Black Box Voting has found "Moonshine Election patterns" in 16 states, which together carry 210 electoral votes. America is afflicted with several different, often overlapping election problems. In a series of new original investigative reports, Black Box Voting identifies several problem election syndromes and recommends citizen-initiated actions to take.

MOONSHINE ELECTIONS

By Bev Harris

In 2006, when Black Box Voting hit Kentucky jurisdictions with 240 public records requests, Kentucky's 57-percent population of registered Democratic voters had just delivered two Democrats and four Republicans to the U.S. congress. But that's not unusual, for Kentucky, and that's not why we ended up photographing poll tapes and attending county fiscal meetings in the Bluegrass State. It was the plucky resolve of a few extraordinary citizens in places like the coal mining hills of Whitley County and the aptly named Bullitt County that convinced us Kentucky deserved a visit.

What we found affects many states, has affected presidential elections, and certainly has changed many a law-abiding citizen's life.

Moonshine Elections -- four or more of the following characteristics:
1. Rural location
2. Family members hold multiple positions in the local government
3. Problems are noted in financial audits
4. Felony convictions of local officials
5. Questionable election situations
6. Obstructs or ignores Freedom of Information (public records) requests
7. Uses computerized voting systems serviced by small subcontractors

Black Box Voting has identified several of these kinds of election jurisdictions in Kentucky, West Virginia, Arkansas, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana and parts of southern Illinois, Ohio and Indiana, as well as some of western Pennsylvania, eastern Missouri, and scattered locations in Texas.
THE KENTUCKY POLITICAL TERRAIN

A surprisingly large percentage of our national vote comes from rural locations, even in states like New York and California. In Kentucky, 109 out of 120 counties are rural; overall, 60 percent of Kentucky's votes come in from rural election administrations.

In swing states, small rural voting pockets can tip the state's electoral votes. The moonshine elections territories have been known to influence presidential races – in 1960, the moonshine sections of West Virginia helped deliver John F. Kennedy's nomination. According to witnesses, the total paid to buy the election was over two million dollars.

In close elections, a single rural location can flip control of the U.S. congress.

The public pocketbook and the public safety is at stake – several of these jurisdictions have an unfortunate history of electing people who dip into the public till, along with law enforcement officers who commit felonies. In Kentucky, one newspaper calls this the "colorful political landscape."

Kentucky is a swing state where 87 out of 120 counties had a majority of Democratic registered voters, yet 106 out of 120 counties voted for Bush in 2000; 108 voted for Bush in 2004. It wasn't low turnout – in fact, turnout has been going up. It was Kentucky politics: Registered Democrats went into the voting booth, Republican votes came out.

This is not unprecedented in Kentucky. The Bluegrass State went for Clinton (D) in 92 and 96, Carter (D) in 76, and Johnson (D) in 64, but in 60, 68 and 72 Richard Nixon (R) grabbed the state, and 112 Kentucky counties chose Tricky Dick in 1972.

In Nov. 2007, Kentucky voters will get to choose between two pearls for governor: Steve Beshear (D), who wants to change the state constitution to allow gambling,
Ernie Fletcher (R), who has been embroiled in a criminal controversy involving attempts to build a patronage army.⁶

Fourteen current and former members of Fletcher's administration have been indicted, most on misdemeanor violations of the Merit System law, and Fletcher has pardoned most of them. News media criticism of Fletcher's subpoena-dodging is "a gratuitous and unnecessary slap" according to M. Stephen Pitt,⁷ who refers to himself as "one of Gov. Fletcher's personal lawyers."

When we traveled to Kentucky for the May 2007 primary, Fletcher was still embroiled in controversy, but he won his primary. His comfortable electoral margin spread across the state like gravy over biscuits.

