

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 3

DANE COUNTY

JILL STEIN,

Petitioner,

v.

Case No. 16-CV-3060
Declaratory Judgment 30701
Other Injunction 30704

WISCONSIN ELECTIONS
COMMISSION, et al.

Respondents.

**AFFIDAVIT OF S. MICHAEL MURPHY IN SUPPORT OF
MOTION FOR JUDGMENT AND BRIEF IN OPPOSITION
TO PETITION FOR HAND RECOUNT**

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

S. Michael Murphy, being first duly sworn on oath, deposes and
states as follows:

1. I am one of the attorneys for the Wisconsin Elections Commission (WEC).
2. I make this declaration in support of the Respondents' Motion for Judgment and Brief in Opposition to Petition for Hand Recount.
3. Attached hereto as **Exhibit A** is a true and correct copy of a November 25, 2016 article from the New York Times titled "US Officials

Defend Integrity of Vote, Despite Hacking Fears.” The article is available online at: <http://nyti.ms/2g179zS>. I last visited the website link on November 28, 2016.

4. Attached hereto as **Exhibit B** is a true and correct copy of an article by J. Alex Halderman, titled “Want to know if the Election was Hacked? Look at the Ballots.” The article is available online at: <https://medium.com/@jhalderm/want-to-know-if-the-election-was-hacked-look-at-the-ballots-c61a6113b0ba#.ewqhs11um>. I last visited the website link on November 28, 2016.

5. Attached hereto as **Exhibit C** is a true and correct copy of an article by Mark Erik Elias, titled “Listening and Responding To Calls for an Audit and Recount.” The article is available online at: <https://medium.com/@marceelias/listening-and-responding-to-calls-for-an-audit-and-recount-2a904717ea39#.1oclqx5fn>. I last visited the website link on November 28, 2016.

6. Attached hereto as **Exhibit D** is a true and correct copy of an interview with Jill Stein, titled “Jill Stein raises over \$4 million to fund state vote recounts.” The interview is available online at: <http://www.pbs.org/newshour/bb/jill-stein-raises-4-million-fund-state-vote-recounts/>. I last visited the website link on November 28, 2016.

7. Attached hereto as **Exhibit E** is a true and correct copy of an article from the Tribute News Service, titled "U.S. Officials: Hackers targeted voter registration systems of 20 states." A copy of this article was attached to Jill Stein's November 25, 2016 recount petition. The article is available online at: <http://www.chicagotribune.com/news/nationworld/ct-hackers-target-election-systems-20160930-story.html>. I last visited the website link on November 28, 2016.

8. Attached hereto as **Exhibit F** is a true and correct copy of a portion of Jill Stein's Facebook page. The November 25, 2016 post quotes her campaign manager, David Cobb, as saying: "The recount was not filed in order to change the election outcome, which is unlikely." Jill Stein's Facebook page is available at: <https://www.facebook.com/drjillstein>. I last visited the website link on November 29, 2016.

9. Attached hereto as **Exhibit G** is a true and correct copy of an article titled "Demographics, Not Hacking, Explain the Election Results." The article is available at: <http://fivethirtyeight.com/features/demographics-not-hacking-explain-the-election-results/>. I last visited the website link on November 29, 2016.

10. Attached hereto as **Exhibit H** is a true and correct copy of a New York Times article titled "Serious Voter Fraud? Um, No" The article is available at: <http://www.nytimes.com/2016/11/28/upshot/serious-voter-fraud->

um-no.html?rref=collection%2Fbyline%2Fnate-
cohn&action=click&contentCollection=undefined®ion=stream&module=st
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I last visited the website link on November 29, 2016.

Dated this 29th day of November, 2016.

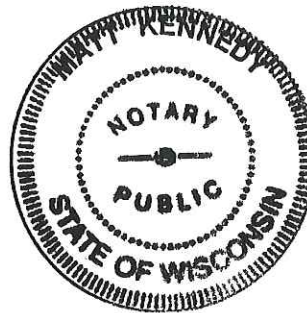
S. Michael Murphy

S. Michael Murphy

Subscribed and sworn to before me
This 29 day of November, 2016.

W. A. Kennedy

Notary Public, State of Wisconsin
My commission expires: 9/23/18



The New York Times <http://nyti.ms/2g179zS>

POLITICS

U.S. Officials Defend Integrity of Vote, Despite Hacking Fears

By DAVID E. SANGER NOV. 25, 2016

WASHINGTON — The Obama administration said on Friday that despite Russian attempts to undermine the presidential election, it has concluded that the results “accurately reflect the will of the American people.”

The statement came as liberal opponents of Donald J. Trump, some citing fears of vote hacking, are seeking recounts in three states — Wisconsin, Michigan and Pennsylvania — where his margin of victory was extremely thin.

A drive by Jill Stein, the Green Party candidate, for recounts in those states had brought in more than \$5 million by midday on Friday, her campaign said, and had increased its goal to \$7 million. She filed for a recount in Wisconsin on Friday, about an hour before the deadline.

In its statement, the administration said, “The Kremlin probably expected that publicity surrounding the disclosures that followed the Russian government-directed compromises of emails from U.S. persons and institutions, including from U.S. political organizations, would raise questions about the integrity of the election process that could have undermined the legitimacy of the president-elect.”

That was a reference to the breach of the Democratic National Committee's email system, and the leak of emails from figures like John D. Podesta, Hillary Clinton's campaign chairman.

"Nevertheless, we stand behind our election results, which accurately reflect the will of the American people," it added.

Supporters of Mrs. Clinton have enthusiastically backed the notion of challenging the results in the three states as a last-ditch effort to reverse Mr. Trump's clear majority in the Electoral College. They have seized on suggestions by some computer scientists that the states, which were crucial to Mr. Trump's victory, need to manually review paper ballots to ensure the election was not hacked.

The campaign, uniting around the hashtag #AuditTheVote, has picked up momentum among grass-roots activists still mourning Mr. Trump's victory. But the pleas for recounts have gained no support from the Clinton campaign, which has concluded that it is highly unlikely to change the outcome.

In Michigan, Ms. Stein must wait for a Monday meeting of the state's Board of Canvassers to certify the results of the Nov. 8 balloting before filing for a recount. In Pennsylvania, where paper ballots are used only in some areas, election officials said that the deadline to petition for a recount had passed, but that a candidate could challenge the result in court before a Monday deadline.

The recount efforts have generated pushback by experts who said it would be enormously difficult to hack voting machines on a large scale. The administration, in its statement, confirmed reports from the Department of Homeland Security and intelligence officials that they did not see "any increased level of malicious cyberactivity aimed at disrupting our electoral process on Election Day."

