

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**


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IN RE: MATTER OF THE 2016 PRESIDENTIAL  
ELECTION

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: No. 659 MD 2016  
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PETITION OF ONE HUNDRED (100) OR  
MORE UNNAMED REGISTERED VOTERS OF  
THE COMMONWEALTH OF PENNSYLVANIA

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**APPLICATION TO DISMISS BY THE REPUBLICAN PARTY OF  
PENNSYLVANIA, ALL PENNSYLVANIA ELECTORS OF PRESIDENT-  
ELECT DONALD J. TRUMP AND VICE-PRESIDENT-ELECT MICHAEL  
PENCE, PRESIDENT-ELECT TRUMP, VICE-PRESIDENT-ELECT  
PENCE, AND DONALD J. TRUMP FOR PRESIDENT, INC.**

A collection of voters, corralled by fourth-place finisher and failed Green Party presidential candidate Jill Stein, filed a petition challenging the outcome of the 2016 Presidential election in Pennsylvania. Stein received less than 1% of the votes cast by Pennsylvanians, and finished no higher than fourth in virtually every state where she appeared on the ballot. Yet despite being no more than a blip on the electoral radar, Stein has now commandeered Pennsylvania's electoral process, with an eye toward doing the same to the Electoral College.

Stein and her supporters have filed hundreds of recount requests in precincts around the State, in addition to the contest filed with this Court. Once those myriad counts are resolved—potentially weeks from now, as many have yet to

start—Stein then requests that this Court review the “full record.” The Court must do so, Petitioners say, to discern whether even further investigation is warranted into Stein’s claims that the Pennsylvania election was “illegal” due to the mere *possibility* of interference with Pennsylvania’s electronic voting systems by nameless foreign entities. Even with heroic efforts by state and local elections officials involved in the recounts, as well expeditious review by this Court, Stein’s proposed process will last weeks, perhaps even months. Either way, her request puts Pennsylvania at grave risk of having not certified its Presidential Electors by December 13, the deadline for doing so. *See* 3 U.S.C. § 5 (requiring disputes over electors to be resolved by December 13); *Bush v. Gore*, 531 U.S. 98, 110 (2000) (this statute “requires that any controversy or contest that is designed to lead to a conclusive selection of electors be completed by” that date).

For that reason, Stein’s request likely comes as a shock to most Pennsylvanians. Having endured a lengthy, expensive, hard-fought Presidential election, Pennsylvania voters surely expected their votes would be accounted for when the Electoral College meets this December. Yet the legal antics of that election’s fourth-place finisher suddenly meddle with Pennsylvania’s Electoral participation.

On what basis does Stein risk disenfranchising the voters of the Keystone State? None really. There is no evidence—or even an allegation—that any



tampering with Pennsylvania's voting systems actually occurred. To be sure, the Petition claims there are vulnerabilities in some unspecified voting machines in Pennsylvania, cites public reports of election-related hacking *outside of* Pennsylvania, and notes the disparity between pre-election polls and the outcome of the presidential election. But it does not offer any evidence that a single voting machine in Pennsylvania was hacked, let alone on a scale sufficient to impact the outcome of the Pennsylvania election—a point the Petition all but concedes in asking for this Court to hold the proceeding in abeyance until evidence of alleged tampering can be found.

The absence of any evidence of tampering is no surprise. Before the election, Secretary of State Pedro Cortés assured Pennsylvania voters that Pennsylvania's voting systems are "secure," and criticized contrary suggestions as "not only wrong and uninformed," but also "dangerous." *See* Remarks by Secretary of State Pedro A. Cortés, Press Conference, Capitol Media Center, Harrisburg, PA (Oct. 20, 2016), (attached hereto as Exhibit A). He explained that all voting systems in Pennsylvania were "examined and certified to federal and state standards," and that voting machines were "not connected to the Internet" or "to one another," thus reducing the risk of compromise. *Id.* And even though already "recognized [as a] leader among states in cybersecurity," the State adopted a belt-and-suspenders approach by partnering with federal agencies, including the

Department of Homeland Security, “to ensure the integrity of [its] systems and networks.” *Id.*

Unlike the 1% candidate Stein, Secretary Cortés has not lost confidence in that election. Indeed, much the opposite. Asked whether there was any evidence of voting irregularities during the November 8 contest, his answer was as adamant as it was unequivocal: “There is *no evidence whatsoever* that points to any type of irregularity in any way, shape or form.” See Dan McQuade, *Here’s How the Jill Stein-Led Recount Effort Is Going In Philly*, phillymag.com (Nov. 29, 2016) (attached hereto as Exhibit B).<sup>1</sup> The White House, notably, has said the same. See Eric Geller, *White House insists hackers didn’t sway election, even as recount begins*, POLITICO (Nov. 26, 2016) (attached hereto as Exhibit C).<sup>2</sup>

Secretary Cortés’ unqualified statement belies the Petition’s rank speculation about the possibility of hacking, as do statements from the Clinton campaign, from Petitioners’ own expert here, and from Stein herself. Despite a flood of requests for the Clinton campaign to investigate the election results, for example, the campaign declined to challenge the election because it was unable to uncover “any actionable evidence of hacking or outside attempts to alter the voting technology.” See Marc Erik Elias, *Listening and Responding To Calls for an Audit and Recount*,

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<sup>1</sup> Available at <http://www.phillymag.com/news/2016/11/29/jill-stein-recount-philadelphia/>.

<sup>2</sup> Available at <https://perma.cc/5Z5C-Z59S>.



medium.com (attached hereto as Exhibit D).<sup>3</sup> Likewise, Professor Alex Halderman—who submitted an affidavit in this proceeding—published an article just last week stating: “Were this year’s deviations from pre-election polls the results of a cyberattack? *Probably not.*” See J. Alex Halderman, *Want to Know if the Election was Hacked? Look at the Ballots*, medium.com (Nov. 23, 2016) (emphasis added) (attached hereto as Exhibit E).<sup>4</sup> Finally, Stein herself admitted—on the same day this Petition was filed—that “there is no evidence of fraud at the ballot box.” Daniella Diaz, *Jill Stein defends her recount efforts*, cnn.com (Nov. 28, 2016) (attached hereto as Exhibit F).<sup>5</sup> This chorus of voices explains why the only evidence of election-related hacking or attempted hacking the Petition identifies, concerns entities or persons outside of Pennsylvania—the Democratic National Committee, Clinton Campaign Chair John Podesta, Illinois, Arizona, and—for good measure—Ukraine. Allegations relating to these entities plainly cannot justify upsetting the election results here.

Nor is there any legal basis for Stein’s electoral farce. Despite invoking “grave” concerns about the situation in Pennsylvania, the Petition asks this Court to do nothing until Stein and her allies can conduct a fishing expedition for

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<sup>3</sup> Available at <https://medium.com/@marceelias/listening-and-responding-to-calls-for-an-audit-and-recount-2a904717ea39#.8qzvzno97>.

<sup>4</sup> Available at <https://medium.com/@jhalderm/want-to-know-if-the-election-was-hacked-look-at-the-ballots-c61a6113b0ba#.umbgt1gvq> (emphasis added).

<sup>5</sup> Available at <http://www.cnn.com/2016/11/28/politics/jill-stein-recount-2016-election/>.

evidence of tampering. That incongruous request—that the Court delay the election by waiting to act on Stein’s purported “grave” concern—is reason alone to reject the Petition. So too is Stein’s delay in seeking relief. Although she could have filed this contest at any time following the election, she waited 20 days to do so, filing on November 28, the last possible day for filing. That request comes barely two weeks before the December 13 federal deadline for Pennsylvania to identify its presidential electors, and in the midst of a host of election recount requests, many of which are still being filed. This series of late-hour requests further undermines the Petition’s validity, not to mention its credibility.

Nor has Stein met the high burden for justifying court intervention in a completed election. Petitioners are “held to due diligence to ascertain and specify the facts which, if sustained by proof, would require the court to set aside the result of the election.” *Gollmar’s Election Case*, 175 A. 510, 512 (Pa. 1934). This specifically requires allegations of particular acts of fraud, that such fraud increased the vote of the victor, and that it affected the outcome of the election. *Id.* Courts “will not grope in the dark, or follow contestant on a fishing expedition” where such allegations are lacking. *Id.*

The Petition here fails even these basic pleading standards. It has not alleged any specific acts of fraud or tampering in Pennsylvania, much less that any such fraud increased the votes of President-elect Trump, let alone to such degree

that it affected the outcome of the election. Nor does the Petition identify any basis for believing that Stein's scattershot recount efforts will uncover even a shred of evidence of election tampering.

Even worse, the Petition flips the pleading standards on their head. As noted, proponents of an election contest must plead specific, actual instances of fraud. Petitioners, however, believe they have no obligation to allege any actual fraud, the identity of the fraudster, or the impact of the fraud. Rather, they invoke Stein's apparent belief that election results are unreliable, foreign nations are diabolical, and election officials are corrupt or incompetent, until proven otherwise. That view is evident in the expert affidavit, which treats the *absence* of evidence of tampering as evidence of tampering, because "a skilled attacker would leave no outwardly visible evidence of an attack." Elections results, in other words, are fundamentally guilty of corruption until proven innocent.

That approach defies both common sense and experience, to say nothing of the relevant pleading standards. Nor can it be reconciled with the Pennsylvania Supreme Court's command that "[i]t was never the intent of the statute nor the policy of the courts to encourage election contests without allegations of specific fraud to warrant such action.... [W]here the contest is predicated on charges which do not specify fraud with precision and clearness, the court cannot lend itself to a seemingly futile and fruitless inquiry." *Gollmar's Election Case*, 175 A. at 513.



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The law-defying nature of the Petition suggests that its real objective here is not ensuring the integrity of the election, but rather delay. Stein cannot possibly find three million votes wrongfully denied to her to catapult to victory in Pennsylvania. Nonetheless, despite “grave concerns” about the integrity of Pennsylvania’s election, the Petition requests that the Court stand down while Stein conducts isolated recounts, the relevance of which the Petition never explains. Indeed, the Petition raises many more questions than it even attempts to answer. Why must recounts occur before this election challenge proceeds? What outcome in the recounts would render the electoral challenge unnecessary? What outcome in the recounts would render the electoral challenge necessary? The Petition never says, likely because the real goal here is not ensuring the integrity of the election but unsettling the process by delaying its completion.

Indeed, Stein and Petitioners threaten to drag out the process unnecessarily, interfering with Pennsylvania’s very participation in the Electoral College. *See* 3 U.S.C. §§ 5 & 7. Imagine the Electoral College door knocked off its hinges, all because a 1% candidate is dissatisfied with the election’s outcome.

This is no hyperbole. Stein has pursued similar tactics in Wisconsin and Michigan. In Wisconsin, the Wisconsin Elections Commission rejected her request for a lengthy hand recount and, apparently aware of the urgency, ordered

that the recount (the statutory threshold for which is low) be completed by December 12. *See* Order for Recount (attached hereto as Exhibit G). And in Michigan, the Board of Canvassers is still struggling to address Stein's recount request there.