Figure 4: 2007 primary results for Gubernatorial candidate Ernie Fletcher (R)

Pro-gambling Democratic primary candidate Steve Beshear had a much closer race. He barely squeaked past a runoff with just 3,500 votes to spare, defeating a team that included Kentucky's most vocal advocate for investigation into voting machines, Attorney General Greg Stumbo. Most of Beshear's votes came from a small concentration of counties, including a couple of urban counties and several of Kentucky's classic "Moonshine Elections" locations.⁸

Figure 5: 2007 primary results for Gubernatorial candidate Steve Beshear (D)

Perhaps the most vulnerable races of all in Kentucky are the gravy train positions: Sheriff, Judge Executive (similar to a super-commissioner or being chief of the county supervisors), and the county clerk position. Even the jailer position has good opportunities for personal remuneration if one is unscrupulous, due to poorly controlled "jail canteen accounts."

Kentucky elections are mostly rural affairs, with the exception of Louisville, Covington, Lexington and Frankfort. Twenty-three counties use ES&S voting machines, 20 of these in combination with old MicroVote DREs, 1 county uses Diebold, and 96 counties use Hart eSlates in combination with old Shoup DREs.⁹
PART III: THE HUNT FOR JOE BOLTON

We sent two different records requests to each Kentucky jurisdiction in 2006: One requested copies of communications with voting system vendors, the other asked for documents pertaining to glitches, problems and anomalies.

We customized the vendor-related requests according to which vendor was supplying the county with voting machines.

We got this:

From: “Jo Ann Curtis” <email redacted>
To: <blackboxvoting.org>
Subject: 06 gen election
Date: Wed, 29 Nov 2006 12:17:18 -0500
Organization: Menifee County Clerk

My office has not received anything in writing from candidates or anyone else pertaining to the 2006 General Election, no recanvass requests, no recount requests, and as of today, no contest... I use Kentuckiana Election Service, Joe Bolton. I received numerous phone calls, for different problems, but nothing in writing.

Menifee County Clerk
Jo Ann Spencer

And these:

Joe R. Bolton

From: Votobak, Shirley [redacted email]
Sent: Friday, February 17, 2006 10:07 AM
To: Joe Bolton (Email)
Cc: Moninger, Linda
Subject: Pronunciation Guides

Joe:

Here is the form we would like you to have the counties sign so that ES&S is not held responsible if a name is mispronounced. Thanks for your help in getting the signatures.

<<Pronunciation Guide.doc>>
WHO'S JOE BOLTON?

His territory in Kentucky counted 184,802 voters in the 2004 presidential election.

In case you don't read the whole article, please don't get the wrong idea. We eventually caught up with Joe Bolton, and he seems honest as a preacher, but that doesn't solve the problem with procedures. Joe made some interesting comments, and we'll get to that in a minute but let's start with this: Procedures that give one guy access to voting machines that count nearly 200,000 votes with no oversight whatsoever do not secure and protect voting rights.
Computerized election systems are based on the strange assumption that voters should trust the government and its contractors to count votes in secret. As voting rights attorney Paul Lehto likes to point out, you can no more secure a computer against an insider than you can secure your laptop from yourself.

This "Trust Me" concept is a strange one for a nation whose founders explicitly laid out, in the Declaration of Independence and the constitution, a nation structured around distrust of governmental authority. In fact, these two documents, the Declaration and the Constitution, are bizarre and make no sense, unless you understand them in the context of checks and balances. The Declaration holds citizen sovereignty over the government to be a right we are born with, an inalienable and non-negotiable right, and sets out the most important function of the government as the responsibility to secure our rights.

In 23 Kentucky counties, citizens are required to trust their votes to someone named Joe Bolton, who is not an elected official and who is not even a government employee. They probably don't even know they're trusting Joe with their votes, because newspapers don't mention him and the county clerks have no line item for his checks in their published financial statements.

Black Box Voting set out to find out more about Joe Bolton and the counties that employ him.

WHY PICK ON JOE?

