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Accusations of “Rigged Elections” Not Just National Rhetoric.
Nevada Supreme Court Considering a Rare Case of Emergency Writ of Mandamus Filed by 3 Assembly Candidates Claiming Probable Voter Machine Malfunctions During the Nevada 2016 Primary Elections.

Las Vegas, NV (October 25, 2016) – The Nevada Supreme Court is set to decide a Clark County case of probable voter machine malfunctions regarding numerous errors and unexplained anomalies in the vote count for the 2016 primary election. References: Supreme Court Case Number 71204 and Eighth Judicial District Court, Clark County, Nevada, Case No. A-16-739146-C.

Republican candidates Diana Orrock (AD9), Blain Jones (AD21), and Mary Rooney (AD41) are simply asking for a judge to grant inspection of the paper ballots, including absentee ballots and those printed out by the voting machines, in order to compare them to the election results tabulated, verified and presented to the public as fact by the Clark County Registrar of Voters, Joe Gloria and the Nevada Secretary of State, Barbara Cegavski. But, the election system managers have been refusing to agree to the inspection.

The attorney for the candidates, Joel F. Hansen, has argued, based on sworn expert testimony and detailed analysis that it was not only possible, but probable that there were malfunctions, either unintentional or deliberate, somewhere in the vote counting. Mr. Hansen has demonstrated that the Supreme Court Justices can under NRS 293 allow these candidates access to the election materials, including paper ballots, which are being kept secret by the Clark County Registrar of Voters. Hansen argued that the contestants want to find out the truth by actually inspecting the paper ballots, rather than just believing the word of the Registrar, who had refused their computer security expert, Colonel Robert Frank, USAF (Retired) access to the ballots, despite the Registrar’s claims that such access was freely granted.

“The Defendants in this case are desperately trying to divert the request to the court from a simple inspection of the original ballots to a case of expensive recounts and/or holding new primary elections,” said Attorney Joel F. Hanson. “This is not the basis of our case, nor has a recount ever been a request from the plaintiffs”.

The initial discrepancies in the Clark County Statements of Vote were discovered by independent research by Nevada’s Citizens Task Force for Voter Rights (CTFVR, www.citizentaskforce.org), a group organized in 2014 and led by Colonel Frank to investigate unreasonable election system discrepancies in the 2014 CD- 4 primary election. The CTFVR has since been involved in nonpartisan efforts to ensure trustworthy elections in Nevada and other states.

Detailed analysis revealed that the Clark County “Statement of Vote” and the associated abstracts were misleading. It was found that the vote abstract numbers for those Republican Assembly races did not correspond to those races. Instead of reflecting just the Republican votes, the obviously incorrect abstract reflected all votes cast, Democrat and Republican. Reporting the numbers that way concealed how many votes were counted and which of those votes were cast by phantom voters. It is a fact that these “over-votes” are impossible if the voting machines are functioning properly. Also, the official results showed huge percentage swings between the votes cast during early voting and the votes cast on Election Day. Statistics show that these huge swings cannot happen without some type of malfunction in the system, either unintended or deliberate.

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“It is clear from the Writ of Mandamus filed by the candidates against the Clark County Election Department and the District Attorney, that the County does not want the voters to have the opportunity to openly compare the actual paper ballots with the computer-reported results. This is despite the fact that the voting computers and machinery used in Nevada have been proven nationally to be vulnerable to failures, software tampering, and are fraught with erroneous and incorrect information,” said Colonel Frank. “The outcry in this upcoming November election of possible voter fraud is often focused on voter registration and the ability for unqualified persons to register and subsequently vote. But, that is just the tip-of-the-iceberg. The primary threat to election integrity and trustworthiness is due to the lack of end-to-end audits of the whole system. “Rigged” election results can occur from failures or tampering anywhere in the whole system. Without truly independent audits, errors can go undetected and the corrupted results become permanently hidden,” Frank concluded.

Frank added,” Nevada Revised Statute 293 grants a candidate for election the right to examine the sealed election records after receiving permission from a judge. But, the Writ of Mandamus is required because to date, three (3) Nevada judges have denied the candidates such access as allowed by state law.”

Attorney Joel F. Hansen summarized, “We believe our case holds great merit. The State statute grants authority to a judge to allow for a review by these candidates of the actual paper ballots cast so that the results can be compared with the election results presented to the public. This statute allows a judge to grant access to the records of the election system so the accuracy of the electronically processed and reported vote count can be verified. Our candidates are only trying to help verify and protect the integrity of the election system to increase the confidence of the public. But we are inexplicably being blocked by the Clark County Registrar of Voters from doing so. If the Registrar has nothing to hide, why are he and the Clark County District Attorney fighting so hard to prevent such a simple inspection? “

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