



Democracy Counts!, Inc.

August 20, 2018

Mr. Tom Steyer
NextGen America
111 Sutter Street
San Francisco, CA 94104

Dear Mr. Steyer:

As Michael Roman, Special Assistant to our current President put it, "If an election is worth winning, then there is someone willing to steal it."

As you know, our elections are rife with error, vulnerable to fraud, and plagued by voter suppression under color of law, and these factors may have put the President over the top in the states that gave him the Electoral College. They could give it to him again. And they may be flipping other elections as well.

NextGen America might get millions of young people to the polls, but if the referee can choose unelected winners with impunity those young people - as well as the rest of us - will feel betrayed.

The means now exists to prevent this.

Before I explain, let me introduce myself. My name is Daniel Wolf and I am the founder and CEO of *Democracy Counts!, Inc.*, a nonprofit tech startup in San Diego that has developed the software and processes to conduct same-day election audits. I have a law degree from Harvard Law School, where I wrote the world's first country-specific election observation manual (for Nicaragua), and continued my work on elections and democratization in Political Science at U.C. San Diego and wrote several well-regarded analyses of its elections. I started two other tech companies, for which I co-invented the technologies, have run a public company, was the founding director of the TransBorder Institute at the University of San Diego, received Fulbright, Thomas J. Watson, Jr. and Tinker Foundation Fellowships, and served on the board of the Fulbright Academy for Science and Technology.

Now to explain.

We have developed a citizen-led way to expose and correct future errors and theft.

Democracy Counts! has developed a citizen-run audit system that produces reliable comparison data in real time so that, if the official results differ significantly, injured parties can seek injunctions and investigative orders as early as the day after the election. In addition it quantifies the effects of voter suppression so as to provide standing and evidence for lawsuits against partisan voter I.D. laws and other forms of suppression.

Had our audit system been used in 2000 in Florida it would have provided grounds for legal action against the Secretary of State's stripping of tens of thousands of voters from the rolls. If used in 2004 in Ohio it would have provided independent evidence as to whether the official results that narrowly gave Bush the Electoral College were legitimate – or if the election polls that gave Kerry a wide margin of victory were telling the truth. Had it been used in 2016, the results of Michigan's ancient Scantrons, Pennsylvania's numerous paperless electronic voting machines, and Wisconsin's voter suppression might have been enjoined and investigated.

We have been working in obscurity, entirely bootstrapped, for almost three years to develop these audit tools and processes. We conducted a pilot in San Diego, Los Angeles, and Berkeley in California's 2016 primary, using an early version of our app and a Fulcrum app for backup. With no prior publicity, voter education, signage or advertisements, over 90 percent of voters at the polling stations participated in the exit-vote function. We demonstrated that the logistics are manageable, that voters will cooperate, that we can collect useful data, and that we can manage interactions with officialdom. We are confident of our ability to implement the system and are working a concrete plan to audit key November 2018 elections.

Because control of the Congress is in play, in turn putting at risk the ability of certain Republicans to protect the President, the stakes this November could hardly be higher. Consequently, the incentives for local party machines to put their thumbs on the scales are stronger than ever before. Those that try must be exposed and thwarted if we are, first, to protect the integrity of our representative form of government and, second, to restore faith in it.

It is urgent that we begin to hold our electoral systems strictly accountable.

Errors (and probably fraud) flourish in our elections because there is little independent oversight, no negative consequences for the party or candidate who wins illegitimately, and practically no risk of discovery and punishment for the people who actually cause or permit errors or engage in criminal misconduct. *Democracy Counts!*' real-time citizen audits, however, will change this picture, by forcing law enforcement investigations, expose illegitimate winners to reversal, and perpetrators to prosecution. The increase in risk of exposure and punishment, from near-zero to anything significant, will encourage accuracy and deter fraud in all but the most high-stakes and resource-rich elections.

This level of effectiveness will not remain the province of one party. Our mission is to provide independent oversight, regardless of political affiliation, in order to ensure that the voice of the people is heard. We will therefore make our audit system available to everyone, everywhere; it can and eventually will be used by Republicans to audit elections run by Democrats, especially in places like Chicago and Albany. That is only right and fair: In a democracy all political parties should compete on a level playing field. In the longer term it will actually be good for the Democratic Party because it will force ossified Democratic machines to compete on the basis of ideas and popularity rather than patronage and control.

Once we have it dialed in for the US we will make the system available as a SaaS to anyone, in the US or abroad, who wants to impose accountability on their local systems. Party representatives in several countries have made informal inquiries, and USAID employees, who assist countries in setting up free and fair elections, have expressed interest.

What is to be done?

Our immediate goal is to audit at least one major race this November 6. Our timeline is short; we are now rallying public support and interest to get us to that goal. A significant audit would demonstrate the audit's utility, to challengers, parties, and civil society (especially if it exposes an attempted theft of a Senate seat). And it would give us the experience and public support necessary to audit and safeguard all of the battleground states in 2020.

The Senate races in Missouri and Florida are good candidates for audits because the motive, means, and opportunity for fraud are in bountiful supply: The races are very close, the rolls and voting machines are known to be vulnerable, the election apparatus are in the hands of radical Republicans, Russian hackers allegedly have already been active, and above all, the races are highly consequential for control of the US Senate. This translates to a heightened probability of foul play.