Joe Bolton seems nice enough, and we almost feel guilty hunting up answers about him, but someone needs to ask these questions. Joe, and other people like him, now control an essential part of the public commons. Basically, these people are privatized public servants.

Can citizens exercise their right to oversee their government when critical parts of its operation are transferred into the hands of private contractors? Let's find out.

KENTUCKIANA ELECTION SERVICES

We tried to find an address for the name our public records showed for Joe Bolton's operation. No address turned up in Google. We found a Post Office Box in a small town called Royalton, but a telephone search yielded this:

No listings found for "kentuckiana election" within 50 miles of Royalton KY

Same for "Kentuckiana Elections" and simply "Kentuckiana." We did a search of the news archives for Kentuckiana Election/elections Service/services and various permutations going back 30 years, but found nothing. Likewise for the name Joe Bolton – we found several, but none were our Joe Bolton, who works with elections in Kentucky.

A more extensive Internet search turned up a couple of listings, but only with a post office box. Does he service voting machines in his house?

We searched the corporations database and found a certificate showing that in 1990, Kentuckiana's corporate credentials were revoked (and it does not appear that they have ever been reestablished):
We checked USSearch.com and found references to Joe Bolton in Royalton and formerly in a town called Eastern, but not much more.

We ran a quick background check and found that he had been married to a Carla Bolton, and a search on Carla Bolton turned up the information that she was County Clerk – that is, she ran elections – for Floyd County, Kentucky.

We headed for Floyd County. As we passed through Salyersville, we saw this:

Family-run counties, just like we'd seen in Bullitt County. We were about to find more of those.

Back to the hunt for Joe Bolton. We learned that Carla Bolton is no longer is the county clerk, and the friendly public officials in Floyd County quickly mentioned that she and Joe are no longer married. We learned that Joe Bolton comes in and picks up the voting computer's memory cards and works on them in his home.
We called the phone number associated with Kentuckiana Election service, but no one answered.

We ran a reverse search on the number we found at the top of a public record, faxed from Kentuckiana Election Services, and found it listed as Joe Bolton's home phone number, with a road but no address.

We located the road Joe Bolton lives on using satellite technology with the Google Earth program, and found that the unmarked road was in a remote location but not far from where we were, so we drove over there.

We looked at every dwelling on the road to see if we might see Joe in there working on voting machines. We wondered if he has insurance, and if he's bonded, and what kind of due diligence the county administrators did when selecting their voting machine technicians, or if they even had any choice in the matter.

We weren't sure which house it was. We had no street number.

Possibilities?

It was a Sunday afternoon, and several residents got out of their lawn chairs to peer at us.

"They're not from around here," they seemed to be thinking, so we stopped and chatted with a couple of friendly women, who told why they put their trash in cages. "To keep out the dogs and bears," they said. They didn't know Joe or where he lives, but (in answer to our query) yep, they do have Internet access.
We had no luck at all finding Joe Bolton, but later we did reach him later on a cell phone number provided by helpful staff members at the Floyd County Elections office. I've spoken to Joe Bolton three times now and he answered a lot of my questions. I type about as fast as people can talk, and my fingers were flying on the keyboard.

AMONG THE MOST INTERESTING COMMENTS:

BH = Bev Harris  
JB = Joe Bolton

BH: Do you ever communicate with candidates when you're programming the election stuff?  
JB: No, I don’t work with the candidates personally.

BH: Okay. Would you consider it proper or improper to be communicating with candidates for someone who does what you do?  
JB: Yeah, 'cause I don't do nothin' like that!

BBV: Okay. Well you've been doing this for 35 years, has anyone ever asked you to do something that made you uncomfortable?  
JB: Oh, absolutely, get it all the time, I get that all the time you know.

BH: You're kidding me!  
JB: "Could you rig this machine?" And I don't know whether it's a conspiracy or a joke, you know, "Could you rig these machines for me Joe? How much would it cost me?" I've heard that for 35 years.

