

# Fighting “Voter Suppression”, Accuracy of Voting Machines: California Court Upholds Method to Detect Election Fraud

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*A recent ruling in a San Diego election integrity lawsuit should set a new trend in **fighting voter suppression**. Many citizens are concerned about the accuracy of voting machines, but feel powerless to challenge their findings. The court’s ruling upholds the viability of the “1% manual tally,” a method for citizens to test the machine results by comparing them to the paper ballot tally.*

Ray Lutz is the director of Citizens Oversight, a nonprofit “dedicated to enabling citizens to provide needed oversight to our democracy.” When he hasn’t been leading the fight to decommission the San Onofre nuclear power plant, Lutz has put significant time into tracking the disastrous 2016 primary election in California.

Lutz noticed that the California election code required that 1% of “all ballots cast” must undergo a random audit comparing the ballots to the electronic tally.

He then noticed something else – that the San Diego registrar, Michael Vu, was not including the provisional ballots or the late-arriving VBMs (votes by mail) in his tally. This was about 37% of the entire vote – a discrepancy of 285,000 votes that were not audited.

Lutz and Citizens Oversight filed suit days after the primary due to Vu’s failure to randomly sample the votes to check for fraud. Lutz’s attorney, Alan Geraci, emphasized that “the intention of the elections code is obviously to create an audit so that the people can know that the election has been done properly.” The county argued that seven other California counties were doing it the same way as Vu.

Michael Vu has a bad track record for election integrity. In 2004 Vu was the registrar in Cuyahoga County, Ohio, a swing state in the George W. Bush/John Kerry presidential race. Official vote counts gave the state – and thus the presidency – to George W. Bush by about 118,000 votes out of 5.5 million counted. A statewide recount, paid for by the Green and Libertarian parties, was marred in 87 of the state’s 88 counties by illegalities that led to felony convictions for two of Vu’s staff. During that election two female employees working under Vu illegally chose sample precincts for recounting ballots where they knew the count would yield a predetermined result.

This rendered the recount meaningless, according to Bob Fikrakis, an attorney, political

science professor, and expert in election voting controversies. [The workers were fired, indicted, and convicted](#). In 2007, shortly after the convictions, Vu was forced to resign by Cuyahoga County. Vu immediately moved to California and landed a job in San Diego weeks later.

Judge Joel Wohlfeil wasn't impressed by Vu's performance this time around either. The judge ruled that although his ruling was "moot" as the primary had been certified by the secretary of state, he would address the issues raised in the suit. He held that [the registrar had the duty to follow the law](#) and that no excuses were available.

Citizens Oversight will continue to execute legal remedies to get San Diego to either complete the rest of the audit encompassing the 37% of the ballots cast that were left out, restart the 1% manual tally audit from the start, or seek a complete 100% audit of the election. Similar action may take place in other parts of the state.

The group is also looking for volunteers to assist in [oversight teams in the largest California counties](#). It is important to ensure that the 1% tally is properly conducted throughout California in the general election - and to make sure that the rights of election observers to view every aspect of the count is zealously protected. Throughout the state, hundreds of observers were denied the right to watch the count - they were separated by glass barriers from seeing what was going on and were frequently barred from taking photographs. This practice of suppression of observers resulted in the nullification of Austria's general election on July 1.

In San Diego, the observers were able to see that election officials were modifying ballots with the use of white-out, with no checks or balances to the procedure. This YouTube video shows that Bernie Sanders' name was whited-out in this process, with no good explanation as to why.

During one press conference on June 28, [this video shows a giant shredding truck](#) that was parked right in front of the registrar's office, and which drove away when citizens started taking photographs.

Vu said no materials were removed from the registrar's office. But why in the world would any registrar allow a shredding truck to come to the elections office in the midst of a count?

These concerns with electronic voting equipment are not theoretical. but extend throughout the United States. A [research paper](#) on the subject of possible election fraud has been recently released. One of the collaborators was Fritz Schueren, former president of the American Statistical Association and a statistics professor at George Washington University. Schueren said, "As a statistician, I find the results of the 2016 primary election unusual. In fact, I found the patterns unexpected [and possibly even] suspicious."

Ray Lutz and Citizens Oversight have provided to all of us an invaluable tool to ensure election integrity.

**Bill Simpich** is an attorney in the San Francisco Bay Area who knows it doesn't have to be like this.

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