The administration said it remained "confident in the overall integrity of electoral infrastructure, a confidence that was borne out." It added: "As a result, we believe our elections were free and fair from a cybersecurity perspective."

However, intelligence officials are still investigating the impact of a broader Russian “information warfare” campaign, in which fake news about Mrs. Clinton, and about United States-Russia relations, appeared intended to influence voters. Many of those false reports originated from RT News and Sputnik, two state-funded Russian sites.

Those fake-news reports were widely circulated on social media, independent studies, including one set for release soon, have shown, sometimes in an organized fashion by groups that appear to have had common ownership. Individuals, conservative talk-show hosts and activists recirculated them, often not knowing, or apparently not caring, about the accuracy of the reports.

A study published just before the election on warontherocks.com, written by Andrew Weisburd, Clinton Watts and J. M. Berger, documented efforts by “trolls” to attack the reputations of those who challenged Russia’s activities in Syria, and to spread rumors about Mrs. Clinton’s health. The study said that an effort to track 7,000 social media accounts over two and a half years indicated that support for Mr. Trump “isn’t the end of Russia’s social media and hacking campaign in America, but merely the beginning.”

But the misinformation effort is far from black-and-white. Many people who spread false news have no connections to any foreign power, including a man in Austin, Tex., who posted a Twitter message saying that paid protesters were being bused to an anti-Trump demonstration there. Though the report quickly went viral, the buses, it turned out, were there for a corporate conference.

Other examples, including one studied by a group called Propaganda or Not and first cited by The Washington Post, appear to have more concrete connections to Russia. In late August, stories suggesting that Mrs. Clinton might have Parkinson’s disease were circulated on trupundit.com, which often runs pro-Russian material. It clearly twisted an email sent by one of Mrs. Clinton’s top aides about a drug called Provigil that is used to treat sleepiness. It has also been prescribed to patients with sleepiness as a side effect from several different ailments, the email added, including “Parkinson’s, Alzheimer’s and multiple

sclerosis.”

That single reference was enough to create a fake story suggesting that Mrs. Clinton was being treated for Parkinson’s.

The allegation was quickly shot down by several news organizations. It made little difference: Propaganda or Not, made up of former national security, intelligence and other professionals, and some workers at Google and other technology firms, concluded that it was reproduced tens of thousands of times, sometimes by botnets, and viewed millions of times.

But it is not known whether that news was circulated under Russian government direction, or simply by Russian sympathizers, or Mrs. Clinton’s opponents.

The barrage of online efforts to influence the election this year has prompted broader concerns that similar attempts, directed by the Kremlin or its surrogates, could now be focused on elections next year in Germany and France. The goal, intelligence officials and outside experts fear, is to undermine the cohesiveness of the Western alliance, particularly NATO members, by calling into question the validity of democratic elections.

“We simply don’t know what the effects of the ‘fake news’ and other disinformation was,” said Jason Healey, an expert on cyberconflict at Columbia University. “If they were able to influence in favor of Trump by one or two percentage points in some places, they will be encouraged to try again for the French and the Germans.”

The efforts have also prompted debate inside Facebook and other social media firms about their responsibility to filter out false news. But doing so is a complex task, akin to editing a news operation, and it comes with complex political calculations: Once social media firms begin editing here to American standards, they will be under pressure from authoritarian regimes to do the same to their standards.

In its statement, the administration focused chiefly on the threat of Russian manipulation of the vote on Election Day, not on the proliferation of propaganda and fake news.

Ms. Stein, of the Green Party, acknowledged on Thursday in an interview with the PBS “NewsHour” that it was unlikely that recounts could change the results. Still, she said that “this was an election in which we saw hacking all over the place,” and that “at the same time, we have a voting system which has been proven to basically be wide open to hackers.”

Trip Gabriel contributed reporting from New York.

A version of this article appears in print on November 26, 2016, on page A1 of the New York edition with the headline: U.S. Officials Stand by Vote Despite Fears.

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J. Alex Halderman [Follow](#)

Professor of Computer Science, University of Michigan

18 hrs ago · 7 min read

Want to Know if the Election was Hacked? Look at the Ballots

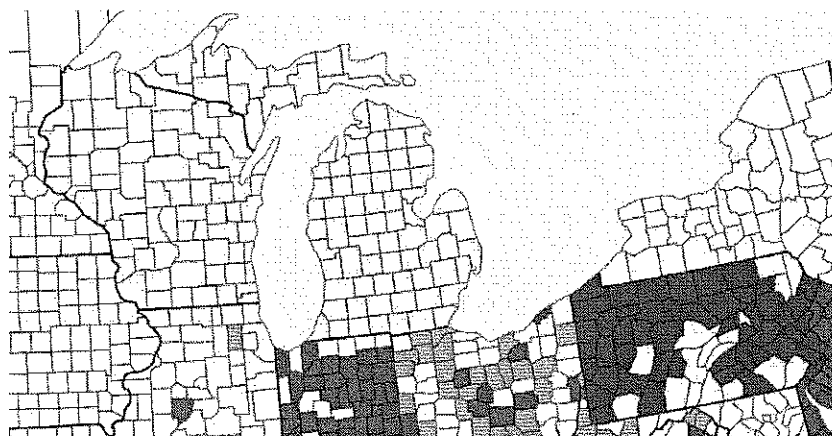
You may have read at NYMag that I've been in discussions with the Clinton campaign about whether it might wish to seek recounts in critical states. That [article](#), which includes somebody else's description of my views, incorrectly describes the reasons manually checking ballots is an essential security safeguard (and includes some incorrect numbers, to boot). Let me set the record straight about what I and [other leading election security experts](#) have actually been saying to the campaign and everyone else who's willing to listen.

How might a foreign government hack America's voting machines to change the outcome of a presidential election? Here's one possible scenario. First, the attackers would probe election offices well in advance in order to find ways to break into their computers. Closer to the election, when it was clear from polling data which states would have close electoral margins, the attackers might spread malware into voting machines in some of these states, rigging the machines to shift a few percent of the vote to favor their desired candidate. This malware would likely be designed to remain inactive during pre-election tests, do its dirty business during the election, then erase itself when the polls close. A skilled attacker's work might leave no visible signs—though the country might be surprised when results in several close states were off from pre-election polls.

