

## DECLARATION OF GUSTAVO DELFINO

I, GUSTAVO DELFINO, declare as follows:

1. With respect to the 2020 Presidential Election, I did not served as an observer but I have relevant information that I here present. I have personal knowledge of the contents of this Declaration and if called as a witness I could and would testify competently as to their truth.
2. I am Venezuelan; a legal resident of Michigan since year 2015; a former professor at "Universidad Central de Venezuela"; alumni of the University of Michigan in Ann Arbor (Master of Science in Mechanical Engineering); former editorial board member of the USENIX Journal of Election Technology and Systems (JETS)[1]; currently working in the automotive industry in Michigan at ZF as an Algorithm Technical Specialist.
3. In the early 2000s while living in Venezuela and seeing the political situation quickly deteriorate I decided to get involved and help. From 11/28/2003 and for four days, signatures were collected to request a recall vote on the then president Hugo Chavez. These were collected with witnesses from both sides of the political divide in an event organized by the national elections council (CNE). A copy of this data was given to the international observers (OAS & Carter Center) and I obtained a copy of it.
4. When comparing the very large number of signatures collected with the number of people in the electoral rolls it was clear that president was going to be recalled. But then, the electoral system was drastically modified: the voting scanners were

replaced with Smartmatic touchscreen computers. These were to be used in 57% of the voting centers while manual counting would still be used in the remaining 43%.

5. The second drastic change was more subtle. I had been involved with political parties and was able to obtain regular copies of the electoral rolls and noticed that between April and July 2004 the registered electors grew by 15%. With this very large increase there was now mathematically possible for the government to win. Political parties were unable to audit the electoral rolls as they were denied access to the electors home addresses in direct conflict with the electoral law at the time.
6. On 09/15/2004 the referendum took place and the president won the election according to the official results. The opposition said it was a fraud but the OAS / Carter Center did not agree and the president was not recalled.
7. I started looking into the results together with my cousin Guillermo Salas, a physicist currently living in Spain. We looked from months into the data and ruled out many theories of fraud until eventually we found something very strange in a Carter Center report. They were claiming that the votes counted by the Smartmatic computers were OK because the correlation between the signatures and the oppositions votes was very high (0.988). It was clear to us this number was too high and suggested that the opposition votes had been forced to be proportional to the number signatures. With this in mind we proceeded to compare the behavior of the results in automated vs manual voting centers and found a large numbers of distortions only in the automated voting centers. In our

view, this was evidence of a centralized and massive electronic electoral fraud and this extraordinary claim would require a very serious validation.

8. On 06/25/2005 we submitted a paper with our findings to Statistical Science [2], one of the most prestigious mathematical statistical journals in the world. In 2007 the paper was tentatively accepted pending minor revisions. In the web-based authoring system Prof. Edward I. George [3], the editor, wrote: "Your paper has been carefully reviewed by an Editor and some expert referees. The Editor has recommended tentative acceptance for STS subject to a successful revision. I concur with that recommendation. As you know, our plan is to publish this paper as part of a special section of analyses of the Venezuela referendums. From the EJMS site, please download the three reports on your paper which you should use to guide your revision. Both the Editor and referee have provided several suggestions which you should follow. In particular, the English writing needs substantial improvement. The Editor also wondered if "we could ask them to beef up the first part and down-play a bit the part where they contrast 1998 to 2000". The third report by Rodrigo Medina a very impressive verification of your hypothesis. He has asked specifically not to be quoted for fear of government reprisals to his lab."
9. After all the revisions were made the paper was still not officially accepted until we decided to travel on 07/05/2008 to Pennsylvania to meet with the editor in person and clarify what the issue was. The meeting was very quick as we were immediately informed that our paper was approved. It was printed in the

November 2011 issue (Volume 26, Number 4) with title "Analysis of the 2004 Venezuela Referendum: The Official Results Versus the Petition Signatures" [4].