Regrettably, the impact of Stein's antics reaches far beyond the Midwest. By "contesting" the clear choice of millions of voters in Michigan, Pennsylvania, and Wisconsin, Stein aims to sow doubts regarding the legitimacy of the Presidential election while denying those states a seat at the Electoral College table. And in bringing mayhem to the otherwise orderly, time-honored Electoral College process, Stein is meddling with the confirmation of the election's outcome when Congress meets in January 2017. Ultimately, Stein cannot change the outcome of the Presidential election. But she apparently has no qualms over creating constitutional chaos in her effort to do so. All of this, moreover, while she continues to pluck money from others to support her frivolous requests and other frolics.

For these reasons and those that follow, this Court should put an end to this baseless litigation and the uncertainty it creates, and dismiss the Petition.

## **BACKGROUND**

On November 8, 2016, millions of Pennsylvania voters cast ballots in the State's presidential election. Unofficial results show that Republican Donald Trump received 2,952,799 votes (48.8% of the total), Democrat Hillary Clinton received 2,885,383 (47.7%), Libertarian Party candidate Gary Johnson received 145,393 (2.4%), and Green Party candidate Stein—finishing fourth—received 49,485 (.8%). See 2016 Presidential Election Unofficial Returns, [electionreturns.pa.gov](http://electionreturns.pa.gov) (attached hereto as Exhibit H).<sup>6</sup> The 1.1-percent margin between President-elect Trump's and Ms. Clinton's votes more than doubled the half-a-percent threshold that triggers an automatic recount. 25 P.S. § 3154(g).

Following the election, Stein began an aggressive online fundraising campaign to fund recount efforts and election challenges in three states—Michigan, Wisconsin, and Pennsylvania. See Jon Swaine, *Jill Stein raises over \$4.5m to request US recounts in battleground states*, The Guardian (Nov. 25, 2016) (attached hereto as Exhibit I).<sup>7</sup> To date, she has raised nearly \$7 million. See Jill 2016 website (attached hereto as Exhibit J).<sup>8</sup> Flush with this cash, Stein commenced her three-state recount effort just days ago.

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<sup>6</sup> Available at [http://www.electionreturns.pa.gov/ENR\\_NEW](http://www.electionreturns.pa.gov/ENR_NEW).

<sup>7</sup> Available at <https://www.theguardian.com/us-news/2016/nov/23/jill-stein-election-recount-fund-michigan-wisconsin-pennsylvania>.

<sup>8</sup> Available at <https://jillstein.nationbuilder.com/recount>.



On November 28, Stein's campaign lawyer, purporting to represent various Pennsylvania voters, filed a petition self-styled as a "Class II election contest pursuant to 25 P.S. § 3291 and § 3351." The Petition invites this Court to revisit the November 8 election for United States President and Vice-President due to the alleged possibility of foreign-sourced hacking. The Petition does not allege a single known or even a single suspected incident of hacking in the Commonwealth. Instead, it merely expresses a belief that the possibility for hacking exists, and, on this basis, requests a statewide recount. The chief support for the recount request is the affidavit of a non-Pennsylvania resident who relies on various news clippings to suggest that some unidentified portion or portions of Pennsylvania's election system might possibly be susceptible to tampering. Neither the Petition nor the affidavit claim that any tampering with Pennsylvania voting machines actually occurred, identify which foreign entities would have engaged in the hypothesized hacking, or indicate which presidential candidates would have benefited or been harmed from such conduct.

On November 29, the Republican Party of Pennsylvania and All Pennsylvania Electors of President-Elect Donald Trump and Vice-President Elect Michael Pence entered appearances and now file this application for relief.

## **ARGUMENT**

### **I. The election-contest Petition fails to state a valid claim.**

The Petition before the Court fails as a matter of law for several reasons. First, the Petition is based on purely speculative allegations, insufficient under the Election Code to support an election-contest petition. Second, the Petition was not filed in good faith, as required by the Election Code. And, finally, the Petition seeks legal relief that is not available in a statutory election contest, specifically, a statewide recount. Each issue is addressed in turn.

#### **A. The Petition is insufficient as a matter of law because it only alleges speculative illegality.**

1. By statute, an election-contest petition must show concisely, but precisely, how the challenged election is purportedly “illegal.” 25 P.S. § 3456. As described by our Supreme Court, a petition claiming illegality “must be stated with clearness and precision” and the petitioners must be held “to due diligence to ascertain and specify facts which, if sustained by proof, would require the court to set aside the result of the election.” *In re Contest of Election for Office of City Treasurer from the Seventh Legislative District of Luzerne Cty.*, 162 A.2d 363, 364-65 (Pa. 1960); see also *In re Petition to Contest the Primary Election of May 19, 1998*, 721 A.2d 1156, 1159 (Pa. Commw. 1998). Satisfying this standard requires specific allegations (i) that there was “fraud or other illegal acts,” (ii) that “the illegal votes or conduct accrued to the benefit of respondent,” and (iii) that the

result of the election “would have been otherwise if all had been done legally.” *In re Contested Election of Office of Register of Wills*, 1942 WL 2662, at \*5-\*6 (Pa. Com. Pl. 1942). The complaint must also specify the identity of those who committed the alleged fraud. *Gollmar’s Election Case*, 175 A. at 514.

Petitioners cannot meet these standards by merely alleging a *belief* that illegality *may have* occurred; election contest petitions are not exploratory undertakings. As the Supreme Court explained: “The court will not grope in the dark, or follow a contestant on a fishing expedition, in the hope of being able to find enough to enable him by the investigation to make out a case.” *Pfuhl v. Coppersmith*, 253 A.2d 271, 273 (Pa. 1969). Instead, petitioners in an election contest must allege specific acts of illegality that actually had an impact on the election outcome. *See In re Contest of Election*, 162 A.2d at 365; *In re Ayre*, 134 A. 477, 478 (Pa. 1926); *see also In re Phila. Democratic Mayoralty Primary Election Contest*, 11 Pa. D. & C.3d 381, 393-94 (C.P. Phila. 1979) (“It is not enough for a petitioner in a contested election to aver facts which if proven might cause a change in the reported results; but rather a petitioner must aver facts that if proven would definitely change the results.”). Speculative allegations of wrongdoing are insufficient as a matter of law. *See In re Phila. Democratic Mayoralty*, 11 Pa. D. & C.3d at 394 (holding “the court cannot allow a shadow to be cast upon the will of the electorate on the basis of mere speculation”). This



ensures that the “sanctity of the ballot” is “guarded jealously,” and that election challenges do not devolve into “a voyage of exploration ... in the hope of an ultimate discovery.” *Gollmar’s Election Case*, 175 A. at 513.

Measured against this standard, the Petition here is a model of deficiency. Petitioners have done nothing more than put forward a theory—a mere guess—about how illegality *may have occurred*. For example, they allege that some unidentified Pennsylvania electronic voting systems have “vulnerabilities,” and because some *non*-Pennsylvania entities or systems were hacked, these voting systems may possibly have been hacked as well. *See* Pet. ¶ 6. They further allege that additional issues “may emerge” from various unspecified recounts that have allegedly begun statewide. *See* Pet. ¶ 8. Finally, their purported expert alleges that cyberattacks are a “plausible” explanation for certain voting results nationwide. *See* Affidavit of J. Alex Halderman ¶ 13 (Pet., Ex. A).

But what Petitioners have not alleged—in violation of their statutory pleading obligation—is any illegality that actually or even likely occurred. They have not identified a single Pennsylvania machine in any county, district, precinct, or ward that they actually believe was hacked. Indeed, apart from referencing news clippings regarding hacking directed at *non*-Pennsylvania persons and entities, the Petition merely expresses “grave concerns about the integrity of electronic voting machines used in” Pennsylvania. Which particular voting

machines have such vulnerabilities and were potentially compromised? Who would have compromised the machines? How did the unidentified bad actors compromise the machines? We are not told any of this.

Nor does the Petition explain which candidate would have benefited from the unspecified breaches of the unspecified machines. This makes sense, as the Petition does not specify who would have committed the breaches or which candidate the unspecified actor (or actors?) would have wanted to assist. It is thus impossible to determine which candidates would have benefitted from the hypothetical election interference.

Relatedly, the Petition also fails to allege who should have won but for the alleged tampering. Indeed, it does not even allege—much less does it do the math to show—that the outcome of the election would have been any different absent the potential hacking. This omission is critical. The point of the electoral-challenge process is not to ensure perfect “integrity” of voting systems, but to provide recourse where the bottom-line results of the election were altered by illegality. Since the Petition does not even allege that such was the case here, there is no basis for allowing this contest to proceed.

Petitioners’ expert affidavit is equally deficient. It merely states a case for the *possibility* of tampering, but nowhere alleges that tampering actually did occur in Pennsylvania or even that it likely did. Not once. This is not surprising, as such

a claim would have opened Petitioners' expert to a charge of perjury. After all, just two days before executing the affidavit here, Petitioners' expert published a report on the election declaring that cyberattacks were "[p]robably not" the cause of deviations from pre-election polls. See J. Alex Halderman, *Want to Know if the Election was Hacked? Look at the Ballots*, medium.com (Nov. 23, 2016) ("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.") (attached hereto as Exhibit E).

In the end, the election-contest Petition fails as a matter of well-established law. At most, Petitioners are alleging error (through hacking or otherwise) that *may* have occurred. This does not make out a legally sufficient election contest challenge:

The possibility of error and fraud being committed during the course of an election exists in every election and so long as humans are responsible for conducting elections, error and fraud will be inescapable possibilities no matter what procedure is devised. *A court must require more than mere allegations that error or fraud was possible; but rather, it must require a petitioner to plead that error or fraud did in fact occur.* Again, it must be emphasized that a contest cannot be used as a means for a defeated candidate to make an investigation hoping to find a discrepancy which will give him or her a victory[.]

*In re Phila. Democratic Mayoralty.*, 11 Pa. D. & C.3d at 394-95 (citing *Madigan Appeal*, 253 A.2d 271 (Pa. 1969) (emphasis added)). This aptly describes the



flaws in today's case. The election-contest Petition thus fails as a matter of law and should be dismissed.

2. None of the foregoing would seem to be in dispute. The Petition tacitly acknowledged its deficiencies by peremptorily requesting this Court to hold the Petition in abeyance and to grant Petitioners leave to amend "pending the outcomes and findings of" an unspecified number of unspecified recounts. This remarkable request fails many times over.

The first problem is jurisdictional. The Election Code provides that any electoral challenge must be filed "within twenty days after the day of the ... election." 25 P.S. § 3456. While a court may permit amendments to allow "additional specifications of the complaint," *id.*, it may not allow amendments to cure an original petition that is legally defective once the 20-day jurisdictional window has closed. *In re Morganroth Election Contest*, 50 Pa. D. & C. 143, 173 (1942). Such curative amendments "would create a new cause of action," the filing of which beyond the 20-day deadline is foreclosed by statute. *See id.* Because Petitioners' 20-day window closed on November 28, the Petition's proposed solution to cure its acknowledged defects is a nonstarter.