Could anyone be brazen enough to try such an attack? A few years ago, I might have said that sounds like science fiction, but 2016 has seen unprecedented cyberattacks aimed at interfering with the election. This summer, attackers [broke into the email system](#) of the Democratic National Committee and, separately, into the [email account of John Podesta](#), Hillary Clinton's campaign chairman, and leaked private messages. Attackers infiltrated the voter registration systems of two states, [Illinois and Arizona](#), and stole voter data. And there's evidence that hackers attempted to breach [election offices in several other states](#).

Murphy Aff. Ex. B

In all these cases, Federal agencies publicly asserted that senior officials in the Russian government commissioned these attacks. Russia has sophisticated cyber-offensive capabilities, and has shown a willingness to use them to hack elections. In 2014, during the presidential election in Ukraine, attackers linked to Russia sabotaged the country's vote-counting infrastructure and, according to published reports, Ukrainian officials succeeded only at the last minute in defusing vote-stealing malware that was primed to cause the wrong winner to be announced. Russia is not the only country with the ability to pull off such an attack on American systems—most of the world's military powers now have sophisticated cyberwarfare capabilities.



The pink counties predominately use optical scan paper ballots, which can be examined to confirm that the computer voting machines produced an accurate count. Blue counties use paperless voting systems, which require forensic analysis.

Were this year's deviations from pre-election polls the results of a cyberattack? Probably not. I believe the most likely explanation is that the polls were systematically wrong, rather than that the election was hacked. But I don't believe that either one of these seemingly unlikely explanations is overwhelmingly more likely than the other. The only way to know whether a cyberattack changed the result is to closely examine the available physical evidence—paper ballots and voting equipment in critical states like Wisconsin, Michigan, and Pennsylvania. Unfortunately, **nobody is ever going to examine that evidence unless candidates in those states act now, in the next several days, to petition for recounts.**

What's to stop an attack like this from succeeding?

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America's voting machines have serious cybersecurity problems. That isn't news. It's been documented beyond any doubt over the last decade in numerous peer-reviewed papers and state-sponsored studies by me and by other computer security experts. We've been pointing out for years that voting machines are computers, and they have reprogrammable software, so if attackers can modify that software by infecting the machines with malware, they can cause the machines to give any answer whatsoever. I've demonstrated this in the laboratory with real voting machines—in just a few seconds, anyone can install vote-stealing malware on those machines that silently alters the electronic records of every vote.

Princeton University Exposes Diebold FL...



It doesn't matter whether the voting machines are connected to the Internet. Shortly before each election, poll workers copy the ballot design from a regular desktop computer in a government office, and use removable media (like the memory card from a digital camera) to load the ballot onto each machine. That initial computer is almost certainly not well secured, and if an attacker infects it, vote-stealing malware can hitch a ride to every voting machine in the area. There's no question that this is possible for technically sophisticated attackers. (If my Ph.D. students and I were criminals, I'm sure we could pull it off.) If anyone reasonably skilled is sufficiently motivated and willing to face the risk of getting caught, it's happened already.

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Why hasn't more been done about this? In the U.S., each state (and often individual counties or municipalities) selects its own election technology, and some states have taken steps to guard against these problems. (For instance, California banned the use of the most dangerous computer voting machines in 2007 as a result of vulnerabilities that I and other computer scientists found.) But many states continue to use machines that are known to be insecure—sometimes with software that is a decade or more out of date—because they simply don't have the money to replace those machines.

There is one absolutely essential security safeguard that protects most Americans' votes: paper.

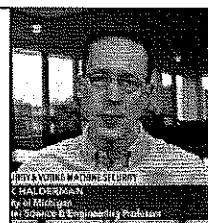
I know I may sound like a Luddite for saying so, but most election security experts are with me on this: *paper ballots are the best available technology for casting votes*. We use two main kinds of paper systems in different parts of the U.S. Either voters fill out a ballot paper that gets scanned into a computer for counting (optical scan voting), or they vote on a computer that counts the vote and prints a record on a piece of paper (called a voter-verifiable paper audit trail). Either way, the paper creates a record of the vote that can't be later modified by any bugs, misconfiguration, or malicious software that might have infected the machines.

After the election, human beings can examine the paper to make sure the results from the voting machines accurately determined who won. Just as you want the brakes in your car to keep working even if the car's computer goes haywire, accurate vote counts must remain available even if the machines are malfunctioning or attacked. In both cases, common sense tells us we need some kind of physical backup system. I and other election security experts have been advocating for paper ballots for years, and today, about 70% of American voters live in jurisdictions that keep a paper record of every vote.

Washington Journal: J. Alex Halderman on Cybersecurity and Voting

Oct. 4, 2016: Prof. J. Alex Halderman, who has conducted research on voting machine security, talks about his...

www.c-span.org



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There's just one problem, and it might come as a surprise even to many security experts: **no state is planning to actually check the paper** in a way that would reliably detect that the computer-based outcome was wrong. About half the states have no laws that require a manual examination of paper ballots, and most other states perform only superficial spot checks. If nobody looks at the paper, it might as well not be there. A clever attacker would exploit this.

There's still one way that some of this year's paper ballots could be examined. In many states, candidates can petition for a recount. The candidate needs to pay the cost, which can run into millions of dollars. The deadlines for filing recount petitions are soon—for example, this Friday in Wisconsin (margin 0.7%), Monday in Pennsylvania (margin 1.2%), and the following Wednesday in Michigan (margin 0.3%).

Examining the physical evidence in these states—even if it finds nothing amiss—will help allay doubt and give voters justified confidence that the results are accurate. It will also set a precedent for routinely examining paper ballots, which will provide an important deterrent against cyberattacks on future elections. Recounting the ballots now can only lead to strengthened electoral integrity, but the window for candidates to act is closing fast.

Much more needs to be done to secure America's elections, and important new safeguards could be put in place by 2018. States still using paperless voting machines should replace them with optical scan systems, and all states should update their audit and recount procedures. There are fast and inexpensive ways to verify (or correct) computer voting results using a risk-limiting audit, a statistical method that involves manually inspecting randomly selected paper ballots. Officials need to begin preparing soon to make sure all of these improvements are ready before the next big election.

J. Alex Halderman is Professor of Computer Science & Engineering at the University of Michigan and Director of Michigan's Center for Computer Security & Society. His course on election technology, Securing Digital Democracy, is available on Coursera. He was recently named by Popular Science as one of the "ten brightest minds reshaping science, engineering, and the world."

