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Practical Activism

“MoveOn should take this issue on.”

“What about contacting the ACLU?”

“Have you thought about calling Bill Moyers?”

“Congress should launch an investigation.”

All great ideas, but they are missing something. Taking back our vote is not something we can depend on others to do for us. This requires the top talent we have. Nothing less will do. This job needs *you*.

What are we fighting for? Simply this, and we must accept nothing less: We want voting systems to produce voter-verified paper ballots, and those ballots must be considered the legal record when used for recounts and audits. We must use robust fraud-detering auditing methods, and we must place a much higher priority on catching and correcting software miscounts.

We need a temporary interim solution, so we can be confident that our votes are secure in the next elections. We also need a long term solution, a bill passed by Congress to solve the problems revealed in this book.

We need to develop public policy, auditing procedures, and tamper-proof voting machines based on input from experts in a variety of fields, and we must not allow our collective common sense to be overridden by profit motives, or the desire to save face because of past mistakes.

I've been told that simple solutions, like Australia's open-source system that cost only \$150,000 to develop, could take all the profit out of making voting machines. Well, who thought it was a great idea to make a buck off a vote anyway?

Corporations make poor decisions all the time. Dot-coms go blam. Hardly anyone buys electric typewriters anymore. Try selling Thalidomide to a pregnant woman nowadays. Vendors who created unauditible systems with secret software will just have to dust themselves off and think up a new plan, because we are not going to compromise on our vote.

Let's block new legislation designed to protect and encourage flawed election systems, identify public officials who allow such systems to grow or refuse to support sensible reforms, and re-educate those who are open to it. For the most intransigent, toss them out of office. And we need to spread the word as widely and quickly as we can.

A little conceptual work

Some of us have a stereotyped impression of activism. We think it means joining some group marching down Main Street or standing in front of a building, holding signs and chanting.

There may be opportunities for that, but that isn't what I'm asking you to do. The following information demonstrates how we can *all* get involved, even those of us who are not inclined to march down the freeway in the rain.

Swarms work better than centralized power. We can win more readily with a loosely organized set of allies, coming at the problem from different angles in unpredictable ways. You can't decapitate a swarm, and a series of stings tends to provoke reactions which in turn attract interest from new hives.

Those who show leadership and tenacity should be encouraged to form their own followings. There are no requirements that groups share information about their doings with any central authority, nor should everyone use the same approach. Now and then we meet at the water cooler.

We need not even get along or agree completely on what the solution should be, though that would be nice. Indeed, our opposition may try to wedge us apart, but we're quite capable of bickering and internal drama even without that. If one group of activists becomes irritated

with another, as long as both keep coming after the issue without pause, the strategies of each group — because they are different — become all the more unpredictable to the opposition.

Ordinary citizens have already had a real impact, with almost no financial backing. Now we need to increase the number of people in the swarm and build more hives.

It is up to you to decide what your role will be in this movement. I offer the following suggestions to help you define your own role:

1. Take stock of what you like to do already. You'll be more effective if you invest your time doing things you enjoy.
2. Look at your skill set and apply your talents to this cause.
3. Create a group of friends, so that you can enjoy socializing as part of your activism.

The remainder of this chapter will illustrate how ordinary people like you have used their talents to make a difference. If you're not sure where to start, begin by visiting www.BlackBoxVoting.org.

* * * * *

One day, Washington Director of Elections David Elliott answered a phone call from a concerned citizen about a Washington State requirement for prior certification. In Washington, voting systems could be accepted only if they had first been certified and used elsewhere (in addition to NASED certification). The caller, Linda Franz, thought that requirement stifled state options for voting equipment. Elliot suggested she support pending legislation to delete those requirements.

I suppose he didn't expect her to look up the legislation and read all of it, because that set off alarms and a call to action.

After looking more closely, Franz found that the *only* positive aspect of the bill was dropping prior-use/certification requirements. The rest of the bill eliminated the requirement for a separate ballot, enhanced the legality of the electronic vote record and *gave the secretary of state free rein to accept voting-system changes, certified or not*. Franz, along with other concerned citizens such as computer consultant Marian Beddill (finance- committee chair for Whatcom County Democrats), stopped the bill — and its various incarnations — in its tracks.

Never underestimate the power of one or two determined people.