The second problem is on the merits. The Petition does not identify any recount issues that will, or even likely will, emerge to show the election was "illegal." And the Pennsylvania Supreme Court has expressly eschewed the

precise wait-and-see strategy the Petition proposes. Explaining that “[i]t was never the intent of the statute nor the policy of the courts to encourage election contests without allegations of specific fraud to warrant such action,” the Court set forth a categorical rule: “where the contest is predicated on charges which do not specify fraud with precision and clearness, *the court cannot lend itself to a seemingly futile and fruitless inquiry.*” *Gollmar’s Election Case*, 175 A. at 513 (emphasis added). This is because such an inquiry would risk “engaging the parties in protracted litigation, casting doubt on the title to public office, involving the disfranchisement of many honest voters, not only as to the office involved but all the other offices voted for, and conceivably tainting the title of other elected officers unconcerned in the contest.” *Id.*

This guidance applies with special force here, where the proposed wait-and-see approach interferes with Pennsylvania’s very ability to participate in the Electoral College. As noted, federal law requires states to select and identify their presidential electors by December 13, 2016. Meeting this deadline is critical to participating in the formal Electoral College vote on December 19. The Petition here, by casting doubt on the results of the election while demanding no imminent resolution of the issue, threatens to prevent Pennsylvania from concluding its processes by the critical December 13 date and thereby risks disenfranchising millions of Pennsylvania citizens who voted honestly this election.

Nothing in the Petition allays this concern. The Petition does not explain how many recounts are being sought, how long it will take to conclude them, and even what theory of illegality Petitioners will likely advance once the unspecified recount process is concluded. All of this suggests that the real objective of this exercise is not ensuring the integrity of the outcome of the election, but to create as much delay and confusion as possible on the eve of the Electoral College vote. For all of these reasons, the Court should dismiss the Petition outright.

**B. The Petition was not filed in good faith.**

In addition to the facial inadequacy of the allegations here, there is a second, independent reason for dismissing the Petition: it was not filed “in good faith,” as required to commence a valid election contest. 25 P.S. § 3457.

As explained above, the standards for even bringing an election contest are high. Petitioners must exercise “due diligence to ascertain and specify the facts which, if sustained by proof, would require the court to set aside the result of the election.” *Gollmar’s Election Case*, 175 A. at 512. This requires allegations of fraud that are “specific” and “particular.” *In re Morganroth Election Contest*, 50 Pa. D. & C. 143, 167 (1942).

The Petition fails to meet these standards. Indeed, the Petition acknowledges as much. By preemptively requesting leave to amend “pending the outcomes and findings of the recounts,” the Petition tacitly acknowledges what is



clear from its face—that the allegations presently contained in the Petition are inadequate. Indeed, the use of the conditional “if” in this key statement—that the “primary purpose of the recounts ... is or should be to determine if computer intrusions or hacking of electronic election systems impacted the results in the 2016 Presidential Election”—underscores the absence of even an allegation that such interference occurred and affected the electoral outcome in Pennsylvania.

Making matters worse, the Petition is not even consistent with the public statements of its proponents. Consider Stein herself. Even though the whole point of an election challenge is to remedy an election that *is* “illegal,” 25 P.S. § 3456, Stein publicly admitted—the same day this Petition was filed no less—that she had no evidence of actual fraud at the ballot box. *Supra*, at 5. So too Professor Halderman. In an article he published just two days before he executed the affidavit here, Professor Halderman stated unequivocally: “Were this year’s deviations from pre-election polls the results of a cyberattack? *Probably not.*” *Supra*, at 5 (emphasis added).) He elaborated that “the most likely explanation” was “that the polls were systematically wrong, rather than that the election was hacked.” *Id.*

When the proponent of the election contest and her star witness publicly admit that they lack any evidence of illegality, there is no credible argument that the Petition here was filed “in good faith.” This independently warrants dismissal.

**C. Petitioners' demand for a statewide recount is not an available remedy in an election contest.**

Even if Petitioners could overcome the litany of problems articulated above, they would in no event be entitled to the principal relief they seek: a statewide recount. This militates in favor of dismissing the Petition.

As this Court has noted, election disputes are not of common law origin but are entirely creations of statute. *Rinaldi v. Ferrett*, 941 A.2d 73, 78 (Pa. Commw. 2007). Because of this genesis, the statutory vehicles supplied by the General Assembly are the “exclusive means for challenging the accuracy of election results.” *Id.* Courts thus require “strict adherence” to the elements of statutory remedies. *See id.*

Petitioners here have not strictly adhered to the Election Code in seeking relief. Petitioners are before the Court with an election-contest petition filed under the authority of 25 P.S. § 3291 and 25 P.S. § 3351. Section 3291 does nothing more than establish that the election of electors of the President and Vice-President of the United States is a Class II election contest. Section 3351, in turn, sets one of the predicates for filing a Class II election contest; namely, a filed petition must be signed by at least one hundred electors. Petitioners did not cite to 25 P.S. § 3352, which also applies to Class II elections. That Section, titled “Entry and effect of decision,” sets forth the exact and only relief a court in a Class II election contest can grant: a declaration of the winner of the challenged election.

Here, Petitioners ask the Court to order an immediate statewide recount. *See* Pet. at 3, ¶ 3; *see also* Affidavit of Halderman ¶¶ 15-16. Yet a statewide recount is not among the remedies afforded by Sections 3351-3352. Recounts and recanvassing are governed by specific provisions of the Election Code, provisions not relied upon by Petitioners. *See* 25 P.S. § 3154(e); 25 P.S. §§ 3261-63. Because the General Assembly has supplied a specific statutory vehicle for recount/recanvass requests—which statutory vehicles notably require local efforts (and not one statewide effort) at seeking relief—this Court cannot graft that remedy onto another statutory provision. Indeed, as noted out the outset, the statutory procedures in the Election Code are the “exclusive means” for seeking election-related relief and those means must be “strictly” adhered to. *Rinaldi*, 941 A.2d at 78. That was not done here because the relief Petitioners seek is not available with the statutory tool they have selected. If they want 67 county recounts, they should follow the Election Code in each of the 67 counties. As the Petition stands, the only relevant relief Petitioners seek is not permitted by law. Their Petition fails as a result.

One final point bears noting: even if a statewide recount could be ordered in an election contest, Petitioners have not alleged sufficient facts to warrant such an extraordinary measure. As noted above, Petitioners are before the Court on claims of hypothesized hacking of certain unidentified Pennsylvania voting systems.



Petitioners have not, however, identified whether these systems were even used in *every* county statewide or if in those counties where these systems were used whether that particular county used appropriate countersecurity measures. Succinctly stated, Petitioners have fired one arrow at 67 county targets; this is legally insufficient to meet their high burden. It also cannot begin to justify the enormous costs a statewide recount would entail. In Wisconsin, a state less than *half* the size of Pennsylvania, the Wisconsin Elections Commission expects the largely machine-based recount there to cost nearly \$3.5 million. Especially in a time of limited state revenues and serious challenges faced in funding education, health care, and safety programs, Petitioners have offered no justification for conducting a recount that seeks to confirm what the law already presumes—that the election results are valid unless and until there is credible evidence suggesting otherwise. For this additional reason, the Petition should be dismissed.

**II. The Petition independently fails because Petitioners did not comply with the Election Code’s bonding requirement.**

Apart from the substantive defects in the Petition, there is a procedural one as well: Petitioners have failed to comply with the bonding requirements for bringing an election contest.

**A. Petitioners failed to comply with the Election Code's strict bonding requirements.**

The filing of a bond in substantial conformity with the Election Code's bonding provisions is a condition of the court's jurisdiction to hear and adjudicate an election contest. *Olshansky v. Montgomery Cty. Election Bd.*, 412 A.2d 552, 553 (Pa. 1980). Indeed, the Election Code specifically provides that, "if the said bond shall not be filed, *as herein provided*, the [] petition to contest the ... election shall be dismissed." 25 P.S. § 3459 (emphasis added).

As relevant here, the Election Code provides:

Whenever a petition to...contest election of any class shall be presented...to the court, it shall be the *duty of said petitioners, within five days thereafter, to file a bond, signed by at least five of the said petitioners* in such sum as the...said court shall designate, *with two or more individual sureties or a corporate surety* to be approved by the...court or judge, conditioned for the payment of all costs which may accrue in said contested...election proceeding[.]

25 P.S. § 3459 (emphasis added).

Here, Petitioners have not fulfilled *any* of their statutorily mandated bonding duties under the Election Code. They have not submitted a bond signed by any petitioner, let alone five Petitioners. They have not sought court approval of any sureties. And, most importantly, they have not proposed a bond conditioned for payment of all costs that may accrue in these contested election proceedings. All Petitioners have done to date is offhandedly request in their prayer for relief that this Court set a \$25,000 bond, which, as discussed in further detail below, is

grossly insufficient to cover all of the costs of Petitioners' proposed recount efforts across the Commonwealth. *See* Pet. at 3.

Accordingly, because Petitioners have failed to file a bond in substantial conformity with the Election Code's strict bonding provisions, this Court must immediately dismiss the Petition. *See* 25 P.S. § 3459.

**B. Petitioners' proposed bond is woefully insufficient.**

To the extent that this Court refuses to dismiss the Petition because of Petitioners' failure to comply with the Election Code's bonding provisions, this Court should designate, at a minimum, a bond of no less than \$10 million.

In their Petition, Petitioners, without any support, discussion or explanation, request that the "Bond in this matter be set at \$25,000 by surety or cash." Pet. at 3, ¶ 2. Yet, this amount is woefully insufficient to cover *all* of the costs associated with Petitioners' proposed recount efforts.

Under the Election Code, the bond designed by the Court is to be "conditioned for the payment of all costs which may accrue in said contested...election proceeding, in case the said petitioners by decree shall be adjudged liable to pay said costs." 25 P.S. § 3459. Here, Petitioners are seeking not only "recounts in various precincts in several counties throughout the Commonwealth[,]" but also "a full recount of the 2016 Presidential Election in all counties in the Commonwealth to determine the true winner of that Election." Pet.



at 3, ¶¶ 1, 3. If Petitioners are adjudged liable to pay the costs of Respondents to partake in these recount efforts, \$25,000 clearly would not be sufficient to cover all of Respondents' costs. Indeed, it is unlikely that \$25,000 would cover the costs of Respondents to partake in a recount effort in just one county, let alone the costs associated with a potential recount of the entire Commonwealth. *See Pfuhl*, 253 A.2d at 273 (designating bond for election contest in one State Senatorial District in the amount of \$100,000). In Wisconsin, Stein was forced to pay nearly \$3.5 million just for a *machine* (not hand) recount there. Order for Recount (attached hereto as Exhibit G). And Pennsylvania is more than *twice* the population of Wisconsin, and a recount here would involve extensive hand recounts. Stein should thus know better than anyone that \$25,000—or even \$3.5 million—is a laughable proposal.

Accordingly, given that Petitioners have specifically requested a full recount in all 67 counties of the Commonwealth, this Court should require, at a minimum, that Petitioners post a bond of no less than \$10 million.

## CONCLUSION

For these reasons, this Court should dismiss the Petition.