Murphy Aff. Ex. B



Marc Erik Elias

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Law and Politics

2 days ago · 4 min read

Listening and Responding To Calls for an Audit and Recount

Over the last few days, officials in the Clinton campaign have received hundreds of messages, emails, and calls urging us to do something, anything, to investigate claims that the election results were hacked and altered in a way to disadvantage Secretary Clinton. The concerns have arisen, in particular, with respect to Michigan, Wisconsin and Pennsylvania—three states that together proved decisive in this presidential election and where the combined margin of victory for Donald Trump was merely 107,000 votes.

It should go without saying that we take these concerns extremely seriously. We certainly understand the heartbreak felt by so many who worked so hard to elect Hillary Clinton, and it is a fundamental principle of our democracy to ensure that every vote is properly counted.

Moreover, this election cycle was unique in the degree of foreign interference witnessed throughout the campaign: the U.S. government concluded that Russian state actors were behind the hacks of the Democratic National Committee and the personal email accounts of Hillary for America campaign officials, and just yesterday, the Washington Post reported that the Russian government was behind much of the “fake news” propaganda that circulated online in the closing weeks of the election.

For all these reasons, we have quietly taken a number of steps in the last two weeks to rule in or out any possibility of outside interference in the vote tally in these critical battleground states.

First, since the day after the election we have had lawyers and data scientists and analysts combing over the results to spot anomalies that would suggest a hacked result. These have included analysts both from within the campaign and outside, with backgrounds in politics, technology and academia.

Murphy Aff. Ex. C

Second, we have had numerous meetings and calls with various outside experts to hear their concerns and to discuss and review their data and findings. As a part of this, we have also shared out data and findings with them. Most of those discussions have remained private, while at least one has unfortunately been the subject of leaks.

Third, we have attempted to systematically catalogue and investigate every theory that has been presented to us within our ability to do so.

Fourth, we have examined the laws and practices as they pertain to recounts, contests and audits.

Fifth, and most importantly, we have monitored and staffed the post-election canvasses—where voting machine tapes are compared to poll-books, provisional ballots are resolved, and all of the math is double checked from election night. During that process, we have seen Secretary Clinton's vote total grow, so that, today, her national popular vote lead now exceeds more than 2 million votes.

In the coming days, we will continue to perform our due diligence and actively follow all further activities that are to occur prior to the certification of any election results. For instance, Wisconsin and Pennsylvania conduct post-election audits using a sampling of precincts. Michigan and many other states still do not. This is unfortunate; it is our strong belief that, in addition to an election canvass, every state should do this basic audit to ensure accuracy and public confidence in the election.

Beyond the post-election audit, Green Party candidate Jill Stein announced Friday that she will exercise her right as a candidate to pursue a recount in the state of Wisconsin. She has indicated plans to also seek recounts in Pennsylvania and Michigan.

Because we had not uncovered any actionable evidence of hacking or outside attempts to alter the voting technology, we had not planned to exercise this option ourselves, but now that a recount has been initiated in Wisconsin, we intend to participate in order to ensure the process proceeds in a manner that is fair to all sides. If Jill Stein follows through as she has promised and pursues recounts in Pennsylvania and Michigan, we will take the same approach in those states as well. We do so fully aware that the number of votes separating Donald Trump and

Hillary Clinton in the closest of these states—Michigan—well exceeds the largest margin ever overcome in a recount. But regardless of the potential to change the outcome in any of the states, we feel it is important, on principle, to ensure our campaign is legally represented in any court proceedings and represented on the ground in order to monitor the recount process itself.

The campaign is grateful to all those who have expended time and effort to investigate various claims of abnormalities and irregularities. While that effort has not, in our view, resulted in evidence of manipulation of results, now that a recount is underway, we believe we have an obligation to the more than 64 million Americans who cast ballots for Hillary Clinton to participate in ongoing proceedings to ensure that an accurate vote count will be reported.



Jill Stein raises over \$4 million to fund state vote recounts

November 24, 2016 at 6:45 PM EST

Jill Stein, the Green Party's 2016 presidential candidate, is preparing to request recounts of election results in several battleground states. Concerned about the accuracy of machine-counted ballots, Stein has raised over \$4 million in an online campaign to support verifying vote tallies. John Yang speaks with Stein about her efforts, then learns more from David Sanger of The New York Times.

JOHN YANG: Jill Stein, the Green Party's presidential nominee is preparing to request recounts in key battleground states. In just a day, she's raised over \$4 million dollars through an online fundraising page to support recounts in Michigan, Pennsylvania and Wisconsin.

Although Hillary Clinton leads president-elect Trump in the popular vote by more than 2 million votes, she trails Mr. Trump by narrow margins in those three states. To discuss the push for recounts, Green Party presidential nominee doctor Jill Stein joins me now from Camden, Maine. Dr. Stein, welcome.

Let me ask you, will you be filing these requests? I know the deadline is tomorrow in Wisconsin, and then next week in Michigan and Pennsylvania. Will you be filing in all three states?

JILL STEIN, Green Party Presidential Nominee: Yes, we will. The big question was whether the American people supported this enough that they would fund it. All we did was put out the press release, put up a web site and the funding for it in. The American people are looking for a positive step that we can take to ensure that our votes are being counted and that they're counted accurately.

JOHN YANG: And what's your goal with this? Do you think you can overturn the election with these recounts?

JILL STEIN: I don't think that's likely and this is not done to benefit one candidate at the expense of the other. This is being done because Americans came out of this election, not happy campers.

Eighty percent of Americans according to the New York Times poll, felt disgusted this election. These were two candidates that, you know, largely people were voting out of fear and the question was which one do you trust less — you know, the most disliked and untrusted candidates in our

Murphy Aff. Ex. D

history. I think Americans are looking for a way that we can improve the system.

It's not just an academic question, but it's the question of the job, the healthcare we can't afford and a generation locked in debt, non-academic is very up close and personal and what I have been shocked by is in this holiday weekend when usually people retreat to the pleasures of their families and the wonderful food and all that, you know, we don't see that happening at all. People are really wanting to jump forward toward creating a political system that we feel like we can have confidence in.

JOHN YANG: As you explain, we are talking to you by Skype and we're hearing other news organizations trying to reach you. Do you have any in evidence those three states of any irregularities, hacking, any problems in those states other than the narrow margins? Why pick those three states?

JILL STEIN: Because the margins were narrow and if they were hacking, those were the states you would expect to see where the difference is very close and the impact would have been a small, statistical change that would have changed the outcome and just left it with a very minor difference in the votes between the two candidates.

