counties where problems are expected. Get local attorneys to identify the presiding judge and the timing for filing, and to prepare legal actions. Example: in Los Angeles County in the spring of 2006 the Peace and Justice party filed for an emergency injunction to stop a Diebold central tabulator from having access to the internet. This was thrown out immediately, as the judge likely didn't understand the context of the legal action. Wireless access continued through that election thanks to Registrar Connie McCormick. (She was highly partisan, promoted the Diebold company, and blocked observer access. The new Registrar Dean Logan is perhaps worse.)

10) TOP PRIORITY -- Arrange For Party Observers To Witness The Internal County Hotlines, Collect Poll Tape Tallies and Monitor Returning Ballots and Machines: Watching the internal county hotlines can be like doing poll watching at half the county polls at once! Get prior written permission AND the locations of such hotlines. There may be separate hotlines for the general public, poll workers, staff, and computer field techs.

If you are told such hotlines don't exist, then ask how they receive trouble calls for problems in the field on election days? The computer hotline is the most important because this will showcase voting machine problems and how much access and control vendors have over our elections.

Have volunteers photograph the poll tapes posted outside the precincts after the election, and reconcile these tallies against the unofficial election numbers on Election Night - this is a check and balance against the voting machines. Watch the returning ballots (are boxes sealed with numbered seals?) and machines (seals intact?), memory card handling, and how these sensitive materials are handled for reporting. Full monitoring of the county is preferable and should be considered in vulnerable counties, see the BlackBoxVoting.org's [Toolkit 2008](#) for details. Tag teams may be used to cover different parts of the operation since the long hours can run until early morning. Attorneys aren't needed for most of these tasks unless access is blocked, volunteers can listen and take notes and use live hotlines for advice on actions to collect evidence (Secretary of State may have advice, BlackBoxVoting.org will offer advice).

11) Observers' Rights To Observe Chain of Custody and Tabulation: Publicize state laws that allow observers to watch transportation and storage of election materials and the central tabulation. Arrange for county teams to do this. Careful observation at every polling site and every county seat can be for naught if ballots or memory cards can be changed when out of public view. Observers are needed for chain of custody of absentee ballots, from election day through election certification.

12) Election Night Posting Of Precinct Totals and Accounting of Tallies: If state laws require the immediate posting of precinct totals, and/or tally tapes from each machine, these must be posted at the polls for public recordation to provide a check against machine tallies. Observers assigned to poll sites can demand that poll workers and election officials comply with this important disclosure. Clarify legal steps observers should take if the laws are not being followed. Observers phone in tally tape precinct tallies to a county central site, where accountants tabulate them to ensure that official county and state tallies are correct. (This is the best and possibly the only way to check on central tabulator equipment and software which has been demonstrated to lack security and be subject to manipulation of totals.)

13) Inform local authorities: Meet with the DAs office, Chief of Police and presiding judges to review election laws and the kinds of problems that may occur. Educate law enforcement on what they may be asked to do by observers. Collect contact phone numbers for key individuals in case communication is needed.

14) PRIORITY -- Obama Should Sign The "No Concessions" Pledge and prepare a contingency media campaign: This will energize Democrats and increase the possibility of winning. It will assure voters that he will not buckle to pressure to concede if election tallies are unclear or suspect. No one is a "sore loser" when they need to question a broken election system. To prepare for a challenge we must have a media campaign ready to go if needed. Framing this issue anew offers the opportunity to address it better than in past presidential elections. <http://www.standingforvoters.org/> If any election (House and Senate too) is contested then chain of custody of materials such as ballots, paper trails, and memory cards need to be closely watched at all times.

15) PRIORITY - Exit Polls: Produce independent exit polls to provide the campaign with clean, independent data. This will give Obama and the party the information needed to determine whether a challenge is warranted. In recent years the integrity of exit polls has declined as "adjustments" have been made by polling companies to support announced tallies. Example: between midnight and 5 AM in Ohio in 2004, Kerry and Bush tallies were flipped, giving Bush another term. Polls were also adjusted to support the announced tallies. Do not accept suspicious results. Do not allow candidates to concede without careful consideration of all the evidence from grassroots organizations and hotlines. Do not allow the media to call the victor without a challenge! Traditional polling data from the media is subject to manipulation and independent exit polls are needed.

16) Research And Act To Lengthen Election Reporting Timeframes: Short reporting deadlines have proven historically to be one of our worst problems. Do the legal research now to identify any flexibility in the timeframe for reporting election results, including county, state and Electoral College deadlines. If election problems arise, every day will count. The candidates may want to delay response if they have additional time or can file for such a request. Gathering and analyzing this critical data will take time and the media must be managed to prevent unnecessary pressure on candidates.

17) Establish Communication And Relationships With Election Integrity Grassroots: Election Integrity grassroots people will have access to real-time data on election day including patterns of disenfranchisement and manipulation of tallies that could change outcomes and affect concession decisions. The campaign needs to arrange now to be informed.

18) Educate Voters NOT To Use The Straight Party Ticket" Voting Option: In several states the "straight party ticket" voted via one bubble or one button will NOT register a vote for President. Inform voters to vote for each office individually.

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