Respectfully Submitted:

/s/ Lawrence J. Tabas\*

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## EXHIBIT A

Remarks by Secretary of State Pedro A. Cortés, Press Conference, Capitol Media Center, Harrisburg, PA (Oct. 20, 2016)

See attached.



**Remarks by Secretary of State Pedro A. Cortés**  
**Press Conference, Capitol Media Center, Harrisburg, PA**  
**October 20, 2016**

Thank you for joining us for this press conference where I will discuss the steps that the DOS and counties are taking to ensure a fair, secure and smooth election. I will provide remarks and then open the floor for questions.

I want to thank Jerry Feaser, Dauphin County Director of Elections for being with us this afternoon.

Voting is one of our most fundamental rights as citizens. We must ensure that all eligible voters who want to exercise their franchise can do so well informed about the process and their rights.

Governor Wolf and I strongly believe that one of our roles as public servants is to encourage as many people as possible to engage in the electoral process, exercise their right to vote and have a say in what happens in their municipality, county, state and nation.

Unfortunately, in recent weeks, some have decided to take a different approach. Some have suggested that our system lacks integrity and security. Some have suggested that fraud is rampant and election officials at the local and state level have ill intended motives.

This is not only wrong and uninformed – it is dangerous. To imply that fraud is rampant – at any level – from the precinct-level to an entire city or state – is without merit and lacks any credence or proof within the modern history of elections in this country or commonwealth.

It is also not backed up by any science or research. To the contrary, a study by Loyola University looked at one billion votes – a billion – and found just 31, unrelated and small-scale examples of improper activity.

Applying singular, unconnected and rare instances of fraud to claim a widespread conspiracy is irresponsible and destructive to the democratic process. Efforts to suppress voting or seek for citizens to call into question the value of their participation is counter to our core values of freedom and liberty. A good democracy hinges on well-informed voters, and all of us have an obligation to speak about this process with honesty and objectivity.

I want to applaud my colleagues across the state and country who are speaking out on these outrageous claims. Democrats, Republicans, third parties and non-partisans have rejected conspiracy theorizing. They have put our democracy above politics.

One such voice Philadelphia City Commissioner Al Schmidt, a Republican, has said: "The real threat to the integrity of elections in Philadelphia isn't voter fraud, though it does rarely occur. The real threat to the integrity of elections is irresponsible accusations that undermine confidence in the electoral process."

Ohio Secretary of State Jon Husted, a Republican, said "there are many safeguards in place in our election system" and that "this kind of conversation moves America backward, and it should be dismissed. Don't make people feel despair. Make them feel uplifted, and hopeful that there is a better day ahead for all of us."

I am here today to deliver the same message to the people of Pennsylvania. Our voting systems are secure. Historically we have seen very, very minimal improper activity; so little that it is statistically non-existent. The people who oversee our elections take pride in ensuring the system is fair and accountable. From our staff at the Department of State to county election workers to poll-workers in the more than 9,100 precincts across Pennsylvania.

To suggest that these hardworking public servants are participating in something nefarious is not just unfair – it is offensive to me. I am proud of the hard work done by our county and state election officials to protect and promote the democratic process.

I take these unfounded and misleading statements very, very seriously. Those who run our elections at the local and precinct level come from every walk of life and include people of every gender, creed, and ethnicity. To demean their efforts is unacceptable and I want to reassure anyone who has reservations about working this election that the counties and my department will do everything we can to ensure they can work without interruption, or undue stress.

Now I want to address a few other issues that have arisen in the last few weeks:

### **Voting Systems**

The Pennsylvania Department of State and Pennsylvania's 67 county election boards work diligently to safeguard and promote the integrity of elections in the Commonwealth.

All of the voting systems in use in Pennsylvania have been examined and certified to federal and state standards. These standards include an audit capability independent from the



way in which the votes are tabulated on election night. There is in fact an audit trail.

The voting systems used in Pennsylvania are also equipped with redundant memory, meaning that cast vote records are encrypted and stored in at least one other location on the voting machine in addition to being stored on the removable media.

Very important – voting machines in Pennsylvania are not connected to the Internet. In fact, they are not even connected to one another.

In addition, voting machines are kept under a strict chain of custody. Prior to every election the machines are tested for logic and accuracy. After successful testing, the machines are locked down and physical tapes/locks are applied that would detect equipment tampering. Furthermore, the voting machines are kept separate from the tabulation equipment.

On Election Day, a zero tape is run on every machine to ensure they do not contain prior votes. This is done in the presence of poll workers and watchers.

Once the polls close, a physical tally of votes is run for every machine and posted at the polling place. A copy of that paper tally is also included with the electronic memory card for each machine, which are transported to the county board of elections in individual security/tamper proof bags. The Judge of Elections and the Minority Inspector also get a copy.

Election night reporting of unofficial results takes place using the Commonwealth's secured network. Pennsylvania is a recognized leader among states in cybersecurity.

In addition to the Commonwealth cybersecurity tool and procedures, the Commonwealth has partnered with federal agencies, including the Department of Homeland Security, to ensure the integrity of our systems and networks.

The Department of State and the counties take very seriously their responsibility to ensure fair, secure and smooth elections. We are confident the November election will meet those high standards; as it has been the case in years past.

### **Poll-watching**

The Department of State is committed to ensuring that elections run as smoothly and fairly as possible. In recent weeks, poll-watching has been widely discussed and I want to reaffirm the guidelines for who can be in the polling place. Those people are:

1. Precinct Election Officials. These include the Judge of Election, the Inspectors (Majority

and Minority), appointed clerks and machine operators.

2. Voters in the process of voting but no more than 10 voters at a time.
3. Persons lawfully providing assistance to voters.
4. Overseers that are registered voters of the precinct appointed by a County judge
5. Constables and Deputy Constables for preserving the peace.
6. And Poll watchers

Poll watchers must be identified in advance and assigned to specific precincts. Watchers receive a credential from the county Board of Elections and must present the credential upon demand.

Each party is entitled to appoint three watchers per precinct and each candidate is entitled to appoint two watchers per precinct. The watcher must be a registered voter of the county in which the watcher is appointed. Of those, only one poll watcher per party and candidate can be inside the polling place at the same time.

Watchers may not engage voters or otherwise interfere with the orderly process of voting. Watchers should direct all challenges and other comments directly to the Judge of Elections who is the official in charge at the polling place.

### **Voter Intimidation**

Voter intimidation and discriminatory conduct is illegal under federal and Pennsylvania law. Any activity that threatens, harasses or intimidates voters, including any activity that is intended to, or has the effect of, interfering with any voter's right to vote, whether it occurs outside the polling place or inside the polling place is illegal.

It is illegal for any person or corporation to directly or indirectly practice intimidation or coercion through the use of force, violence, restraint, or threats in order to induce or compel a person to vote or refrain from voting for a particular candidate or on a particular political issue.

Further, it is illegal for a person or corporation to use abduction, duress, coercion, or any other forcible or fraudulent means to impede, prevent or otherwise interfere with a person's right to vote.

Individuals who intimidate voters can be fined up to \$5,000 and face up to two years in prison.

I have full faith in our law enforcement officers, working in concert with election workers, to protect voters and ensure no citizen is terrorized or intimidated in their pursuit of their civic duty.

Individuals who witness voter intimidation or who are victims of voter intimidation should report the incident to their precinct/division, Judge of Elections, County Board of Elections and County District Attorney.

**END**

That is the conclusion of my prepared remarks and I would be happy to take your questions. I just want to reiterate the faith, confidence and respect that I have for our county, local and precinct election workers who are among some of the best public servants I have ever met. We are committed to delivering fair, secure and smooth elections for the people of Pennsylvania and the nation.



EXHIBIT B

Dan McQuade, *Here's How the Jill Stein-Led Recount Effort Is Going In Philly*,  
phillymag.com (Nov. 29, 2016)

See attached.

# NEWS + OPINION

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## Here's How the Jill Stein-Led Recount Effort Is Going in Philly

It's complicated. It's also unlikely to succeed.

BY DAN MCQUADE | NOVEMBER 29, 2016 AT 11:04 AM



*Jill Stein lawyer Ilann Maazel sits in the County Board of Elections office at City Hall. | Photo: Dan McQuade*

For Beth Finn, it was about having doubts.

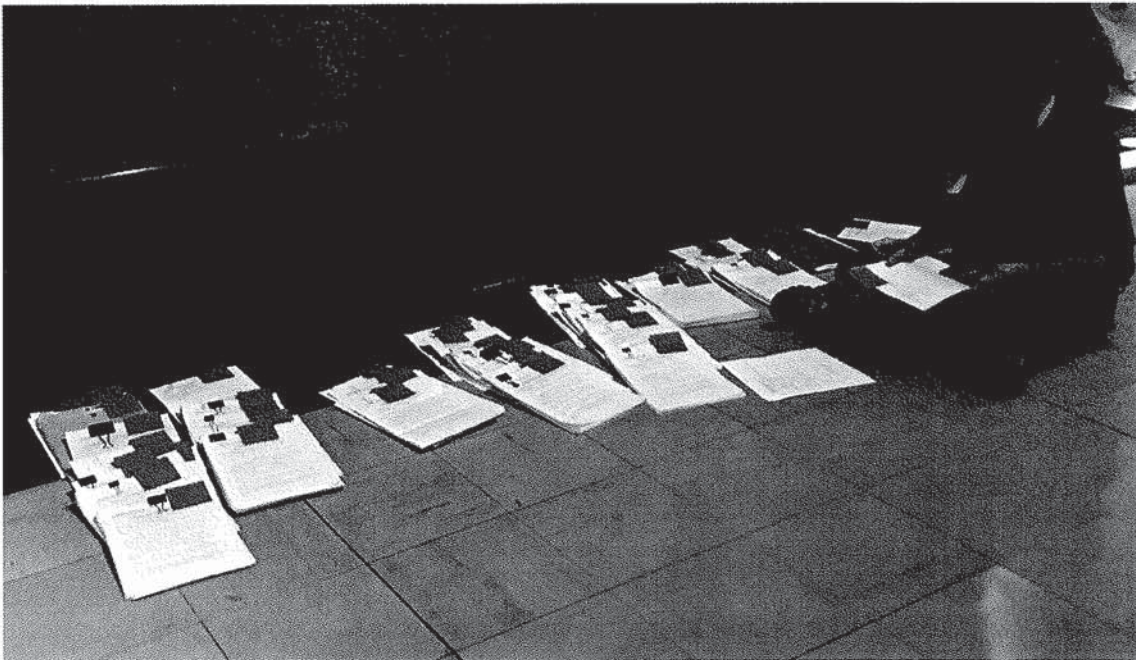
The Washington Square resident, inspired by a well-publicized effort by former Green Party presidential candidate Jill Stein, made her way down to the County Board of Elections at City Hall on Monday to hand in a petition **asking for a recount of the election results** in her precinct. “I

came down because I think it's important to make sure the election results are accurate and complete," she said. "And there are just enough questions that have been raised that I think it's important to audit and look at those questions."