There is not a smoking gun here, but what the election integrity experts tell us and the advocates for verified voting, what they tell us, is that — well in fact, it's not just them, you know, this is sort of the obvious, the elephant's in the room. This was an election in which we saw hacking all over the place, we saw hacking into the democratic party database and hacking into voter database in Illinois and Arizona and evidence that it was attempted much more broadly and we also saw hacking into personal accounts.

At the same time, we have a voting system which has been proven to basically be wide open to hackers. That is, we have voting machines in Wisconsin, for example, that have been barred from California, that got actually made illegal in California because they have been proven to be drop-dead simple to go in and reprogram with malicious software.

So what we're saying — you wouldn't get into an airplane and wait for it to crash to decide you need quality assurance and a backup system. Our voting system is no less important and we're basically calling for a system to verify voting. We shouldn't have to show there's been a disaster in order to safeguard a very vulnerable voting system.

JOHN YANG: Green Party nominee Jill Stein. Thank you so much for joining us.

JILL STEIN: Thank you so much.

JOHN YANG: To dig deeper into the recount push, I'm joined by David Sanger, national security correspondent for the New York Times, he has been following this story. David, welcome, thanks for coming in on Thanksgiving day.

DAVID SANGER, The New York Times: Thank you. Happy Thanksgiving to you. We're all given thanks for Gwen's life.

JOHN YANG: Absolutely, thank you. Where does this talk come from? The sudden talk about recounts in those three states come from?

JOHN YANG: John, I think it comes from the fact as Dr. Stein indicated the popular vote has now risen, it's over 2 million lead for secretary Clinton, and the margin in the three critical states of Michigan, Wisconsin, Pennsylvania has narrowed and that has prompted people who have been looking at the hacking questions and others to say if we were getting down to such small amounts, do we need to go check because of possibly miscounting but also because to have the risk of hacking.

Now, when you look at Pennsylvania where the margin is still about 70,000 or so, the chances that this would change the result are pretty miniscule but there may be other good reasons for doing it anyway.

JOHN YANG: A group of computer scientists called the Clinton campaign last week to urge them to do this. Do they have any evidence or any proof that something happened in these three states?

DAVID SANGER: They don't seem to. I think the telling issue here is the Clinton campaign has not asked for a recount and I think that tells you that they don't believe this would alter the result.

What they do have is looking at the variance between where a number of the pre-election polls were in, of course, as we all know, those were notoriously bad in these cases and where the vote count has come out, and then some of the usual variances that you see just precinct by precinct, and there are always some number of precincts where it looks like there were several more thousand voters who came in or several thousand fewer and it doesn't match up with the numbers.

It usually comes out in the wash of doing the verification of the vote. But in Wisconsin and Michigan, there are paper backups and that's the critical thing, digitized as we get, John. Voting is one thing where you sort of want to take a big step back and always have a paper backup. In Pennsylvania, that's true only in a few parts of the state.

JOHN YANG: Dr. Stein says she doesn't think this would change the outcome and you have suggested it's unlikely. So what's the point of going through this?

DAVID SANGER: One point is every state has a different system and different levels of cyber security. And if there was one big lesson from the 2016 election, apart from the issues between the candidates, is that we are vulnerable to a foreign power to come in and attempting to influence the election and that's of course what the intelligence agencies were saying about the hacks of the DNC and John Podesta, the chairman of the Clinton campaign's e-mails.

If that's the case, we have to all up our game for sanctity of the election system. I think if states understand, that they are going to be required to go back and look at the paper ballots either on a sample or full basis, they will probably invest more in their cyber security if they believe that there is a chance that there could be hacking, they need a better system.

In this particular case, when the issue is this narrow, if they don't go back and do it, there will be conspiracy theories between now and 30 years from now saying the 2016 election, there was something suspect there. So if they pass up this chance, they will open up to the conspiracy theories having their case even if their case is unfounded.

JOHN YANG: So, is it do it to prove that nothing happened that there was no hacking?

DAVID SANGER: I think it's do it to be sure there was no hacking and do it to make sure states recognize if they don't have the best cyber security around which includes understanding what sort of malware can come into the systems and investing in the front end, they probably will have to pay a lot more money at the back end if elections close.

Remember, the way the states are doing this right now, you only do a recount if the two people running are within half a percent or less of each other. For a half of an election, that wouldn't make sense because any sophisticated hacker is going to know that the state's cutoff is half of one percent and make sure the margin is slightly larger than that to avoid an automatic recount. So you've got to stay one thought out ahead of some very sophisticated hackers.

JOHN YANG: David Sanger of the New York Times. Thanks for joining us.

DAVID SANGER: Thank you.

Shields and Brooks on 'anticlimactic' Clinton victory, Trump's 'moral chasm'



U.S. official: Hackers targeted voter registration systems of 20 states



In this June 5, 2015, file photo, the Homeland Security Department headquarters in northwest Washington. A Homeland Security Department official says hackers have targeted the voter registration systems of more than 20 states in recent months. FBI Director James Comey told lawmakers this week that the agency is looking "very, very hard" at Russian hackers who may try to disrupt the U.S. election. (Susan Walsh / AP)

By **Tribune news services**

SEPTEMBER 30, 2016, 4:42 PM | WASHINGTON

Hackers have targeted the voter registration systems of more than 20 states in recent months, a Homeland Security Department official said Friday.

The disclosure comes amid heightened concerns that foreign hackers might undermine voter confidence in the integrity of U.S. elections. Federal officials and many cybersecurity experts have said it would be nearly impossible for hackers to alter an election's outcome because election systems are very decentralized and generally not connected to the internet.

The official who described detecting the hacker activity was not authorized to speak publicly on the subject and spoke to The Associated Press on condition of anonymity. It was unclear, the official said, whether the hackers

were foreign or domestic, or what their motives might be. ABC News earlier reported that more than 20 states were targeted.