Linda Franz is not a very public person, and, though she is one of the driving forces on voting activism, she does things so quietly

that few people outside the elections industry even know who she is. Why would a private individual such as Franz decide to take on voting legislation and the public officials who are promoting it?

“All I know is that I’m 50 years old, and I never expected to have to spend the second half of my life fighting for my son’s right to vote,” she says.

What are *your* talents and interests?

New York City’s Jeff Matson has a knack for coming up with slogans and sound bites. He put out a call on the Internet for ideas on quick, appealing messages to help all of us spread the word.

What followed over the next 48 hours was a flurry of volunteer contributions for you to use on bumper stickers, pins, billboards, posters, flyers, T-shirts and ads.

This voter chose to highlight the failure of the Help America Vote Act (HAVA) to mandate proper accounting:

Help America Vote Act?

How About Voting Accountability!

One voter suggested a play on words using the term “corrupted”:

Matson got such an enthusiastic response to his request that we can cheer up the rest of this chapter with ideas triggered by his activism. You can use these concepts in your own efforts.



What other skills can you bring to the table?

Dogged determination — Keep the message up front and let your elected officials know you are not going away and that you expect them to defend your right to vote. Call them, write them, e-mail them,

fax them and, by all means, visit them.

Number crunching — “The election went smoothly and no one reported any problems.” You’ll hear that on election night. Yet, in Chapter 2, you read about dozens of documented voting-machine miscounts, and hardly any of them were discovered while people were voting on the machines. Problems are found *after* the election — days later, when media interest has died down.

Help collect vote totals as they are coming in, catch anomalies, report them and join others in analyzing them. Hop online on election night and flag discrepancies, and post them in the forums at BlackBoxVoting.org, where you can compare notes with others.

A citizen volunteer who goes by the screen name “SirRhino” reported these numbers after returns came in for the 2003 California recall election:

“After printing the spreadsheet out, taping it to a wall and contemplating it for a while, there are three counties that give me pause, Alameda and Tulare, and possibly Humboldt. In Tulare, Jerome Kunzman (Ind) got 694 votes while he got only 56 in LA. (the county with by far the highest voter turnout). Jerome’s second highest was in Fresno (366) and third highest in Humboldt (240).”

“SirRhino” wanted to take a look at why Kunzman got 14 times as many votes in a small county like Tulare as in Los Angeles, and he noted that Tulare, Fresno and Humboldt are Diebold counties.

“HarmonyGuy” suggested an explanation:

“Thanks for pointing out the Tulare ballot — don’t know how the heck you found it, but it seems to answer the Palmieri/Kunzman issue ... those blasted BUTTERFLY-type ballots are back.”

From the 2003 Tulare County, California, recall ballot:

<input type="checkbox"/> CHERYL BLY-CHESTER Businesswoman/Environmental Engineer	<input type="checkbox"/> PETER W. DIEBOLD Businessman/Climate Activist	<input type="checkbox"/> GREG MANTONIAN Businessman/Writer
<input type="checkbox"/> B.E. SMITH Lawyer	<input type="checkbox"/> BILL PRADY Television Writer/Producer	<input type="checkbox"/> PAUL MARSHALL Ministry
<input type="checkbox"/> DAVID RONALD SARRI Businessman/Professor/Writer	<input type="checkbox"/> ERIC PRICE University Chemistry Instructor	<input type="checkbox"/> ROBERT E. SHANNON Retail Businessperson
<input type="checkbox"/> JAMIE ROSEMARY SIFFORD Business Owner	<input type="checkbox"/> GREGORY J. PAWLIK Radio/Businessman	<input type="checkbox"/> FRANK & MACALUSO, JR. Physician/Marketing Director
<input type="checkbox"/> LAWRENCE STEVEN STRAUSS Lawyer/Businessman/Student	<input type="checkbox"/> LEONARD PRILLA Law School President	<input type="checkbox"/> PAUL "GARY" MALANDRIN Golf Professional
<input type="checkbox"/> ARNOLD SCHNAPENGOSSER Auto/Businessman	<input type="checkbox"/> RONALD IRVIN PALMISTO Sex Rights Activist	<input type="checkbox"/> DENNIS DUGGAN MCMANON Banker
<input type="checkbox"/> GEORGE E. SCHWARTZMAN Businessman	<input type="checkbox"/> CHARLES "CHUCKY" PRINZA JR. State Treasury Officer	<input type="checkbox"/> MIKE McRELLY Actor
<input type="checkbox"/> WAZ SCHERER Ministry	<input type="checkbox"/> HEATHER PETERS Banker	<input type="checkbox"/> ANDY F. SECARDYFF Used Car Dealer

Web design and Internet skills — If you can volunteer to create simple Web sites, you'll find many takers in the activism community.