There are several ways for a recount to happen in Pennsylvania. First, a recount is automatic if the margin of victory is within 0.5 percent. (Trump won by more, so that one's out.) The second is a voter-initiated recount, like the kind Finn attempted to file at City Hall yesterday. Third, the courts can initiate a recount if there is an allegation of widespread voter fraud. That's the additional route Stein's recount campaign is taking: Along with the voter petitions handed in at City Hall, the Stein campaign also **filed a suit** yesterday afternoon calling the 2016 election "illegal."

Finn said she first became aware of questions surrounding the election results on Facebook. There, a ***New York* magazine post** citing several well-respected computer scientists who had doubts about the vote totals was widely shared. Once Stein **raised millions for an auditing** of election results in Pennsylvania, Wisconsin and Michigan, the recount effort was on.

For Finn and many others who spoke with *Philadelphia* magazine yesterday, filing petitions to challenge the election result was part of a way to attempt to make some sense of what happened on November 8th. Donald Trump's victory stunned the country, as he'd trailed in state polls for months leading up to Election Day.



*Petitions calling for a recount in the 2016 presidential election line the floor of City Hall. | Photo: Dan McQuade*

"I was just so terribly disappointed and shocked — and in disbelief — at the outcome of the election," said Maggie Fenerty, a retired city attorney who lives in Chestnut Hill and voted for Hillary Clinton. "I was just so surprised. ... Looking at the results just makes me wonder if there's some sort of tampering. I don't think there's voter fraud so much, but to me this effort is about seeing if there was



some sort of tampering of software on the voting machines.”

Fenerty, who signed up to volunteer with the Stein recount effort yesterday around 1 p.m., walked *Philadelphia* magazine through the process. Pennsylvania’s recount process is convoluted. To get an audit of the results, three voters from each election division must file an affidavit asking for one. The petition used by Stein’s recount campaign cites Alex Halderman, a computer scientist at the University of Michigan who **outlined a scenario** in which election totals could be altered in Pennsylvania, Michigan, and Wisconsin.

But you must have three petitions for each division in order to submit them, say recount campaign organizers and volunteers. The hallway at City Hall, then, was lined with petitions challenging the election totals. If a person came in with only one or two petitions from their voting precinct, they were organized on the floor outside the County Board of Elections office. There they sat, waiting for another petition from the same precinct to join them.

To further complicate things, the affidavits asking for a recount had to be notarized. Volunteers were sending people to the TD Bank at 15th and JFK if they came in without notarized documents; TD **notarizes documents for free**, regardless of whether you’re a bank customer.

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One person who showed up to hand in petitions asking for a recount in his division was Ryan Hupp, a Temple student from Alabama. “I have close local experience with Jeff Sessions,” Hupp said, referring to the Alabama senator who is Trump’s pick for attorney general. “I want to do anything I can do to keep that man out of the Justice Department.”

Unfortunately for Hupp, City Commissioner Al Schmidt **said around noon** he was only expecting petitions for about 50 divisions. There are 1,686 of them in the city.

An election lawyer for Stein, Ilann Maazel, stood in the hallway at City Hall asking voters to sign another petition. This was the one filed yesterday afternoon by Bucks County lawyer Lawrence Otter. The filing was done to “protect [petitioners’] right to substantively contest the 2016 Presidential Election, should the findings and outcome of the recounts so warrant.”

The petition calls the 2016 election “illegal” and says the “return thereof was not correct.” It cites Halderman, public reports of hacking into the **DNC** and the voter registration systems in **Illinois** and **Arizona**, as well as the disconnect between pre-election polls and the results of the election.

“Petitioners have grave concerns about the integrity of electronic voting machines used in their districts,” the petition says. It also says if Pennsylvania recounts “yield no addition proof that the 2016 Presidential Election was illegal and the return was not correct, petitioners may withdraw this

petition to contest.” Most Pennsylvania voting machines do not have a paper trail; security firm Carbon Black **said the state** “may pose the biggest security risk” before the election.

Stein is still **asking for volunteers** to observe the recount. “Americans deserve a voting system we can trust,” Stein said in a statement. “After a presidential election tarnished by the use of outdated and unreliable machines and accusations of irregularities and hacks, people of all political persuasions are asking if our election results are reliable. We must recount the votes so we can build trust in our election system. We need to verify the vote in this and every election so that Americans of all parties can be sure we have a fair, secure and accurate voting system.”

There has been some headway made in the recount effort. In Allegheny County, **the Board of Elections did not certify election results** as originally planned. They’ll reconvene on December 12th. Montgomery County **also delayed** certifying election results, and said it accepted petitions yesterday that called for a recount.

But hurdles remain. Pennsylvania Secretary of State Pedro Cortes, a Democrat, **told reporters**: “There is no evidence whatsoever that points to any type of irregularity in any way, shape or form.” Meanwhile, a spokesperson for the Pennsylvania Department of State told the *Inquirer* the deadline for a voter-initiated recount was actually November 21st — last Monday. And some counties didn’t accept challenges: Berks County **has already tallied its vote totals**, forcing activists to file petitions with the courts.

So the Stein camp’s petition, reproduced below, seems like the last chance for those asking for a recount to get one in Pennsylvania. Trump won Pennsylvania by more than 70,000 votes. It is basically impossible the recount would flip that many votes to give the state to Clinton. The activists yesterday were holding out for one last chance, but it is certain that in January we’re going to get President Donald Trump.



Received 11/28/2016 2:51:32 PM Commonwealth Court of Pennsylvania

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**IN THE COMMONWEALTH COURT OF PENNSYLVANIA  
HARRISBURG, PENNSYLVANIA**

**In re: The Matter of the 2016 Presidential Election: Docket No:**  
**: ELECTION MATTER**

**CLASS II ELECTION CONTEST PURSUANT TO 25 P.S. § 3291 AND § 3351**

AND NOW, come Petitioners, One Hundred (100) or more registered voters of the Commonwealth of Pennsylvania, by and through their counsel, Lawrence M. Otter, Esquire, and file the within Petition and, in support thereof, aver as follows:

1. Jurisdiction of this Court is founded upon **25 P.S. § 3351**, wherein One Hundred (100) or more registered voters of the Commonwealth of Pennsylvania have verified this petition.
2. The Petitioners herein are duly-registered electors and voters in the Commonwealth numbering more than 100, and whose names, addresses and voting precincts are included within their individual verifications attached hereto. Each of the Petitioners voted in their assigned district in the election on November 8, 2016.
3. Upon information and belief, Petitioners believe that there is a legitimate and good faith basis to contest the Presidential Election in the Commonwealth, based upon the findings of Alex Halderman, a leading national expert in computer science and voting systems, **See: Exhibit A** attached hereto and incorporated herein, and the findings and outcomes of the recounts expected to occur over the next days.
4. Pennsylvania law requires that any Petition to Contest an election be filed within twenty (20) days after the election. **25 P.S. § 3456**. Today being the twentieth day after the

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EXHIBIT C

Eric Geller, *White House insists hackers didn't sway election, even as recount begins*, POLITICO (Nov. 26, 2016)

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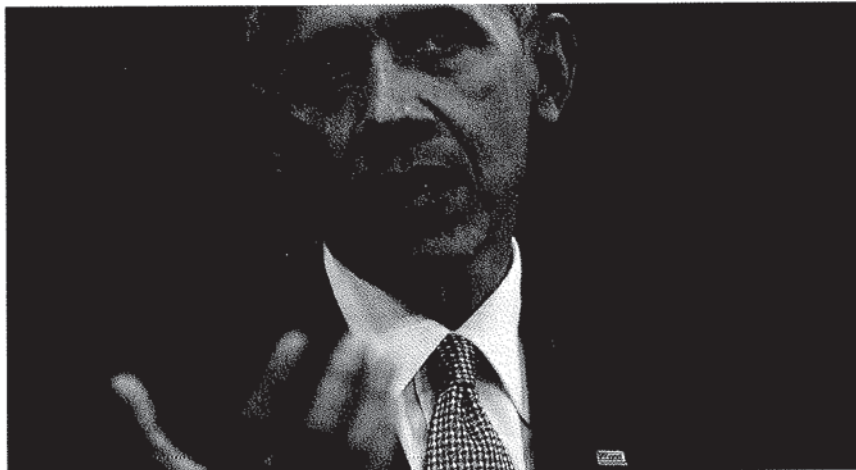
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"We stand behind our election results, which accurately reflect the will of the American people," a senior Obama administration official told POLITICO late Friday. | AP Photo

## White House insists hackers didn't sway election, even as recount begins

By ERIC GELLER | 11/26/16 12:09 PM EST



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The Obama administration said it has seen no evidence of hackers tampering with the 2016 presidential election, even as recount proceedings began in Wisconsin.

"We stand behind our election results, which accurately reflect the will of the American people," a senior administration official told POLITICO late Friday.



"The federal government did not

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observe any increased level of malicious cyber activity aimed at disrupting our electoral process on election day," the official added. "We believe our elections were free and fair from a cybersecurity perspective."

Green Party candidate Jill Stein on Friday filed for a recount in

Wisconsin and has several days to file for recounts in Pennsylvania and Michigan, two other states whose results she has called into question, citing hacking fears. The three normally Democratically leaning states were crucial to Donald Trump's victory.

Stein's campaign began fundraising efforts to file for recounts in those states following a report from New York magazine that said prominent cybersecurity experts were urging Hillary Clinton's campaign to contest the results there. The leading voting security specialist from that group later clarified that there was no actual evidence of hackers meddling with the vote tallies, and said they were simply encouraging an audit just to be sure.

On Saturday, the Clinton campaign broke its long silence on the issue with a statement from the campaign's general counsel, Marc Elias.

In a post on Medium, Elias confirmed that independent experts had briefed the campaign on potential irregularities that could be the result of hacking, but he said that ultimately the campaign found no "actionable evidence of hacking or outside attempts to alter the voting technology."



### Jill Stein files for recount in Wisconsin

By ZACH MONTELLARO

Still, he said, the campaign is joining Stein's challenge in Wisconsin and will do the same if she requests recounts in the other states.

The senior Obama administration official reiterated the government's accusation that Russia had directed its hackers to go after U.S. political organizations and political operatives' email accounts with the goal of interfering in the election.

Moscow, the official said, "probably expected that publicity surrounding" leaked emails and documents "would raise questions about the integrity of the election process that could have undermined the legitimacy of the president-elect."

The official had earlier provided the statement to The New York Times.

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**'Evidence.'**

By BRIAN SCHAFFNER



### The New Rules for Covering Trump

By JACK SHAFER



**Authors:**Eric Geller | [egeller@politico.com](mailto:egeller@politico.com)**This story tagged under:**

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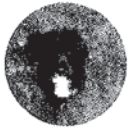
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EXHIBIT D

Marc Erik Elias, *Listening and Responding To Calls for an Audit and Recount*,  
medium.com

See attached.



Marc Erik Elias

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## 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.

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,



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.



EXHIBIT E

J. Alex Halderman, *Want to Know if the Election was Hacked? Look at the Ballots*,  
medium.com (Nov. 23, 2016)

See attached.