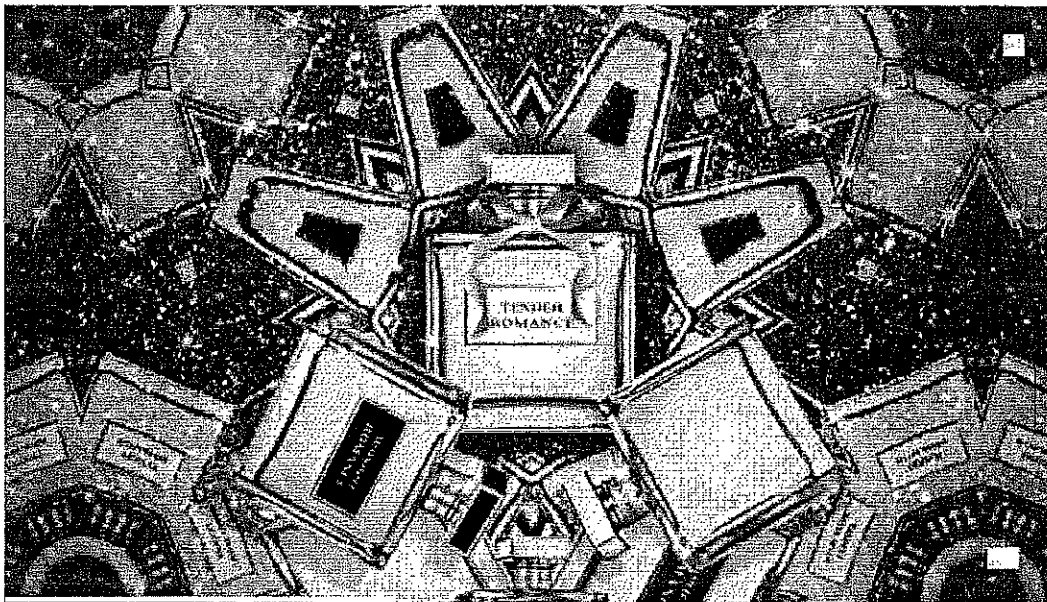
The FBI last month warned state officials of the need to improve their election security after hackers targeted systems in Illinois and Arizona. FBI Director James Comey told lawmakers this week that the agency is looking "very, very hard" at Russian hackers who may try to disrupt the U.S. election.

Last month, Donald Trump, the GOP nominee for president, suggested that he feared the general election "is going to be rigged."

The Homeland Security Department has stepped up its outreach to states and localities, but it is up to them to ask for help. So far, 19 states have expressed interest in a general "cyber hygiene" scan of key websites — akin to ensuring that windows in a home are properly closed, according to another Homeland Security official directly involved in securing local elections who also was not authorized to speak publicly about ongoing efforts.

The FBI has detected a variety of "scanning activities" that are early indications of hacking, Comey told the House Judiciary Committee this week.

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The FBI held a conference call on Friday with the local officials who run elections in the battleground state of Florida. Meredith Beatrice, a spokeswoman for Secretary of State Ken Detzner, called it an "informational call related to elections security," but a person on the call who was not authorized to discuss it and requested anonymity said authorities had seen evidence of someone probing a local elections website.

Homeland Security Secretary Jeh Johnson spoke to state election officials by phone last month, encouraging them to implement existing technical recommendations to secure their election systems and ensure that electronic voting machines are not connected to the internet.

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DHS is offering states more comprehensive, on-site risk and vulnerability checks. Only four states have expressed interest in the assessment, and because the election is only weeks away, the department will likely only be able to conduct an assessment of one state before Election Day on Nov. 8, the official said.

Two of the hacking attempts involved efforts to mine data from the Arizona and Illinois voter registration systems, according to Kay Stimson, a spokeswoman for the National Association of Secretaries of State. She said in Arizona a hacker tried to probe voter registration data, but never infiltrated the system, while in Illinois hackers got into the system, but didn't manipulate any data.

These systems have "nothing to do with vote casting or counting," Stimson said in an email. "While it is theoretically possible to disrupt an election by infiltrating a voter registration system, their compromise would not affect election results" and there are system controls in place to catch any fraud.

Rep. Henry Johnson, D-Ga., introduced two bills earlier this month that would require voting systems be designated as critical infrastructure and limit purchases of new voting systems that don't provide paper ballots, among other measures. It's unlikely the bills will be passed before the election.

The Homeland Security Department is already considering designating voting systems as critical infrastructure in the future, though it is unlikely to happen before the election, the second official said.

A presidential directive released in 2013 details 16 sectors that are considered critical infrastructure, including energy, financial services, healthcare, transportation, food and agriculture, and communications. The designation places responsibilities on the Homeland Security secretary to identify and prioritize those sectors, considering physical and cyber threats. The secretary is also required to conduct security checks and provide information about emerging and imminent threats.

Associated Press

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Jill Stein was live.

November 26 at 3:08pm

I'm pleased to announce that thanks to over 100,000 small-dollar donors, we filed our recount petition in Wisconsin today!

MADISON, WI - At 3:09pm Central Time, attorneys on behalf of Jill Stein electronically filed a recount petition to request a recount of the 2016 presidential election vote in Wisconsin, as part of a bid to demand recounts in the three states of Wisconsin, Michigan, and Pennsylvania. Receipt of the filing from the Wisconsin Elections Commission was confirmed at 3:45pm.

The filing fee for the recount request in Wisconsin is estimated to be approximately \$1.1 million. After opening a fundraising drive on Wednesday, the campaign raised the needed funds for Wisconsin within a matter of hours. So far, over \$5 million has been raised from over 110,000 donors with an average of \$45 each. Total costs are expected to be approximately \$7 million dollars.

"We are standing up for an election system that we can trust: for voting systems that respect and encourage our vote, and make it possible for all of us to exercise our constitutional right to vote," said Jill Stein, former Green Party presidential candidate. "We demand voting systems that are accurate, secure and accountable to the people. This is part of a larger commitment to election reform that our campaign and the Green Party has long stood for, which includes open debates, an end to voter ID laws and voter suppression, and ranked choice voting," Stein added.

"The recount was not filed in order to change the election outcome, which is unlikely, nor to favor any one candidate. We are pursuing this recount to verify the integrity of the election result," said David Cobb, Stein/Saraka campaign manager. As the Green Party presidential candidate in 2004, Cobb led a recount effort in Ohio which led to election reforms in other states, including the banning of DRE touchscreen voting machines in California and a revamped voting system in New Mexico. The recount also helped to launch a nationwide movement for election integrity.

The three states were recommended for scrutiny by election integrity experts and advocates because of the vulnerability of their voting systems and various indicators of concern - including unexplained high numbers of undervotes, the close results between the two candidates, and observed discrepancies between pre-election polling and the official result. Without meaningful machine audit procedures, a paper recount is the only sure

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NOV 23, 2016 AT 2:22 PM

Demographics, Not Hacking, Explain The Election Results

By Carl Bialik and Rob ArthurFiled under 2016 Election

According to a report Tuesday in New York Magazine, a group of computer scientists and election lawyers have approached the Hillary Clinton campaign with evidence they believe suggests the election might have been hacked to make it appear that Donald Trump won the Electoral College when Clinton really did. The hacking claim appears to be based on concerns about tampering with electronic voting machines. We've looked into the claim — or at least, our best guess of what's being claimed based on what has been reported — and statistically, it doesn't check out.