…

BH: So how did you get involved in this 35 years ago, I didn't think there were voting machines 35 years ago?  
JB: Yeah, we had machines. The old mechanical machines.

BH: Oh, lever machines. I have never seen a lever machine and I probably never will see one, either. Darn!  
JB: You get to Kentucky, I got a little museum in my garage.

BH: That's great! You may have the last remaining lever machines, before they sell them off for the scrap heaps.

…

BH: Okay, so what do with those MicroVote and ES&S machines, I've never been clear what the subcontractors do.

JB: Well, you know, all I do is I make sure that they're working as the PEBs come in. ES&S, they do the programming and stuff, all I do is I, me and my men go out and check and make sure that the ballot is the proper ballot for that particular precinct and everything is working, set 'em up, wait for Election Day.

BH: So you sort of do – is that a logic & accuracy test? Is that what that is?  
JB: Yes.

BH: Okay, so basically ES&S programs them, they send you the PEB, and then you-
JB: I'll look at the candidates and make sure the PEB is working before I ship it to the clerks.

BH: Is there a central tabulator or is there like a machine like a central election management system with these?

JB: ERM

BH: Yeah, that's what it's called, ERM or Unity or something like that. And so, do you work with that too, or just the PEBs.

JB: I don't work with it personally myself, I have guys, that are trained.

…

BH: I just wanted to clarify, are you paid by the counties or by ES&S?

JB: It's no one's business how I'm paid.

BH: Well, but it's a public record. Because I have a contract with the counties and ES&S for your services I think.

JB: I don't think so. You don't have that, that's for sure.

BH: But, so basically – well who employs you is all I'm trying to find out.

JB: It's mainly the county clerks employ me.

[About elections problems]:

JB: It's probably not the equipment. You'll find in most cases it's the states that have the problems, it's the laws they write, it's the election officers. Mostly across the United States our election officers the average age is about between 55 and 65, some cases older. And they're dealing with electronic stuff now.

BH: Well you know the iVotronics in Sarasota though lost 18,000 votes. You heard about that I assume.

JB: Oh yeah. That was earlier days.

BH: Well I'm talking about last November.

JB: Last November?

BH: Uh-huh.

JB: In Florida? They lost 18,000 votes?

BH: Yes. In one county. And it was a race that was separated by about 386 votes. I think Dan Rather has a report on TV on that but I don't get the channel that he's on.

JB: What was the cause of it?

BH: Apparently they made their touch-screens in the Philippines and they had some kind of thing called a pillowing effect in the touch-screen and it wasn't recording or something, it had to do with a subcontractor who made some touch-screens. From what I understand-

JB: It was a manufacturing defect.

BH: Probably. Yeah.

JB: Yeah. It can happen in anything.
BH: Well it doesn't happen if you mark a paper ballot with your pencil, you're not going to have 18,000 people break their pencils and not be able to get a new one.

JB: Let me tell you something young lady, I'd love to tell the House and the Senate, on the floor, in the capitol of the United States of America. I can take any paper system you got out there and with one person in one precinct, one crooked election officer, you can control that election all day long. Think about it. You'd say "How?"

BH: Sure, I'll say "How?" Educate me.

JB: Okay. One election officer is all I need, that handles the ballots. He makes a mistake earlier that morning and gives me two instead of one. All right? I go in, and I vote mine, take it over and put it in, and I'll stick one in my shirt. Take it outside. I vote like that all day long, have the people mark their ballots outside, take the ballot in, bring me a blank ballot out. At the end of the day, the last person going through the door, I'm going to make sure it's my buddy, and he's going to have two ballots, the election officer's going to hand him one, and he's going to start towards the machine, and he's going to turn around and go back and say "I'm sorry you gave me two." You ain't gonna be missing no ballots.

BH: Okay, why is there a machine. I missed something.

JB: I just controlled the election all day long by voting paper ballots.

BH: Okay let me understand. The person who's putting it in their shirt is the election official, right?