J. Alex Halderman

Follow

Professor of Computer Science, University of Michigan

Nov 23 · 7 min read

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

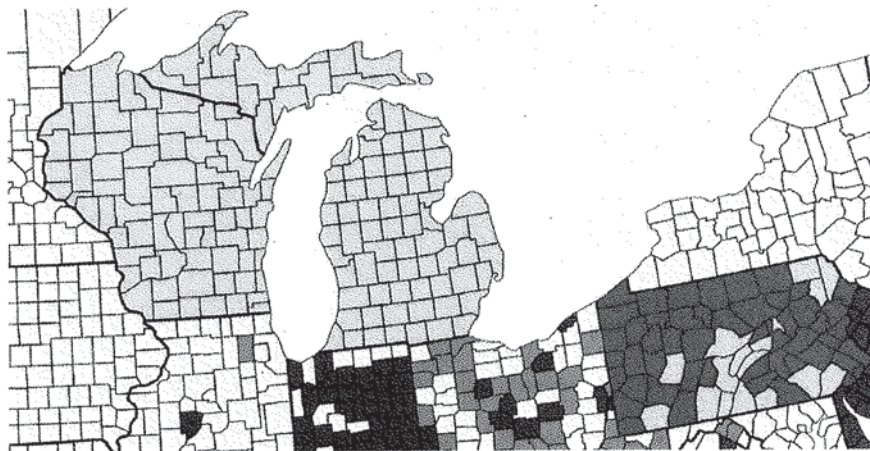
*You may have read at NYMag that I've been in discussions with the Clinton campaign about whether it might wish to seek recounts in critical states. That article, which includes somebody else's description of my views, incorrectly describes the reasons manually checking ballots is an essential security 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.*

**H**ow 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.

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?

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 Flaws



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.

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 concerns regarding the nation's voting systems.

[www.c-span.org](http://www.c-span.org)

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.

**M**uch 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."*





EXHIBIT F

Daniella Diaz, *Jill Stein defends her recount efforts*, cnn.com

See attached.

# Jill Stein defends her recount efforts

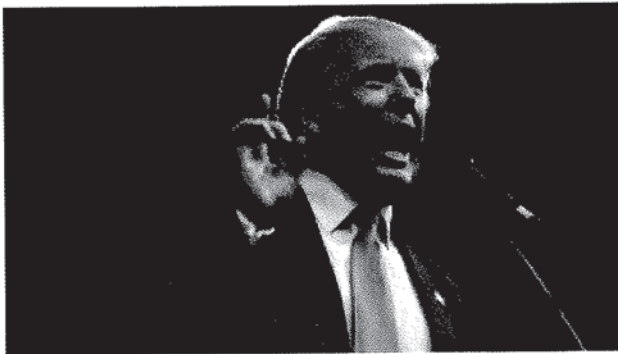
By Daniella Diaz, CNN

🕒 Updated 11:20 PM ET, Mon November 28, 2016

## Story highlights

"Unless we actually look, we would never know," she said

She said that the Green Party is not planning to keep the money raised for the recounts



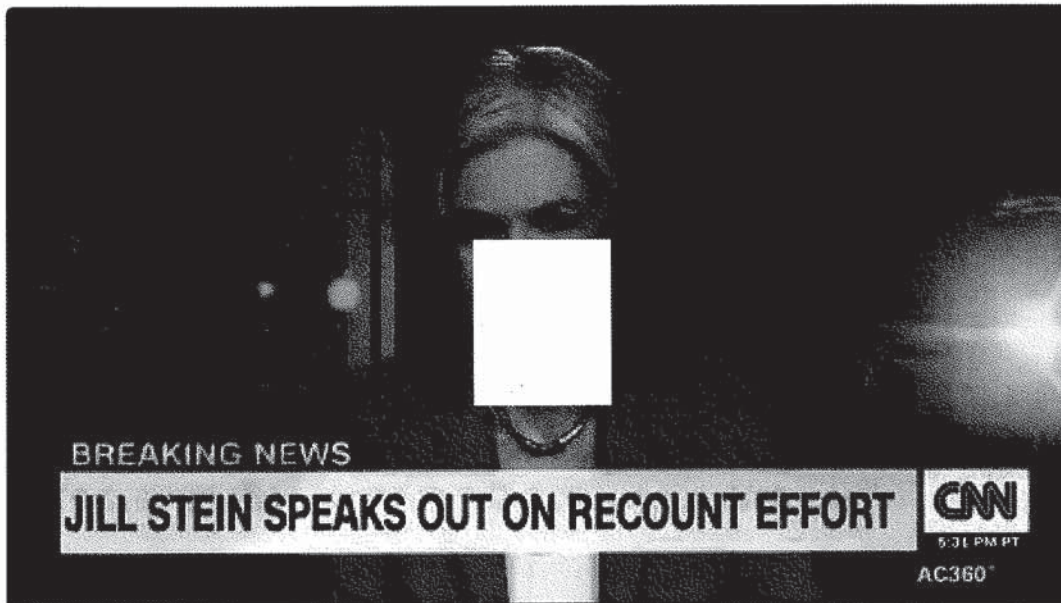
**Related Article:** Vote fraud allegation: Officials push Trump for proof

**Washington (CNN)** — Green Party presidential nominee Jill Stein defended her recount efforts Monday, even though she admits there is no evidence of fraud at the ballot box.

"What we have are predictors that if tampering took place, it would be most likely to be discovered in the three states where we are looking," she told CNN's Anderson Cooper on "Anderson Cooper 360."

"Unless we actually look, we would never know," she said.

Green Party officials filed for a recount in Wisconsin Friday after some limited reports of possible voting discrepancies in areas that used paper ballots versus those where electronic voting took place.



**CNN Politics**  
@CNNPolitics

Follow

Dr. Jill Stein: At this point, there is no evidence of fraud at the ballot box [cnn.it/2fXsMy6](http://cnn.it/2fXsMy6)

8:38 PM - 28 Nov 2016

61 69

Stein has raised more than \$5 million online for the recount in the state, which state officials estimate will cost about \$3.5 million.



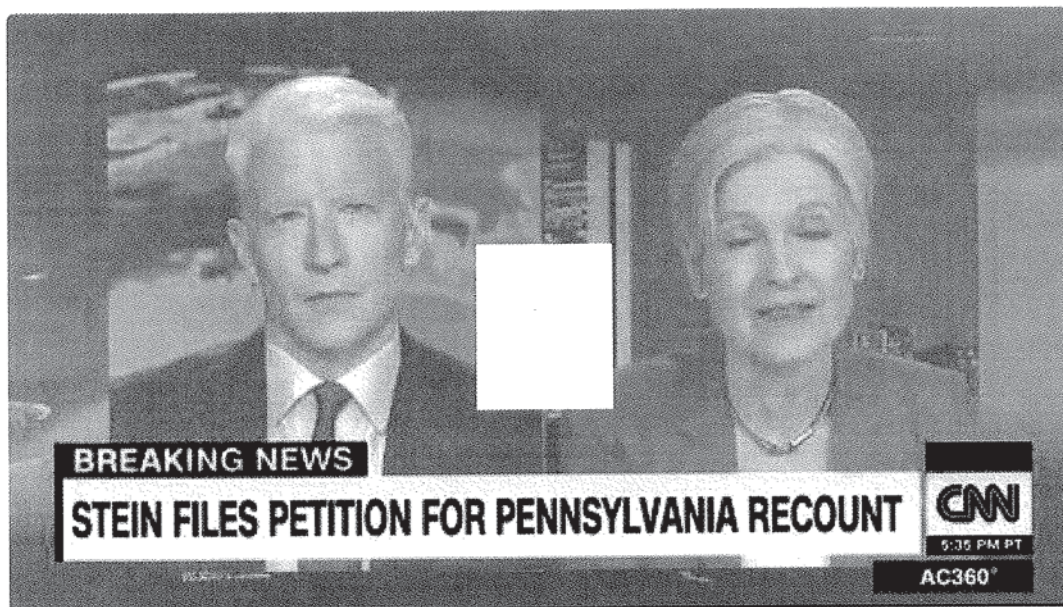
How will recounts work in Wisconsin, Michigan and Pennsylvania?

Stein's campaign plans to request a recount in Michigan by Wednesday, and is working to organize the hundreds of petitions needed to get one started in Pennsylvania.

"But without having the evidence, aren't you actually contributing, perhaps unfairly, to that lack of confidence in the system itself?" Cooper asked Stein.

**Related Article:** Wisconsin officials OK speedy recount, defend tally





**CNN Politics**  
@CNNPolitics

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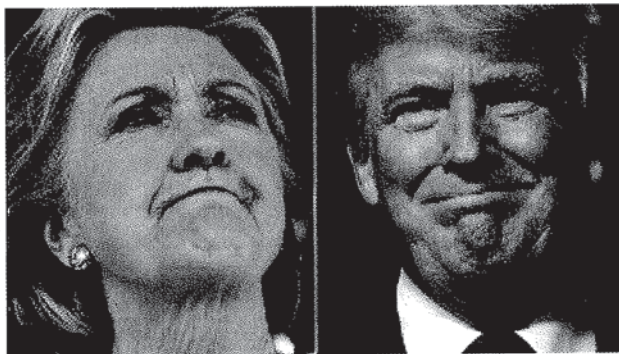
Jill Stein on election recount: "This is a deeply felt need of voters coming out of this deeply painful election"

8:42 PM - 28 Nov 2016

81

184

"What the voting technology experts tell us is that you cannot tell unless you're actually counting paper votes," she said. "And I don't think the FBI has done that."



President-elect Donald Trump charged accused Stein of using this as a fundraising ploy by the Green Party and Stein -- but she denied that she's doing this for that reason.

"(The fundraised money) is all going into a dedicated recount fund that is not accessible to the campaign," she said. "We don't expect there to be money to leftover. If it turns out that there is, we will dispose of it using FEC guidelines."

**Related Article:** Trump wins Michigan





The Obamas' cutest moments



Trump is incredibly jealous of one person



Was it a bait and switch? Trump goes full Republican



Panelist: Give Donald Trump 'his medication'

EXHIBIT G

Order for Recount

See attached.

## WISCONSIN ELECTIONS COMMISSION

---

In the matter of:

A Recount of the General Election  
For President of the United States  
held on November 8, 2016

)  
)  
)  
)  
)  
)

**ORDER FOR RECOUNT**

**RECOUNT EL 16-03**

---

On Friday, November 25, 2016, a recount petition was filed by Jill Stein, a candidate for the office of President of the United States at the General Election held on November 8, 2016.

The petition requests a recount of all ballots in all wards in Wisconsin where votes were cast in this election for the office of President of the United States.

The Wisconsin Elections Commission staff has reviewed the petition. The petition is sufficient. A fee of \$3,499,689 is required by Wis. Stat. §9.01.

On November, 29, 2016, the Wisconsin Elections Commission received confirmation that \$3,499,689 was received from Jill Stein in payment of the estimate provided on November 28, 2016.