There's no clear evidence that the voting method used in a county — by machine or by paper — had an effect on the vote. Anyone making allegations of a possible massive electoral hack should provide proof, and we can't find any. But it's not even clear the group of computer scientists and election lawyers are making these claims. (More on this in a moment.)

The New York article reports that a group that includes voting-rights attorney John Bonifaz and computer scientist J. Alex Halderman presented findings last week about Wisconsin, Michigan and Pennsylvania to top Clinton campaign officials to try to persuade them to call for a recount. Exactly what those findings were isn't clear. The New York article includes just one example, a finding that Clinton did worse in counties in Wisconsin that used electronic voting machines instead of paper ballots.¹ It's not clear what data the group was using to call for a recount in Michigan and Pennsylvania, or if it was looking at data at all: It could have chosen those states because they were the ones besides Wisconsin that Trump won with the smallest margins. Bonifaz, Halderman and the Clinton campaign officials mentioned in the article didn't respond to requests for comment or more detail about the study.

But in a Medium post on Wednesday, Halderman said the New York article “includes some incorrect numbers” and misrepresented his argument for recounts. He laid out an argument based not on any specific suspicious vote counts but on evidence that voting machines *could* be hacked, and that using paper ballots as a reference point could help determine if there were hacks. “Examining the physical evidence in these states—even if it finds nothing amiss—will help allay doubt and give voters justified confidence that the results are accurate,” Halderman wrote.

Without a recount, all we can do for now is look for any meaningful difference in the three states named in the New York article between votes in counties that used paper ballots and votes in ones that used machines. That quickly crossed Michigan off the list: The entire state uses paper ballots, which are read by optical scanners.² So we couldn’t compare results by type of voting in that state. Instead, we checked the six other states with a margin between Clinton and Trump of less than 10 percentage points that use a mix of paper and machine voting: Arizona, Florida, North Carolina, Ohio, Texas and Virginia.

For each county in those states, we looked at Clinton’s vote share and whether it was associated with the type of voting system the county used, based on voting-system data compiled by a nonprofit electoral-reform group called Verified Voting and 2016 vote data from Dave Leip’s U.S. Election Atlas and ABC News.³ It doesn’t make much sense, though, to just look at raw vote counts and how they differed, because we know there are many factors that affect how a county voted, both in those states and everywhere else around the country. So we separated out two of the main factors that we know drove differences in voting results: the share of each county’s population age 25 and older with a college degree, and the share of the county that is non-white.⁴

We found no apparent correlation⁵ between voting method and outcome in six of the eight states, and a thin possible link between voting method and results in Wisconsin and Texas. However, the two states showed opposite results: The use of any machine voting in a county was associated with a 5.6-percentage-point reduction in Democratic two-party vote share in Wisconsin but a 2.7-point increase in Texas, both of which were statistically significant.⁶ Even if we focus only on Wisconsin, the effect disappears when we weight our results by

population. More than 75 percent of Wisconsin's population lives in the 23 most populous counties, which don't appear to show any evidence for an effect driven by voting systems.⁷ To have effectively manipulated the statewide vote total, hackers probably would have needed to target some of these larger counties. When we included all counties but weighted the regression by the number of people living in each county, the statistical significance of the opposite effects in Wisconsin and Texas both evaporated.⁸

Even if the borderline significant result for Wisconsin didn't vanish when weighting by population, it would be doubtful, for a few reasons. You're more likely to find a significant result when you make multiple tests, as we did by looking at eight states with and without weighting by population.⁹

STATE	UNWEIGHTED REGRESSION		WEIGHTED REGRESSION	
	T-STATISTIC	P-VALUE	T-STATISTIC	P-VALUE
Wisconsin	-2.585	0.012	-1.024	0.309
Pennsylvania	+0.294	0.770	-1.081	0.284
Arizona	+0.548	0.594	-0.298	0.771
Florida	-0.110	0.941	+0.075	0.913
North Carolina	+0.015	0.988	-0.243	0.809
Ohio	-0.875	0.384	-0.911	0.365
Texas	+2.330	0.021	-0.194	0.847
Virginia	+0.889	0.376	+0.901	0.369

SOURCES: DAVE LEIP, ABC NEWS. VERIFIED VOTING

Also, different places in Wisconsin and Texas use different kinds of voting machines; presumably if someone really did figure out how to hack certain machines, we'd see different results depending on which type of machines were used in a county, but we don't. And Nate Cohn of The New York Times found that when he added another control variable to race and education — density of the population — the effect of paper ballots vanished.

It's possible nonetheless that the election was hacked, in the sense that anything is possible. (And the best hackers are experts in erasing their tracks.) Maybe hackers knew which control variables we'd look at and manipulated the vote in a

way that it would look like it was caused by race, education and population driving different voting preferences. Maybe hackers didn't manipulate the share of votes in individual counties, but rather the turnout, increasing the number of votes in counties likely to favor one candidate or another. Maybe some irregularities at the county level in early Wisconsin vote-counting are signs of wider problems. Maybe we'd find something if we dug down to the precinct level, or if we looked at other states with mixed voting systems. But at a time when the number of voters without confidence in the accuracy of the vote count is rising, the burden of proof ought to be on people claiming there was electoral fraud. The paradox is that in our current electoral system, without routine audits, seeking proof requires calling for a recount, which in itself can undermine confidence in the vote.

Footnotes

1. With an electronic system, voters cast their ballot on a computer screen. Paper-ballot systems generally require voters to mark their choice with a pen on a ballot that is then scanned by an optical reader and recorded electronically, leaving a paper trail. No state still uses the old mechanical lever systems for federal elections.
2. In his post on Medium, Halderman suggests that these paper ballots could be used to check that the scanners counted properly. Obviously, though, we can't do that.
3. ABC, like FiveThirtyEight's parent company ESPN, is owned by the Walt Disney Co.
4. The data for college degrees and for race is from the Census Bureau's American Community Survey covering the period of 2010 to 2014. We used linear models of two-party vote share, one for each state.
5. $p > .3$
6. $p < .05$
7. We're using 2015 Census Bureau population estimates.
8. $p > .3$
9. The probability that we'd find at least two significant results given 16 tries to do so is about one in five, and applying a multiple testing correction results in no significant p-values. Here are the p values for all 16 tests we ran:

STATE	UNWEIGHTED REGRESSION		WEIGHTED REGRESSION	
	T-STATISTIC	P-VALUE	T-STATISTIC	P-VALUE
Wisconsin	-2.585	0.012	-1.024	0.309
Pennsylvania	+0.294	0.770	-1.061	0.284
Arizona	+0.548	0.594	-0.298	0.771
Florida	-0.110	0.941	+0.075	0.913
North Carolina	+0.015	0.988	-0.243	0.809
Ohio	-0.875	0.384	-0.911	0.365
Texas	+2.330	0.021	-0.194	0.847

STATE	UNWEIGHTED REGRESSION		WEIGHTED REGRESSION	
	T-STATISTIC	P-VALUE	T-STATISTIC	P-VALUE
Virginia	+0.889	0.376	+0.901	0.369

SOURCES: DAVE LEIP, ABC NEWS, VERIFIED VOTING

The New York Times | <http://nyti.ms/2gCbtCw>

The Upshot

THE 2016 RACE

'Serious Voter Fraud'? Um, No

Nate Cohn @Nate_Cohn NOV. 28, 2016

Usually, the burden of proof for an outlandish claim rests on the person making the assertion. But Donald J. Trump is a master of making big claims, challenging others to disprove them and benefiting from the debate.

On Sunday, he alleged that Hillary Clinton won the popular vote because of millions of illegal votes, presumably many of them cast in California, which is still counting votes and which is providing her with much of her two-million-plus-vote advantage. He said there was "serious voter fraud in Virginia, New Hampshire and California."

Mr. Trump has offered no evidence for this statement. That's because there isn't any.

California's turnout was low.

If there were a few million fraudulent votes, the turnout rate in California would presumably be quite high. It was not. The turnout rate in California is projected to finish below the national average, according to estimates by Michael McDonald of the United States Elections Project. The turnout rate is based on the state's voting-eligible population, which excludes noncitizens.

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If California had a low turnout despite millions of noncitizen voters, its turnout rate would be among the lowest in the country — edging just above Hawaii and Utah for third lowest.

Other Republicans did quite well.

You would expect signs of noncitizen voting in the results. Mr. Trump would have presumably lost the most ground in areas with large noncitizen populations. Instead, his biggest losses came on the affluent coast: in Orange and Marin counties, in San Diego and Silicon Valley.

He underperformed Mitt Romney's 2012 showing most in Orange County, a redoubt of 20th-century conservatism that voted Republican in every election from 1936 through 2012. Mr. Trump lost the county by a nine-point margin.

These same Orange County residents voted to re-elect all four of their Republican members of Congress — not the result one would expect if Mrs. Clinton were bolstered by a wave of unanimously Democratic illegal votes.

Studies cited don't support it.

When asked on Monday for evidence to support Mr. Trump's assertions, Jason Miller, his communications director, cited two studies that he said offered examples of voter fraud: a 2014 Washington Post study on noncitizen voting and a 2012 Pew study on the poor state of voter registration files.

Neither study could plausibly be construed to indicate that millions of illegal voters cast ballots in this election. Both were conducted well in advance of the election, and neither supports anything like what Mr. Trump has suggested.

What Mr. Miller referred to as the "Washington Post study" — actually an article by two professors on The Post's Monkey Cage blog — used a survey to conclude that 6.4 percent of noncitizen adults voted in the 2008 election.

This study was widely criticized and later debunked. But even taken at face value, a 6.4 percent noncitizen voting rate would account for only one-fourth of Mrs. Clinton's margin of victory in the popular vote.

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And there is little reason to think that 6.4 percent of noncitizens voted in the 2008 election. The finding is based on the Cooperative Congressional Election Study, a huge study of tens of thousands of respondents. The 6.4 percent is based on just 21 survey respondents who indicated that they were noncitizens and voted.

That tiny number of respondents out of the tens of thousands who took the survey hints at a different explanation: measurement error.

Sometimes people make mistakes when they take a survey. They might misunderstand the question, accidentally give a wrong response to an interviewer or press the wrong button online. The interviewer can make a mistake, and record the wrong answer. This usually isn't a significant problem, but it becomes one if you're trying to find an odd, small finding in a survey of 30,000 people. Even if 99.9 percent of people answered a question correctly in the survey, there would still be 30 erroneous answers out of 30,000.

It turns out that number isn't far off. The study is a panel survey, so many people had been interviewed in previous years. A comparison of their previous answers can help give a sense of just how often people might make a mistake. In 2012, 20 of the self-described noncitizens surveyed reported that they had been citizens when they took the survey in 2010. But that's unlikely — very few people lose their citizenship.

What's more, a similar number, 36 people, said they were noncitizens in 2010 but citizens in 2012. That's possible — since people can obtain citizenship — but the finding is well above the rate of naturalization.

This phenomenon could explain all of the noncitizen voting in the congressional election study. Here's the clincher: There were zero voters among the respondents who indicated that they were noncitizens in both 2010 and 2012.

Mr. Miller's citation of a Pew Research study on the quality of voter registration files is far less salient. Yes, there are many millions of people who remain registered to vote after they have moved or died: Very few people remove themselves from the

voter rolls when they move, or as they lie on their deathbed. But this has nothing to do with noncitizen voting, and it is not a meaningful contributor to voter fraud.

Allegations of fraud by the left doesn't mean fraud has occurred.

The political right has not been alone in making unsubstantiated claims about election or voter fraud this year. Some supporters of Bernie Sanders did the same thing in the primaries. The Green Party presidential candidate Jill Stein is pushing for recounts in Pennsylvania, Michigan and Wisconsin, though no recount has ever overturned a lead as large as Mr. Trump's in these states.

Last week, a New York Magazine article made a splash by saying that some computer scientists believed there was evidence of voting irregularities in Wisconsin, based on Mr. Trump's stronger showing in counties with electronic voting. This appears to be a mischaracterization of their views, but the view expressed in the article doesn't hold up either. Mr. Trump's edge in electronic-voting counties can be explained by their demographics: The counties are less educated and whiter than the parts of the state with paper ballots.

Ultimately, there's not much that's odd about the results. Mrs. Clinton underperformed in Wisconsin, but also in Iowa and Minnesota — states with paper ballots and, in Minnesota's case, a Democratic government. She fared well in California, but gained just as much in Texas, a state with Republican government.

There's a dominant pattern: Mr. Trump's strength with white working-class voters helped him a lot in crucial battleground states like Michigan and Pennsylvania. Mrs. Clinton had strength with Hispanic voters and well-educated white voters, but it helped her more in noncompetitive states, like Texas and California. These demographic patterns help explain the results without any need to suspect voter fraud.

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