JB: No, no, no, no, no. I'm talking about a voter that has been paid to go in and see this particular election officer. He hands him two ballots that morning. Okay. Accidental. However you want to call it. And he votes the one, then he votes, takes it over to the machine, he puts it in, it counts, he takes the one in his shirt and gives it to the guy outside somewhere, that guy stops the next voter that he's supposed to pay, gives him a ballot already marked, that voter brings out him a blank ballot, he marks it for the next person, that voter brings him out a blank ballot, you do that all day long, and like I said the last person goes in, he's got a blank extra ballot. And he tells the election officer, he says, "I'm sorry, you've made a mistake here, you gave me two, so he hands it back to him. There's no count whatsoever that's off. You've got all the ballots accounted for.

BH: Yeah, you have the blanks, yeah that's right.

JB: You've voted everybody in that precinct how you want to vote that day. That's how simple it is, young lady.

BH: Okay. That's true. But you'd have to get a lot of people involved.

JB: No I just said, one election officer.

BH: But you'd have to get a lot of voters involved. Because every voter there would have to agree to take a payment.

JB: (Chuckles.) Believe me. It's done every day. It's done every day.

BH: Okay, so you're saying that – I mean, how many – in order to say, flip the governor's race, remember when they had the primary last May and there was only like a few hundred votes separating the Democrat, Beshear or whoever it was – well let's say a few thousand. It would be tough to do a few thousand votes that way, wouldn't it? Without a lot of—you'd have to have a person for every vote.
JB: Like I say, you know, it could happen in one precinct, it could happen in 10 precincts in that county, it could happen in 20 precincts in that county. It just depends on how crooked that county happens to be.

BH: I'm really interested in what you're telling me.

JB: That's one way. And I hope you understand, okay, that's one way that you can do it.

BH: How do you recruit people to pay them off?

JB: I'm not doing it.

BH: I mean, not you, but how would they, because it seems like—

JB: I don't use paper ballots.

BH: I know that there's folks that really are concerned about paper ballots.

JB: We are in Kentucky. We really don't want it. We don't want paper ballots.

BH: Uh-huh. How much do you suppose it costs? I'm just trying to figure this out, because you know California, Washington, Oregon, we're like a whole different place, we're the Left Coast, right? So we don't do things that way. But wouldn't it seem like it would cost a lot to pay people?

JB: You might not think they do things that way. You just don't believe the people out there, what they'll do for a dollar.

BH: So it's cheap to do it, you think? I mean I know it's done, because in West Virginia there was an election official that sold their own vote.

JB: I'm not saying it's cheap, you know, or it's cheap or it costs a whole lot. I don't know personally, not personally, but I have heard a lot of rumors, of what people done, okay?

JB: Well you know, it's the way you can do it. Yeah, you know, like I said, I would be more than glad to testify before the House and the Senate, you want to talk about does the voter's vote really county, you know, you start dealing with paper you're dealing with a total mess. We bought the machines, you know that it only accepts you, that vote, to count. That's what a voting machine is designed to do young lady.

BH: Except for, you don't know – how do you know what in the world they're doing with the PEB cards in Omaha Nebraska?

JB: I could prove to you that I don't care what you do that what goes into that machine – we have a signature list. If 325 people vote on that machine, that's what it says: 325 people.

BH. Uh-huh.

JB: Now, you're saying that if ES&S or some other voting machine company programs this machine for Jack Smith to win, how do they know how many votes will be cast on that machine?

BH: [Describing hacking test done in film "Hacking Democracy"]: On the memory card, it accepted negative votes, minus votes, so what the guy did was he estimated, oh let's say 'x' number of voters will come in, and he put in some minus votes and plus votes that equaled each other out, so that when the voters were coming in all day, they both end up positive and you have the right number of votes.
JB: That's exactly done on an election? Not just a fling-flang that somebody set up to show it could be cheated?