Computer programming — If you have computer programming knowledge, your presence is needed at public testing and certification meetings. A 28-year-old computer programmer named Jeremiah Akin decided to show up at a public Logic and Accuracy (L&A) test in Riverside County, California. He was shocked when he was told to sign off on the test before it was completed. He wrote a 22-page report about various anomalies he spotted during testing of the Sequoia machines. Akin's story was featured in the online magazine *Salon.com*, exposing important problems with the certification process.

We also need computer scientists to develop and critique open-source voting-system software.

Writing — If you are a good writer, you can help other activists hone their message into concise, clear, credible handouts and assist candidates by providing material they can use in speeches.

Using the forums: If you have not used an Internet forum before, now is the time to learn. The BlackBoxVoting.org forum is "self-serve." You simply go to the Web page and log in, and you can ask for resources, request research, join projects, post your own documents and artwork for others to use. It's easy, and there are step-by-step instructions.

Several voting-issue forums are available. Among the sites that have forums for voting-issue activists:

www.BlackBoxVoting.org — Participatory activism

www.BlackBoxVoting.com — News & Comment

www.VerifiedVoting.org — Legislative activism

www.OpenVoting.org — Development of an open voting solution.

www.VoteWatch.us — Voting discussions and election reporting

Desktop Publishing — If you enjoy creating brochures, posters and handouts, volunteer your skills. Your work may very well end up at rallies, in libraries and at town meetings.

Printing — Contributing at-cost printing is an important activism activity, to get newsletters and fliers into as many hands as possible.

Organizing — If you are a good organizer and like to get on the phone and work with the media, your help is needed both for events

and to corral creative talents into applying their skills where they are most needed. Your help is also needed to moderate activism forums.

Public speaking — If ever there was an issue that begged for town meetings, this is it. You are a voter and therefore have a stake in telling people about the problems and what needs to be done. Feel free to draw from this book to develop your speeches, and you'll find much more information in the forum and the "Public Library" at BlackBoxVoting.org.

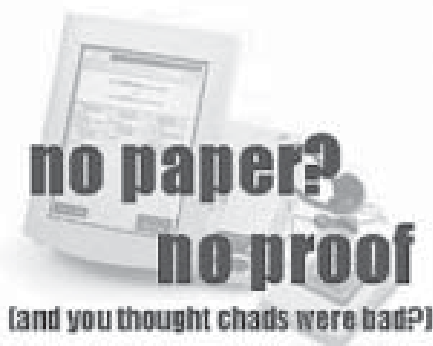
Sometimes we are blessed with a person who has organizing, writing and public-speaking skills all rolled into one, and when such a person also has tenacity and media skills, she can influence an entire state — even one as vast as California.

Kim Alexander, president of the California Voter Foundation, is such a person. With degrees in political science and philosophy, Alexander cut her teeth in activism while working with the powerful citizen lobby Common Cause. She then breathed life into the California Voter Foundation in 1994. For nearly a decade, she has been at the forefront of efforts to make our political system more accountable, with voting machines and other efforts.

Telephone work — If you are organized and unafraid of the telephone, your talents are badly needed. Andy Stephenson is one such person. Stephenson takes excellent notes, but more than that, he seems to be able to get people to do things for him. He called the secretary

**THINK chads
were BAD?**

(Now look what's happened)



of state's office in Georgia and persuaded it to fax him certification documents that had eluded Georgia activists even after two public-records requests. He called Bob Urosevich at Diebold Election Systems to ask him if he was still the president, because they kept trotting out a person named Tom Swidarski as the president of Diebold Election Systems. Stephenson learned that they had two people wearing the mantle at the same time: Swidarski and Urosevich. He says Urosevich called him back and said: "If you don't back off, you're gonna get a visit,"

(You might want to try less intimidating phone calls, like helping local activists track down meeting times and records.)

Political and lobbying skills — If you have the ability to read legislative law, which can be daunting to some, we need you. We need citizens who can go into current and pending legislation, interpret and make a concise translation.