Conducting a state-wide audit in the remaining time is a big, tall, and difficult task, but with adequate resources we can do it. The logistical and operational challenges are similar to those of a statewide political campaign.

The plan and the resources required

We plan during these last 11 weeks to conduct a social media campaign to raise awareness, raise more funds, recruit and train citizen auditors, configure the software, engage civic organizations in joint voter education campaigns, and set up data analysis and legal teams.

Our budget worksheets suggest marginal costs on the order of \$1.5 million per state, the majority of which is driven by the number of polling places audited and the size of auditor stipends. Successful recruitment of large numbers of volunteers would reduce audit costs, but we must assume that stipends will be required to assure adequate recruitment in the scarce time remaining. About \$150,000 of the total budget for each state would be used to assist civil society organizations to conduct voter education. \$1 million should be adequate for our backend setup, organizational overhead, continuing development and early planning for 2020.

Sociopolitical support from influential figures like yourself is desirable. It will enhance our credibility, lead to more informed and favorable coverage in mainstream and social media, and enhance our standing in court should we expose errors or tampering. Furthermore, though our system does not require the cooperation of officials, their acquiescence, or at least non-interference, based on respect for our shared interests in transparency and verifiability, would reduce controversy and friction on election day and ease the tasks of auditor recruitment and voter education.

How you can help

Mr. Steyer, we request that you commit a substantial sum – at least \$1 million – to start this train rolling, that you throw your support behind it publicly, and that you facilitate introductions to other influencers and backers. This will impart political credibility and allow us to quickly demonstrate our operational credibility. Nearly 100 percent of people we explain the system to get excited, and our existing crowdfunding appeal, with minimal publicity, is already priming the pump. We are optimistic that with our credibility established it will be relatively easy to raise the additional funds required to cover the difference between your contribution and the need.

A final note

Benjamin Franklin famously quipped that the Framers had created “a republic, if you can keep it”. If we cannot make sure that it is the voters who choose our leaders then we will not be able to keep it.

Whether it’s Russian hackers playing with voter registration lists, insiders flipping votes, or simply obsolete and error-prone equipment tending to favor established interests, election manipulation will produce larger unrepresentative legislative majorities, in turn allowing more gerrymandered districts, greater incumbency advantage, ever-stricter voter suppression laws and practices, and increasingly partisan election workers wielding increasingly manipulated election machinery, ad infinitum. The end result could be permanent control of our government by illegitimate interests, such that over time our judiciary will grow more bound to those interests and less apt to maintain the rule of law.

Under present conditions it is only too easy to engineer illegitimate victories. And once a “winner” is announced, truth makes no difference because, barring overwhelming evidence of massive fraud, courts will not remove a certified winner.

America’s vote counting systems therefore *must* be held to account *before* the results are certified. We *must* prevent errors, whether negligent or intentional, from putting into office candidates who did not genuinely win their elections. Theft of office is tantamount to theft of our democracy.

I would be pleased to discuss our system and its implementation in greater detail with you. If you will share your assistant’s contact information with me I will follow up.

Respectfully yours,

/s/ Daniel H. Wolf

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PS: To demonstrate to you the breadth of support our tool can generate we are making this letter public and will be encouraging people to bring it to your attention. If your feeds begin to fill up with talk about this you now will know why. Our pleasure. :-)

Appendix

Democracy Counts Plan for Implementation of Audit for November 2018

Leveraging our existing funds: Conduct an intensive two-month marketing campaign concentrating on Millennials, potential auditors, influencers, and liberal high-net-worth individuals, with extra outreach in Missouri, Florida, and one or two other jurisdictions where we may conduct an audit, with the goal of raising at least \$2.5 million, collecting names, and building lists of potential citizen auditors.

Building on resulting awareness and credibility: On October 1 launch an intensive recruitment campaign for citizen auditors in the jurisdictions we have chosen for audits, using social media, conventional media, and direct cooperation with civil society groups.

Establishing operational capacity: For each state or jurisdiction being audited, hire a campaign director who has run a state-level political campaign to rent adequate space, recruit operational staff, establish relationships with local officials, and plan the detailed logistics for bringing auditors on, training them, establishing security (cyber and physical) processes, and coordinating with participating civil society organizations, all of which will come together on election day. *(Note: An audit campaign resembles a political campaign in its logistical complexity and rising operational intensity, though not in its mission or messaging.)*

Conducting voter education: The exit vote and suppressed-voter functions of the app require that such voters be made aware of “who those people are and what they’re doing”, and that they be encouraged to participate “in order to protect their votes”. A short but intensive marketing campaign is required.

Establishing analytic and legal capacity: For each state or jurisdiction being audited, hire a data analysis director, recruit data experts from universities and private industry, organize procedures for election night data analysis, and test scenarios and adjust; recruit a legal director with data analysis skills, recruit and educate additional attorneys with election law backgrounds, and establish protocols for managing and transmitting data-as-evidence to injured parties; assign responsibility for different types of expertise required for expert testimony in court and to the press.