BH: No, it was actually done on an actual voting machine in an actual county, we randomly chose it off the shelf so there would be no way to do it, and the only thing that the hacker needed was the memory cards, he didn't need to touch the machine at all. And what he did was he exchanged the cards and slipped it in right before the election.

JB: Why would a company like ES&S, Hart, Diebold or anybody else put their reputation and their company up for somebody in a state or a county or federal or anything else?

BH: Well why would they know it though?

Because, you just said a voter will sell their vote for a few bucks, or however much it is, and it's not the head of the company that programs the PEBs, it's just some guy that may have a gambling problem or whatever, so all they need is one guy who's willing to solve his gambling problem.

JB: Yeah.

BH: But it would be tough on you or anyone else wouldn't it?

JB: Yeah. I guess I can't argue with you there.

BH: Okay.

JB: So let me ask you this, since you've done all this, paper, electronic, and all this stuff, what the hell's the solution?

BH: Well the solution has to allow the public being able to see more of what's going on. Because even though you're going to have some messes here and there, you don't want to have a situation where only the government, or only a few programmers in Omaha know what's going on. So that's one kind of safeguard that would help.

JB: You know, I take what I do seriously, believe me. Like I said, if there's a better way, a better solution, I'm all for it. I think, in my years, dealing with the attorney general's office, and the election laws that we've had passed in Kentucky, part of it's been my suggestion, and I'm proud of what I do. And what people talk about cheating, it totally pisses me off.

BH: But in a way you don't have control of it either. You're caught in between one thing and another, trying to do the best job you can.

JB: I'm in the poorest part of Kentucky, you Eastern Kentucky. You know, there's nothing up here for the people. Kids have to leave, one thing and another. They treat folks up here like they're dirt. I'm originally out of Cincinnati, I came here after I came back from Viet Nam, in 1968. And like I said, these folks up here will give you the shirt off their backs. I hear all this stuff from other states, you know, hillbillies, dumb-ass hillbillies, snotty-nosed hillbillies, one thing and another. But they're decent, good people. Now I'm not saying that there aren't people out there that would sell their votes, there probably are. But you know, paper is not no damn solution in this United States of America today, I can tell you that. Talk about fraud, we'd have it runnin' out our asses.

BH: Don't you think one person can affect more votes, with computers, if they're so inclined?

JB: Only if you don't have the checks and balances.
BH: Okay, let me ask a question. Because I'm going to write an article and it's going to have to do with you, and it's going to have to do with Kentucky, I'm going to write about how it's structured there. And I'm going to say some nice things about you. But I'm also going to say – unless you can answer this – well here's my real question:

*If a person did what you do, and they were not honest, how would anyone know?*

JB: (Thoughtful pause). The answer to that question I really, I don't know. Honestly. I really don't, you know. I don't know how to answer that for you. I really don't.

* * * * *

In the next article in this series, we will explore the problems with election integrity when you have family-run government, which isn't as uncommon as you might think.

And then we will explode the “Trust Me” elections model. We'll introduce you to Harp Enterprises, the subcontractor that handles more than 100 counties in three states.

We'll also acquaint you with elections officials who have demonstrated that the "Trust Me" model is inappropriate -- including Joe's ex-wife Carla, who ran elections in Floyd County before she was indicted.

"It was a short marriage," he says. "They run her outta there."

**More to come:**
- Family-run government
- Theft & drug dealing by public officials
- The Bullitt County experience
- Innovative solutions and what you can do to help

Footnotes:
5 Source: The Evansville Courier: "Candidates' views vary on gambling" by Bruce Schreiner, Associated Press writer; April 2, 2007
6 Source: The Cincinnati Post: "GOP frustrated, uneasy by ongoing Fletcher scandal" by Stephenie Stelzer; November 28, 2005
8 Source: Kentucky State Board of Elections – 2007 Primary Election Results; Results by Candidate by County – [http://elect.ky.gov/results/](http://elect.ky.gov/results/)