Legislative activism requires people who refuse to let stubborn officials shake them loose. Linda Franz is such a person. She has a knack for figuring out other people's alliances and positions, so she can quietly maneuver around them. Franz admits she's still learning about the legislative process from others; a lobbyist for other issues gave her valuable help. If you are new to this, try to find someone to work with who already knows the system.

Here are some of Franz's suggestions:

- When naming a group, make sure it encompasses a broad region, like a state. Franz found that once citizens statewide learned there was an organization working on the voting issue, they wanted to join. Also, if you tie the name to a specific county, representatives from other areas might not listen because they assume your group would only represent that area.



OR



THE CHOICE SHOULD BE YOURS !!!

BBV

Black Box Voting =

Blind Faith Vote?

- Don't forget ethics complaints. Some elections officials seem to skate very close to the line when it comes to mingling with vendors. In some states, ethics allegation can be filed *after* the official's time in office, allowing redress after elections have become old news.

- You'll often hear Franz telling people to be careful how they use language because she has learned that clever lobbyists will weasel around any words they can.

“Voter-verifiable” ballot sounded good, until we learned that companies like VoteHere proposed to use printers at the polling place, not for printing a ballot that you can look at and authorize, but to print a receipt with a code on it, which you can take home and look up on the Internet to “verify” your vote.

One system proposes to print bar code on a paper ballot that is then read back to the voter via a bar code reader. Not acceptable. Can the average voter read bar code? How do you verify what was “read” vs. what the machine — and even the bar code — might actually say? This leads to an addition:

“Voter-verified paper ballot that the voter can read without an interface (except for certain disabled individuals who need such help), said ballot deposited in a secure ballot box at the polling place.”

While you are watching your language, learn to say “ballot,” not “receipt,” because opponents have been passing laws to make the electronic record (not the paper ballot) become the legal representation of the vote. A ballot has legal standing. A receipt may not.

Affix the words “voter-verified” to the words “paper ballot,” because if you don't, opponents will tell you the machines do produce a “paper trail.” What they are talking about is the machine's ability to print individual pages from its internal data.

I

VOTED!

Or did I?

Franz also researched why Avante and AccuPoll (manufacturers that produce a touch screen with a paper ballot) were not being chosen for purchase in her state. Accupoll is close to meeting Washington State requirements, but she discovered that Avante, which *is* qualified, appears blocked from Washington State certification.

For some reason Washington didn't act on

**Think YOUR
vote counts?
- NO PAPER
- NO PROOF**

DEMAND PAPER BALLOTS **(Voting should not be a touchy subject)**

Avante's certification documents and issued statements that conflicted with the truth. Washington State Elections Director David Elliott told listeners on the Dave Ross radio show January 3, 2003, "... and if anybody comes to market with something like that, we'll certify it for use in Washington State. No one has presented a system like that for certification yet."²

But Avante had applied for certification in December 2002 and has made repeated attempts since then. You, like Franz, can start pursuing questions like this. Find out what's going on with certification. Investigate. Don't take answers at face value.

A citizen who goes by the moniker "larry1" unearthed the request for sales proposal for Ohio and reports that Ohio will not allow any machine with a paper ballot that can be removed from the polling place. What is the purpose of such a law? We have been voting with paper ballots for 230 years, and this is the first I've heard of an uncontrollable urge on the part of voters to remove their ballots from the polling place instead of placing them in a ballot box. Such a law seems designed to protect and encourage flawed election systems.

Jim March is an entirely different kind of lobbyist. He decided in August 2003 to apply his bespectacled, 6-foot, 4-inch presence to voting issues. In "real life" he is a Republican/Libertarian gun lobbyist who lives near the Capitol in Sacramento, California. March thinks nothing of crossing the street (and party lines) to talk to Democrats, pulling out CDs he created which contain a certified version of GEMS software, with step-by-step instructions for how to slip by passwords and change the audit log. He brings this CD to reporters and public officials and demonstrates the software's flaws to them.

His style differs markedly from that of Franz; he does not focus on specific legislative language, but on influencing lawmakers' willingness to tackle the issue. He is flamboyant and makes some activists uncomfortable, but in

PAPER BALLOTS
not
VAPOR BALLOTS



twelve weeks, he managed to get two national news articles focused on voting-machine security problems. He pops up like poison ivy when there are certification hearings.

