

Bernie vs. Hillary Recount in San Diego

Ray Lutz to conduct investigatory recount of Primary Election in San Diego regarding Democratic Primary Race

Goal is to discover evidence of Criminal Election Fraud

SAN DIEGO (February 3, 2017) -- Ray Lutz, election integrity activist who recently prevailed in California Superior Court in the case of “Lutz vs. Vu”, vs. San Diego County Registrar Michael Vu, et al. is now moving forward with an investigatory review of selected ballots in the June, 2016 Primary.

Lutz, National Coordinator for Citizens Oversight explained, “Our recent court case proved that San Diego County Registrar of Voters Michael Vu engaged in what we define as 'Election Audit Fraud' by improperly conducting the audit, both in the June primary and repeated in the general election. We asked the court to compel Vu to redo the tainted audits from the primary, but it declined. Fortunately, as a voter in the district, I had filed a petition to CONTEST the primary election within the required 5-day period after certification. We did not pursue it at that time because the Democratic convention occurred very quickly after the primary election and gave us no time to conduct any further review so as to stop the highly questionable primary results in their tracks. But the petition to CONTEST is still pending and provides additional rights regarding review of this election.”

In the course of the trial, Vu admitted that he preselected and prescanned the ballots from the early Vote-by-Mail (VBM) set of ballots, comprising approximately 192,000 ballots, in preparation for the 1% manual tally. This process took 40 people a week to complete and was hardly a valid way to conduct an audit.

In the Random Selection Meeting which occurred two days after the election, they selected 8 batches of early VBM ballots of approximately 720 batches for the 1% manual tally audit. Although this is enough batches for the 192,000 VBM ballots processed as of election night, it ignored the remaining 285,000 ballots, including the later-processed VBM ballots and accepted provisional ballots. Lutz sent an email to Vu, pointing out the deficiency and requesting that they choose another 8 batches as the law requires. Vu declined to include any more batches, the Election Audit Lawsuit was filed.

After that lawsuit was served, Vu switched gears and did not tally the 8 (mixed precinct) batches selected. Instead, they decided to tally the VBM ballots by PRECINCT, according to the precincts already selected for the polling-place ballots. To do this, they had to produce a lengthy computer report to inform them where the ballots were among the approximately 1300 “Decks” of approximately 400 ballots each. They hired 40 people who worked for a week rifling through the decks to pull out the ballots for the batches. We have evidence that they then rescanned those precincts to produce new computer reports. The total number of ballots did not even match the initial “snapshot” data file, which we had in our possession, reflecting the totals as of election night. All this handling of the ballots gives us no confidence that the audit was anything but theater.

Referring to the adjacent infographic, there were four groups of ballots processed. The first, group, the early VBM ballots were processed starting 10 days before the election. Our team was not fully positioned for oversight at that time. 26.67% of the ballots were processed in that group and the final overall results have HRC over BS 64.06% to 35.94% (these percentages are only the HRC vs. BS split and ignore any other candidates). This is the group we suspect tampering may have occurred due to the 40 people hired for a week to rifle through the batches for a week.

In that group, it is important to note that in the Audited precincts, the margin of victory decreased by nearly 5%.

The second group is the Polls ballots which were the ballots cast at the polls except for accepted provisional ballots, which are processed last. Here, BS won 55.47% to HRC 44.63%, but this margin again moved in BS favor in audited precincts by about 3%. We have more confidence that these ballots were correctly counted because Vu did not have time to monkey with them.