Pursuant to Wis. Stat. §9.01 of the Wisconsin Statutes:

### **IT IS ORDERED THAT:**

1. A recount be conducted of all the votes cast for the office of President of the United States at the General Election held on November 8, 2016, in all counties in Wisconsin.
2. The Board of Canvassers of each County shall convene at 9:00 a.m. on Thursday, December 1, 2016 to begin the recount.
3. The Board of Canvassers of each County shall conduct the recount using the ballot count method selected per Wis. Stat. § 5.90(1) unless otherwise ordered by a court per Wis. Stat. § 5.90(2).
4. The recount shall be conducted using the procedures established by the Wisconsin Elections Commission's Recount Manual (November 2016) and the November 30, 2016 webinar presentation, which are incorporated into this Order by reference herein. If necessary, the Wisconsin Elections Commission will issue supplemental directions regarding the procedures to be used by the county canvassing boards and communicate those directions to County Clerks via its website.
5. Each County Clerk shall post a notice of the Board of Canvassers' public meeting, pursuant to the Open Meetings Law, including any dates or times that the Board adjourns or reconvenes. Each County Clerk shall immediately notify the WEC of the location of its Board of Canvassers meeting, if the Clerk has not already provided that information and the WEC shall publish the location of each county's Board meeting on its website.
6. The recount shall be completed by the county boards of canvassers immediately, but no later than 8:00 p.m. on December 12, 2016. Each County Clerk shall transmit an email

communication to the WEC, at the end of each day of the Board of Canvasser's meeting, listing the reporting units completed that day and a tally of the votes cast for each candidate and the scattering votes which were counted that day. The email communication shall be in a form prescribed by the WEC.

7. Each county clerk shall transmit a certified canvass report of the result of the recount and a copy of the minutes of the recount proceedings to the Wisconsin Elections Commission immediately after the completion of the county's recount in the manner specified by the WEC.

Dated: November 29, 2016.

**WISCONSIN ELECTIONS COMMISSION**

A handwritten signature in cursive script that reads "Michael Haas".

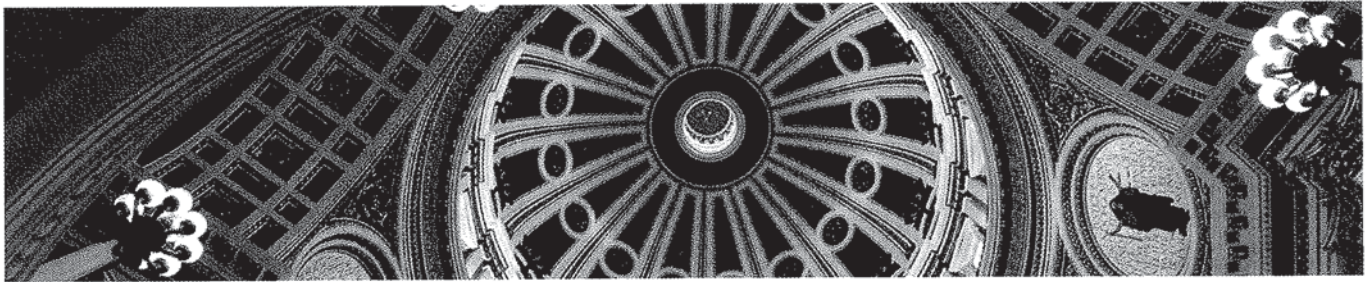
Michael Haas  
Administrator



## EXHIBIT H

Presidential Election Unofficial Returns, [electionreturns.pa.gov](http://electionreturns.pa.gov)

See attached.



## 2016 Presidential Election

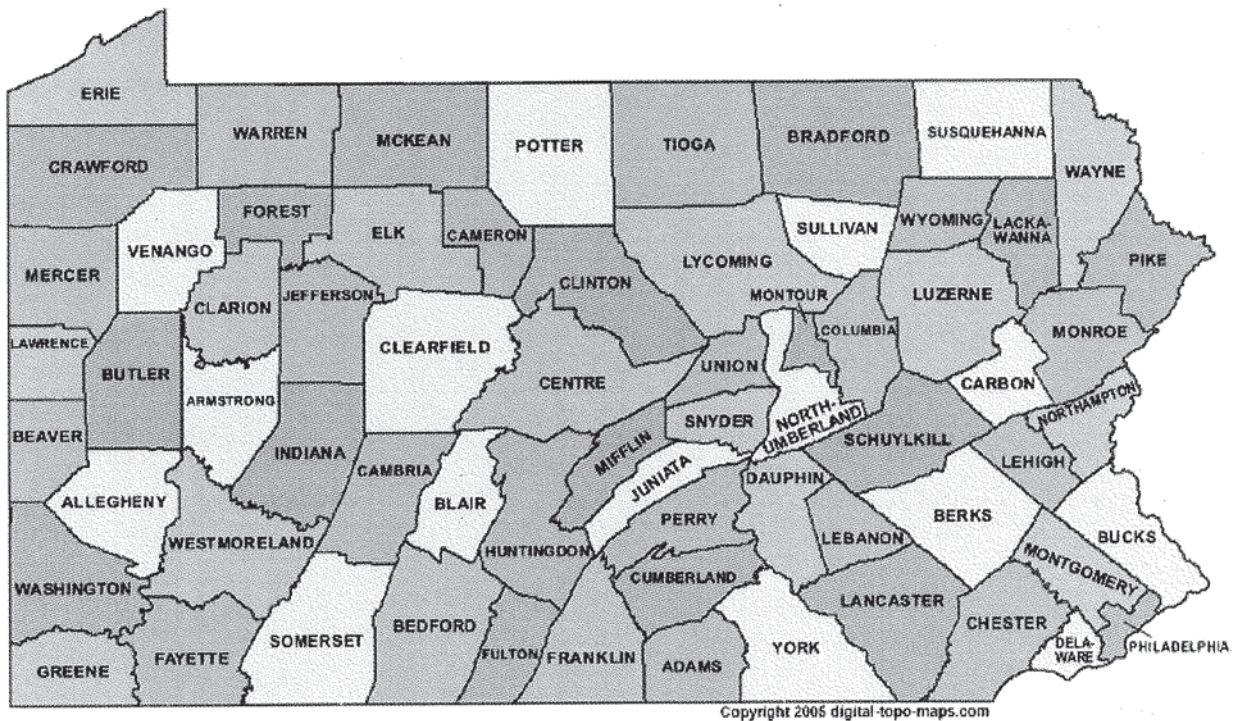
Tuesday, November 8, 2016

Unofficial Returns

### Statewide

9,163 Out of 9,163 Districts (100.00%) Reporting Statewide

100.00%



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Filter Options

President of the United States

County Breakdown

☐ President  
of the  
United  
States

**CLINTON, HILLARY  
(DEM)**

**47.66%**

☐ United  
States  
Senator

**Votes: 2,885,383**

Runningmate: TIM KAINE

☐ Attorney  
General

☐ Auditor  
General

☐ State  
Treasurer

☐ Ballot  
Questions

**TRUMP, DONALD J**  
**(REP)**

**48.77%**

**Votes: 2,952,799**

Runningmate: MICHAEL R PENCE

**CASTLE, DARRELL L**  
**(CON)**

**0.35%**

**Votes: 21,350**

Runningmate: SCOTT N BRADLEY

**STEIN, JILL**  
**(GRN)**

**0.82%**

**Votes: 49,485**

Runningmate: AJAMU BARAKA

**JOHNSON, GARY E**  
**(LIB)**

**2.40%**

**Votes: 145,393**

Runningmate: WILLIAM WELD

[Back to Top](#)

United States Senator

County Breakdown

**MCGINTY, KATIE**  
**(DEM)**

**47.18%**

**Votes: 2,828,375**

**TOOMEY, PATRICK J  
(REP)**

**48.92%**

**Votes: 2,933,071**

**CLIFFORD, EDWARD T III  
(LIB)**

**3.90%**

**Votes: 233,671**

[Back to Top](#)

[Attorney General](#)

[County Breakdown](#)

**SHAPIRO, JOSHUA D  
(DEM)**

**51.27%**

**Votes: 3,022,525**

**RAFFERTY, JOHN C JR  
(REP)**

**48.73%**

**Votes: 2,873,129**

[Back to Top](#)

[Auditor General](#)

[County Breakdown](#)

**DEPASQUALE, EUGENE A  
(DEM)**

**49.89%**

**Votes: 2,926,088**



**BROWN, JOHN A**  
**(REP)**

**45.19%**

**Votes: 2,650,601**

**SWEENEY, JOHN J.**  
**(GRN)**

**2.69%**

**Votes: 157,488**

**MINET, ROY A**  
**(LIB)**

**2.23%**

**Votes: 130,767**

[Back to Top](#)

[State Treasurer](#)

[County Breakdown](#)

**TORSELLA , JOSEPH M**  
**(DEM)**

**50.55%**

**Votes: 2,958,616**

**VOIT, OTTO W III**  
**(REP)**

**44.32%**

**Votes: 2,594,117**

**COMBS, KRISTIN**  
**(GRN)**

**2.88%**

**Votes: 168,724**

**BABB, JAMES**

**(LIB)**

**2.25%**

**Votes: 131,622**

[Back to Top](#)

## Ballot Questions

### **PROPOSED CONSTITUTIONAL AMENDMENT AMENDING THE MANDATORY JUDICIAL RETIREMENT AGE**

**51.04%**

**48.96%**

**Votes: Yes: 2,515,433 No: 2,412,765**

[Back to Top](#)