Filming and videotape production — There’s nothing like seeing an employee of the state election division literally turn tail and run when you show up with a camera. That’s what happened to Greg Palast when he attempted to question Clay Roberts about the Florida felon purge.³ Another videotaper caught New Orleans voting machines giving Susan Barnecker’s votes to the wrong candidate.

A California activist who goes by the screen name “ParanoidPat” took to the streets in Alameda County on October 7, 2003, during the California recall election. He has been preparing a documentary about this issue. He’s just an ordinary guy with a talent who is applying it to something meaningful. You can, too.

Flash Media and Shockwave productions — Michael Stinson, of TakeBackTheMedia.com, created a powerful presentation about voting-machine problems which has been making the rounds on the Internet. His presentation, set to “Revolution” by the Beatles, is politically charged and quite powerful.⁴

An entertaining presentation done with animation was created for TooStupidToBePresident.com, featuring Arnold Schwarzenegger quizzing Wally O’Dell, CEO of Diebold, about the Georgia patches and other matters. It is quite funny and makes a powerful point.⁵

You can participate in easy activism simply by e-mailing links to such efforts to all your friends and posting links on your Web site. If you have talent, create your own presentation.

Research — Faun Otter, concerned about the lack of any exit polling in the November 2002 general election, decided to research the campaign contributions made by Diebold executives — mind you, this was before the Diebold files were found on the Web, at a time when

Diebold was receiving almost no scrutiny. He discovered that Diebold's campaign contributions were lopsided towards the Republican Party.

Who knows — perhaps the the next “scoop” that *Scoop Media* breaks will be your own.

Legal — If there is one group of citizens whose skills are badly needed, it is attorneys.

The American Civil Liberties Union was fighting for the wrong side of the issue. They were fighting *against* paper ballots. Let's not depend on someone else to fight this for us. If you are a lawyer, we need you. If you do legal research, we need you, too.

The Electronic Frontier Foundation filed a case, but it was limited to fighting Diebold copyright-violation claims. What we need are lawyers willing to work on three things:

- 1) Creating a template for a citizens' initiative. This can be distributed via the Internet to other states and citizens' groups.
- 2) Participating in legislative processes and helping write good legislation at the state and national level.
- 3) Filing public litigation.

One such suit, brought by Susan Marie Weber in California, takes the position that forcing voters to vote without a ballot (and therefore without auditability) is a violation of civil rights. The judge ruled against Weber; she appealed but lost. As of this writing she is preparing another appeal. This is an important suit, and had the original been filed at this point in time, the verdict might have been different. At the time Weber filed her suit very little information was available to help her prove her case.

Fraudulent claims: An RFP sales document is prepared when the machines are purchased. It contains the specifications the vendor must meet. We now know that they don't always come through on their promises. This opens a litigation avenue and will help counties recoup their investment from the manufacturer.

*Should your vote be kept secret
from **YOU?***

STAND
and be counted
DEMAND
your paper ballot

Use of uncertified, unsworn technicians to evaluate vote data: Nothing in the law actually allows temporary workers to help call an election. Some voting-machine techs are hired only for the day, and we know little or nothing about their backgrounds. Candidates have standing to sue, and this may be a good issue when there has been a technical glitch.

Failure to follow regulations: Use of uncertified software, failure to certify key parts of the software, last-minute program modifications and use of unauthorized data-transmission methods such as cell phones all fit into this category.

In each case, decisions need to be made as to who the plaintiff will be (The voter? The candidate? The county? The state?), what harm can be claimed, what remedies will be requested and what venue (county? state? federal?) will receive the complaint.

It all starts with finding a few good men and women in the legal profession willing step up to the plate to help protect democracy.

Strategies

Use a variety of strategies, but remember that it all needs to end up on one doorstep: effective legislative change.

- Set up events and participate in meetups.
- Pay visits to public officials.
- Communicate with others via e-mail lists.
- Call and ask reporters to cover voting stories.
- Advertise — TV ads. Bumper stickers. Billboards.
- Put this book in people's hands. If you can't afford it, print a free copy off the Web.
- If you are in the creative fields, apply them to communicating the problem. Write poetry about voting machines. Write a song. Write a screenplay. Get the word out using your talents.
- Enter politics yourself and fight for trustworthy voting.
- Become a vote watcher or poll worker during upcoming elections.
- Get involved with your community, especially if you have connections with the people most likely to be disenfranchised — ethnic groups, people with disabilities and senior citizens.