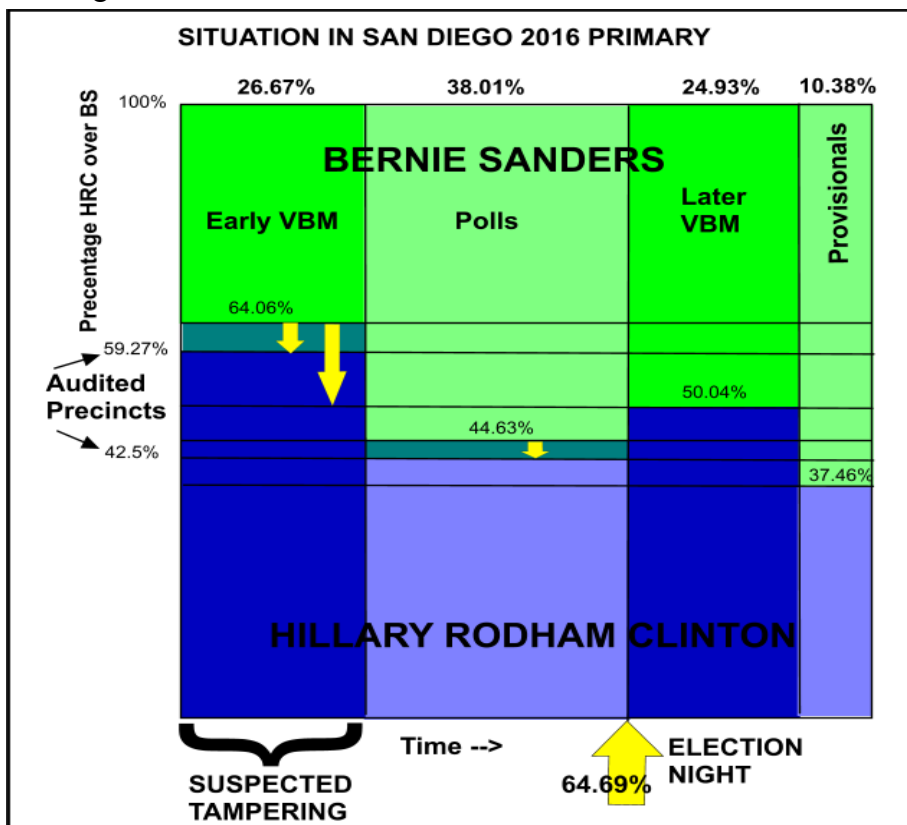
In the Later VBM group, these were the ballots processed after election night. This group was

about 50/50 between the two candidates, and comprised about 25% of the ballots cast in this race. It is instructional to compare early VBM and later VBM ballots, which differed by 14%. Our team was fully positioned and engaged in oversight during the processing of the later VBMs and we witnessed extensive whiting-out of ballots and enhancing of ballots with no written procedure, only one set of eyes on the process, and no logging of any ballot counts. This alteration of ballots should be banned and we believe it violates basic operating principles. Such alteration was performed during Early VBM processing as well. They claim that those ballots can be reviewed but no one systematically does (except for us).

Finally, provisional ballots were a landslide for BS by 62.54% to 37.46%. The Later VBMs and Provisionals were not audited at all, and this was the subject of our lawsuit (which we won).

The final margin of victory by HRC was a razor-thin 3.75%. The later VBMs and provisional ballots leaves a big hole for undetectable hacking to occur either by a compromised employee or by external hackers with access to the central tabulator, or simply mistakes in tabulating machines. The margin of victory was only 16,000 votes between Clinton and Sanders in the primary, easily hid in the 285,000 unaudited ballots, and even in those 68,000 accepted but unaudited provisional. Clearly, such blatant violation of the election code is a form of election fraud.

Normally, a petition to CONTEST the election is about minor changes that might occur if borderline cases, such as provisionals and over-voting (voting for more than the number of candidate allowed in a



single race). In California, there is no automatic recounting done, no matter how close the race might be. They rely on the candidates and public to file a CONTEST so as to review the votes and possibly flip it the other way. If the party filing the CONTEST is able to flip the election, then they do not have to pay for the work done by the County to review the race.

In this case, we intend to review the ballots counted with a eye that criminal election fraud may have occurred and the whole process used by Vu in the audit to avoid using batches and switch to precincts provided a means for him to pre-stack the ballots so the audit would not detect tampering. We also see the difference in the various sets of ballots to be HIGHLY UNUSUAL. The very first results publicized to the media are the Early VBM totals, which come out at 8pm. The media generally assumes these will be a good indicator of the rest of the election. Here we see that assumption is very very wrong.

Thus, if we do detect such tampering and this becomes a criminal case, it may lead to a full unraveling of the entire tainted election process, and a restart of our elections starting with the primaries. Such an unraveling is only speculation at this point and would require many other moving parts.

We must request help to fund our efforts to do this recount as the county will charge us for the job. We are still assessing the full cost of the job but we are budgeting \$25K as our goal to cover both the recounting process and the appeal of our earlier case, but this may have to be increased as we go forward. PLEASE HELP! We believe this attempt is worth the cost. Frankly, something has to be done.

**Volunteers can sign up at: <http://CitizensOversight.org/signup>
Donations are accepted at <http://CitizensOversight.org/donate>**

Citizens Oversight is a 501(c)3 Delaware corporation with primary offices in California and is a nonpartisan organization.

All documents and information related to this action will be available here:
<http://copswiki.org/Common/SanDiegoPrimaryRecount2016>

See <http://copswiki.org/Common/ElectionAuditLawsuit> for full information on the election audit lawsuit which is referenced in this press release.

Mr. Lutz will be available for interview by telephone or in-person, on request.

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