10. The referee report from Rodrigo Medina [5], a Venezuelan PhD in physics, is in fact a full paper, written in Spanish having this abstract: "Se comprueba, en acuerdo con la hipótesis recientemente publicada por Delfino y Salas, que los resultados oficiales del Referendo Revocatorio de 2004 en cada centro automatizado fueron inventados a partir del número de firmas recogidas en ese centro para pedir el referendo. Se propone una posible forma del algoritmo usado. Se demuestra que el conjunto de centros que terminó siendo auditado en caliente está correlacionado con el número de firmas que se recogieron en esos centros. Se muestra que las anomalías de una encuesta a salida de urna sólo son explicables si los resultados del revocatorio fueron manipulados de alguna manera relacionada con las firmas. Su estimó la magnitud de la diferencia entre el resultado oficial y el verdadero en 1.370.000 votos con un error del 20%"
11. My translation of this abstract is: "It is verified, according to the hypothesis recently published by Delfino and Salas, that the official 2004 Recall Referendum results in each automated voting center were invented based in on the number of signatures requesting the referendum collected in each voting center. A possible form of algorithm used is proposed. It is proved that the set of voting centers that were actually same day-audited is correlated with the number of signatures collected in those centers. It is shown that an exit polls anomalies are only explainable if the results were manipulated in some way related to the signatures.

The magnitude of the difference between the official and the true result is estimated at 1,370,000 votes with an error of 20%".

12. This election was decided by 810,066 votes. Therefore, the result of the election were indeed changed. Medina's paper is a hard mathematical proof of our hypothesis and is considered an "impressive verification" by the editor of one of the most prestigious statistical journals in the world. This gives me total confidence to assert that the worst case scenario for electronic voting machines has happened while using Smartmatic technology. Because of this, it is reasonable distrust electoral results counted with this technology specially knowing that whoever is responsible for this crime is still free to do it again in Venezuela and elsewhere. Medina estimated that magnitude of the electoral fraud in 1.370.000 votes for a country with a population with the size of Texas. For illustration purposes, if we were to scaled up this number to the population of the USA, the number would be about 15 million votes.

13. During the recent US election I was alarmed to learn that Smartmatic technology was being used and started seeing many parallels to what happened in Venezuela. A continuous satellite connection was introduced by Smartmatic since 2004 in Venezuela's voting centers. This connection is supposed to be used only for laptops in the voting center entrance to verify the identity of the electors and prevent people from voting twice. This equipment is in close proximity to the voting machines which could potentially be in constant communication with an illegal command center to provide an unfair advantage to one of the parties. Here in the US, I now see reports [6] of voting machines being connected to the

internet when they shouldn't be. Also reports of "software glitches" changing votes [7] and voting software updates the night before the election [8] which is totally unacceptable because a new audit would be needed after the update. I have also seen applications of the Newcomb-Benford distribution showing [9] that the votes for Donald Trump seem to follow it much better than those of Joe Biden.

14. When a set of numbers that is supposed to follow this Newcomb-Benford distribution fails to follow it, it is just a flag that something may be wrong and that it should be investigated further. On the other hand, when the distribution is followed well, nothing can be concluded beyond the fact that it follows the distribution well. For the Venezuela results of 2004 Pericchi and Torres [10] found that the NO votes (Chavez) did not follow this distribution while the YES votes (opposition) follow it quite well despite our proof that these are not the real results. This happened because the YES votes were just the signatures in disguise and the signatures were real.

15. A discussion of the application of the Newcomb-Benford distribution applied to the Venezuelan results and Smartmatic in Venezuela was made by Guillermo Salas [11] and is a good resource to learn more about this and for a discussion of the 2004 Venezuela referendum papers.

16. The references cited in this text are: [1] <http://www.jets-journal.org/home/editorial-board> [2] <https://imstat.org/journals-and-publications/statistical-science/> [3] <https://statistics.wharton.upenn.edu/profile/edgeorge/> [4] <https://arxiv.org/abs/1205.3009>

[5]<https://ipfs.io/ipfs/Qmb1HwCLjYxYnBjS3syf3REvR5bEG9yMkjMqzceGGqJRif?filename=medina-es.pdf>

[6]<https://www.thegatewaypundit.com/2020/11/michigan-sen-patrick-colbeck-gives-sworn-testimony-got-visual-confirmation-routers-wifi-connectors-used-throughout-tcf-center-ballot-counting-video/> [7]

<https://thefederalist.com/2020/11/06/software-glitch-in-michigan-county-tallied-6000-republican-votes-as-democrat/>

[8]<https://www.politico.com/news/2020/11/04/georgia-election-machine-glitch-434065>

[9][https://github.com/cjph8914/2020\\_benfords](https://github.com/cjph8914/2020_benfords)

[10]<https://arxiv.org/abs/1205.3290>

[11]<https://ipfs.io/ipfs/QmRVvnefjqPRHMU5zgneW6UEHpCuwkpmagXGnoyMCS88HH?filename=VnzlaElectronicVoteSummary.pdf>

EXECUTED ON: November 10, 2020

By: Gustavo Andres Delfino