**Last Updated Time: Dec 1, 2016 6:06:25 PM**

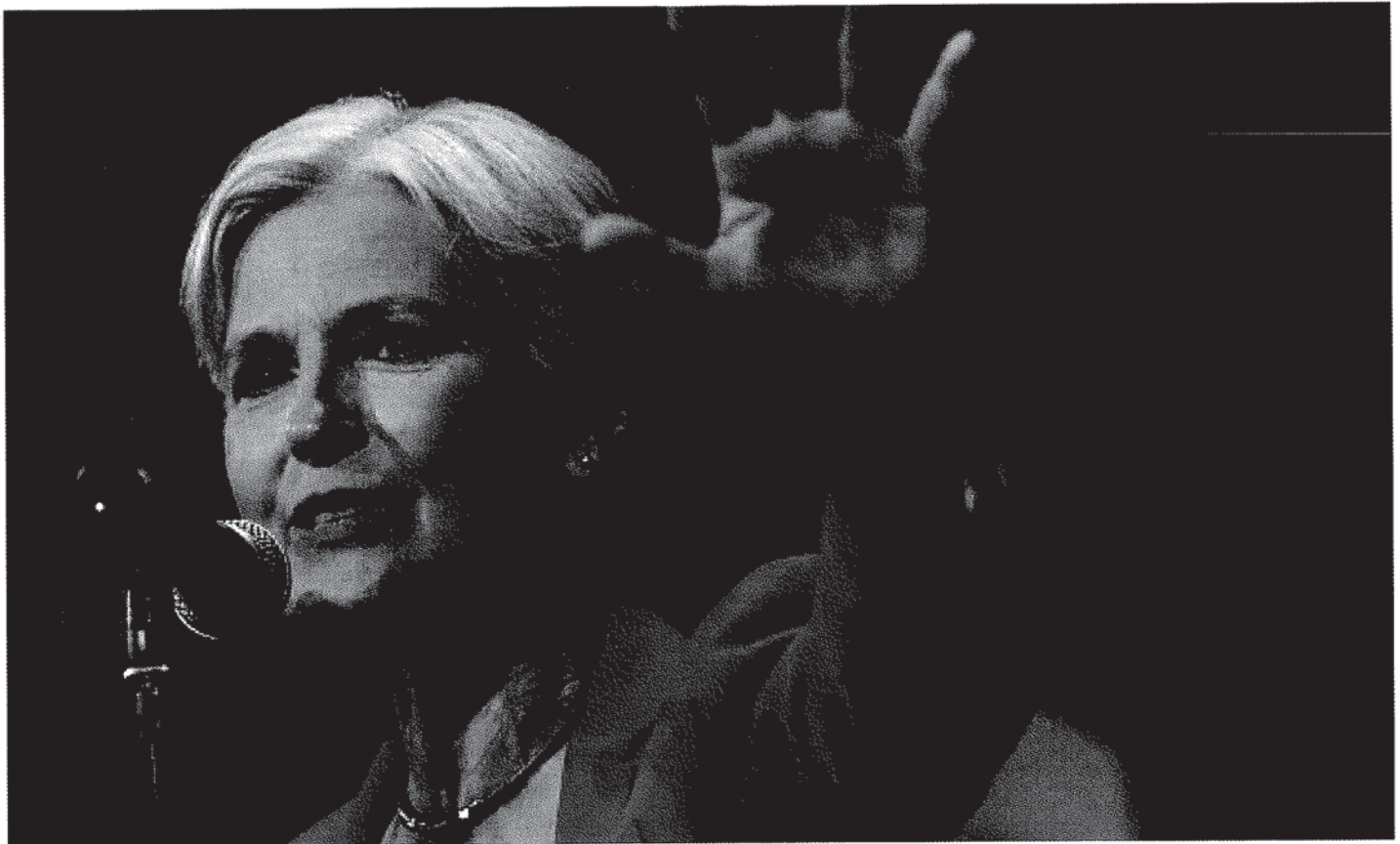
## EXHIBIT I

Jon Swaine, *Jill Stein raises over \$4.5m to request US recounts in battleground states*, The Guardian (Nov. 25, 2016)

See attached.

# Jill Stein raises over \$4.5m to request US election recounts in battleground states

Green party presidential candidate seeks donations to fund efforts in Michigan, Pennsylvania and Wisconsin over 'compelling evidence of voting anomalies'



Jill Stein said she was acting due to 'compelling evidence of voting anomalies' in several battleground states. Photograph: Jim Young/Reuters

**Jon Swaine in New York**

Friday 25 November 2016 00.14 EST

Jill Stein, the Green party's presidential candidate, is preparing to request recounts of the election result in several key battleground states.

Stein launched an online fundraising page seeking donations toward a multimillion-dollar fund she said was needed to request reviews of the results in Michigan, Pennsylvania and Wisconsin.



The drive has already raised more than \$4.5m, which the campaign said would enable it to file for recounts in Wisconsin on Friday and Pennsylvania on Monday.

The fundraising page said it expected to need around \$6m-7m to challenge the results in all three states.

Stein said she was acting due to “compelling evidence of voting anomalies” and that data analysis had indicated “significant discrepancies in vote totals” that were released by state authorities.

“These concerns need to be investigated before the 2016 presidential election is certified,” she said in a statement. “We deserve elections we can trust.”

Stein’s move came amid growing calls for recounts or audits of the election results by groups of academics and activists concerned that foreign hackers may have interfered with election systems. The concerned groups have been urging Hillary Clinton, the defeated Democratic nominee, to join their cause.

Donald Trump won unexpected and narrow victories against Clinton in Pennsylvania and Wisconsin earlier this month and may yet win Michigan, where a final result has not yet been declared.

Stein and her campaign made clear they were acting because they wanted to ensure the election results were authentic, rather than because they thought she had actually won any of the contests. Several states allow any candidate who was on the ballot to request a recount.

Friday is the deadline for requesting a recount in Wisconsin, where Trump’s winning margin stands at 0.7%. In Pennsylvania, where his margin is 1.2%, the deadline falls on Monday. In Michigan, where the Trump lead is currently just 0.3%, the deadline is Wednesday 30 November.

The Guardian previously disclosed that a loose coalition of academics and activists concerned about the election’s security is preparing to deliver a report detailing its concerns to congressional committee chairs and federal authorities early next week, according to two people involved.

“I’m interested in verifying the vote,” said Dr Barbara Simons, an adviser to the US election assistance commission and expert on electronic voting. “We need to have post-election ballot audits.” Simons is understood to have contributed analysis to the effort but declined to characterise the precise nature of her involvement.

A second group of analysts, led by the National Voting Rights Institute founder John Bonifaz and Professor Alex Halderman, the director of the University of Michigan’s center for computer security and society, is also taking part in the push for a review.

In a blogpost on Wednesday, Halderman said paper ballots and voting equipment should be examined in 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,” he said.

Clinton’s defeat to Donald Trump followed the release by US intelligence agencies of public assessments that Russian hackers were behind intrusions into regional electoral computer systems and the theft of emails from Democratic officials before the election.

Curiosity about Wisconsin has centred on apparently disproportionate wins that were racked up by Trump in counties using electronic voting compared with those that used only paper ballots.

Use of the voting machines that are in operation in some Wisconsin counties has been banned in other states, including California, after security analysts repeatedly showed how easily they could be hacked into.

However, Nate Silver, the polling expert and founder of FiveThirtyEight, cast doubt over the theory, stating that the difference disappeared after race and education levels, which most closely tracked voting shifts nationwide, were controlled for.

Silver and several other election analysts have dismissed suggestions that the swing-state vote counts give cause for concern about the integrity of the results.

Still, dozens of professors specialising in cybersecurity, defense and elections have in the past two days signed an open letter to congressional leaders stating that they are “deeply troubled” by previous reports of foreign interference, and requesting swift action by lawmakers.

“Our country needs a thorough, public congressional investigation into the role that foreign powers played in the months leading up to November,” the academics said in their letter, while noting they did not mean to “question the outcome” of the election itself.

Senior legislators including Senator Lindsey Graham of South Carolina and Congressman Elijah Cummings of Maryland have already called for deeper inquiries into the full extent of Russia’s interference with the election campaign.

Wednesday’s announcement by Stein, who had previously been hesitant to get involved, also shields Democratic operatives and people who worked on Clinton’s bid for the White House from needing to overtly challenge the election.

Some senior Democrats are known to be reluctant to suggest there were irregularities in the result because Clinton and her team criticised Trump so sharply during the campaign for claiming that the election would be “rigged” against him.

But others have spoken publicly, including the sister of Huma Abedin, Clinton’s closest aide. “A shift of just 55,000 Trump votes to Hillary in PA, MI & WI is all that is needed to win,” Heba Abedin said on Facebook, urging people to call the US justice department to request an audit.



Alexandra Chalupa, a former Democratic National Committee consultant who during the campaign investigated links between Moscow and Trump's then campaign manager Paul Manafort, is also participating in the attempt to secure recounts or audits.

"The person who received the most votes free from interference or tampering needs to be in the White House," said Chalupa. "It may well be Donald Trump, but further due diligence is required to ensure that American democracy is not threatened."

In a joint statement issued last month, the office of the director of national intelligence and the Department for Homeland Security said they were "confident" that the theft of emails from the DNC and from Clinton's campaign chair, John Podesta, which were published by WikiLeaks, was directed by the Russian government.

"Some states have also recently seen scanning and probing of their election-related systems, which in most cases originated from servers operated by a Russian company," the statement went on. "However, we are not now in a position to attribute this activity to the Russian government."

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EXHIBIT J

Jill 2016 website

See attached.





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AMOUNT    YOUR INFO    PAYMENT

\$2,700

\$2,000

\$1,500

\$500

\$100

\$50

\$29

**\$11****\$5**

Other \$

0.00

Next

\$6,771,274.04 RAISED

GOAL: \$9,500,000.00

***Election Integrity depends on YOU!******Wisconsin Increases Recount Filing Fee to Outrageous \$3.5-million***

Friends, I have an important message for you. We need your help to stand up to the powerful forces trying to block our recount campaign for citizen democracy. We received word yesterday that the final estimate for the filing fee for the recount in Wisconsin is \$3.5 million – an outrageous cost increase from the initial estimate of \$1.1 million that was given to us by WI state elections officials based on the last statewide recount. But thanks to over 130,000 small donors like you, we have enough money in hand to pay this fee and move forward with the recount!

But because of this exorbitant fee increase – bringing the total money

required for recounts in all three states to \$9.5 million – we need your help. We're not there yet, and we need every last penny to reach the \$9.5 million benchmark. And share this video on Facebook and Twitter – we can't let our voices be silenced by this obstruction to a citizen's movement for a transparent and accountable vote.

**Your immediate support is crucial - Please donate now and share widely.**

Wisconsin Wants Americans to Pay More to Do a Rec...



***Find answers to frequently asked questions.***

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## **Details You Need to Know**

In 2004, the Cobb/LaMarche campaign demanded a recount in Ohio. Because of their efforts, an election administrator went to jail. We also exposed the profound problems with DRE machines, which helped launch an election integrity movement. That provoked California to engage in a "top to bottom" review of their voting system, which culminated in the abolition of DRE machines.

The Green Party Platform calls for "publicly-owned, open source voting equipment and deploy it across the nation to ensure high national standards, performance, transparency and accountability; use verifiable paper ballots; and institute mandatory automatic random precinct recounts to ensure a high level of accuracy in election results."

Election integrity experts have independently identified Michigan, Pennsylvania and Wisconsin as states where "statistical anomalies" raised concerns. Our effort to recount votes in those states is not intended to help Hillary Clinton.

These recounts are part of an election integrity movement to attempt to shine a light on just how untrustworthy the U.S. election system is.

Monies raised go toward recount efforts in Wisconsin, Michigan and Pennsylvania. We hope to do recounts in all three states. If we only raise sufficient money for two, we will demand recounts in two states. If we only raise enough money for one, we will demand a recount in one state.

We cannot guarantee a recount will happen in any of these states we are targeting. We can only pledge we will demand recounts in WI and MI and support the voter-initiated effort in PA.

If we raise more than what's needed, the surplus will also go toward election integrity efforts and to promote voting system reform. This is what we did with our surplus in 2004.

Here are the estimated filing fees and deadlines for each state:

- Wisconsin: \$3.5 million by Nov 25 (ADJUSTED Nov 28 to \$3.5 million)
- Pennsylvania: \$500,000 million by Nov 28
- Michigan: \$975,000 by Nov 30

*Those are estimated filing fees alone.* The costs associated with recounts are a function of state law, which can often be difficult to untangle. Attorney's fees are likely to be another \$2-3 million, then there are the costs of the statewide recount observers in all three states. **The total cost is likely to be \$9-10 million.**

You can donate up to \$2,700 on this page.

\*We are supporting a voter-initiated recount in PA, in election districts where at least three voters in each precinct file affidavits with their County Board of Elections within the specified time frame.



*Find answers to frequently asked questions.*



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