The whack-a-mole story

If you have been in an arcade, you've seen the game in which you take a big foam sledge and whack moles that pop out of holes, faster and faster until the moles (usually) win.

Brent Beleskey from Barrie, Ontario, Canada, is director and a researcher for the International Voters Coalition (www.voterscoalition.com). Beleskey has taken it upon himself to fight the voting machine proliferation in Canada. Wait — isn't Canada famous for its calm, deliberate and speedy all-paper, hand-counted elections?

Yes, but that hasn't stopped voting machine vendors from selling their machines, which are used in municipal elections. Beleskey has made it a mission to locate voting machines in Canada, which he told me he has found hiding in back rooms. Each time he finds one, he goes to bat against its use, fighting to get rid of it. No sooner does he whack one down than another pops up.

Diebold's whack-a-mole adventure:

Diebold started whacking people who published embarrassing documents about how the voting machines work.

Whack.

The New Zealand server that posted program files from an unprotected FTP site got a Diebold cease-and-desist order.

Whack. Whack.

DemocraticUnderground.com got more than one.

Whack.

A forum participant who goes by the screen name "Zhade" received one for mirroring Jim March's rig-a-vote files.

Whack. (Oof!)

Jim March got one but kept the documents up and dared Diebold to come and get him, promising to enjoy the discovery process.

Whack. (Oops.) Whack. (Whoops, missed!)

I posted the 24 memos exposing the certification problem, and my ISP got one. Its attorney refused to comply, saying Diebold's attorneys didn't write it correctly. By the time they had prepared a better one, we'd shifted the memos elsewhere.

I vote.

The machine decides.

Not in any democracy!

Whack!

I got another when someone posted a link to the memos on my site.

Whack.

An activist who goes by the name “Trogl” received one.

Whack everything!

“bpilgrim,” a programmer who created a search engine that could find things in the Diebold memos, got one. Perhaps Diebold didn’t like the suggested search terms: “boogie man,” “fake” “hack” and “what good are rules.” Diebold ordered him to destroy his search engine.

Whack. Whack. Whack. Whack. Whack. Whack. Whack.

IndyMedia, with Web sites all over the world, started posting links to the memos, and soon Diebold memos were popping up faster than mushrooms after a spring rain.

Whack — OUCH!

The Internet Service Provider (ISP) for *IndyMedia*, Online Policy Group, decided to fight the takedown orders. The Electronic Frontier Foundation agreed to fight the case.

WHACKWHACKWHACK!

Students at Swarthmore College began posting memos. But you don’t whack college kids without drawing a little attention to yourself. Soon, students at eleven colleges were posting Diebold memos.

whackwhackwhackwhackwhackwhackwhackwhack...

Students at 32 colleges posted the memos and *Indymedia* posted a running tally of cease-and-desists, along with the latest memo locations.

“I Got a Diebold Cease & Desist!” bumper stickers popped up.

On November 2, 2003, *The New York Times* did a feature on all this whacking of memos.

I received a call from presidential candidate Dennis Kucinich’s office. “Might we get some memos?” one of his staffers asked. “The congressman might want to post them on his Web site.”

At least two “greatest hits” memo sets were prepared for the honorable Rep. Kucinich.

B O O M ! ! !

Kucinich delivered the knockout punch: He posted a selection of Diebold memos on his congressional Web site, with links to more, and issued a public challenge to Diebold to back off.

Diebold formally withdrew from the game.

Activism works. But we need your involvement: If *we* don't define our own voting system, someone else will do it for us. And in the next chapter, David Allen will introduce you to them.

WHERE'S MY BALLOT?!?

E-voting system flaws risk election fraud
New Scientist, UK - Jul 25, 2003

Election fraud risks attract wide notice
The Inquirer, UK - Jul 25, 2003

US researchers critical of electronic voting systems
The Age, Australia - Jul 24, 2003

Voting machine fails inspection
CNET News.com - Jul 24, 2003

Security Of E - Voting Systems Seriously Questioned
Information Week - Jul 24, 2003

High-Tech Votes Can Be Hacked, Scientists Say
Reuters, UK - Jul 24, 2003

Study finds computer voting system vulnerable to tampering
San Jose Mercury News, CA - Jul 24, 2003

E-voting flaws risk ballot fraud
MSNBC - Jul 24, 2003

**Does it count accurately?
What do you base that 'yes' on?**

blackboxvoting.org