

Attorney: Michigan Vote Flip Happened Due to Computer Program, Not Human Error

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Election precinct suitcases containing ballots, election materials, and keys to voting machines in Pittsburgh, Pa., on Nov. 4, 2020. (Jeff Swensen/Getty Images)

An attorney in a Michigan election case on Friday said that an infamous vote flip happened because of a computer program, not human error.

“Secretary of State Jocelyn Benson said it happened by human error. We discovered that’s not true, that’s a lie. It didn’t happen by human error. It happened by a computer program called Dominion Voting System[s],” Matthew DePerno said on Newsmax.

DePerno is representing plaintiff William Bailey in [a lawsuit](#) against Antrim County. Bailey noted that the county initially reported Democratic presidential nominee Joe Biden winning the county by more than 2,000 votes over President Donald Trump, but later changed the results to show Trump received nearly 4,000 more votes than Biden.

Officials claimed what happened was due to a human error, after initially suggesting it was in part because of a software issue.

DePerno said that through the lawsuit, his team was able to get access to the Dominion Voting Systems program. They went earlier this month and retrieved 16 thumb drives and 16 data cards, as well as the forensic image of the actual tabulation machine in the Antrim County clerk office.

“My team has been running analysis through that forensic image since Sunday,” he said.

A judge last week ordered Antrim County to preserve and protect all records regarding vote tabulation, to not turn on the Dominion tabulator, and to not connect the tabulator to the Internet. He also ruled that the plaintiff could take forensic images from the tabulator and investigate the image, thumb drives, and software.

DePerno on Friday filed an emergency motion with the Antrim County Circuit Court, asking them to lift a protective order so that his team can release the results of the forensic examination to the public.

Benson’s office didn’t respond to a request for comment. DePerno didn’t respond to a request for more information. Antrim County Clerk Sheryl Guy declined to comment.

The office of Benson, a Democrat, released a statement earlier this week urging voters to “be wary of false claims.”

“On Sunday, individuals with no apparent technical expertise in election technology were permitted to gather images of Dominion voting equipment in Antrim County. While the information they gathered is subject to a court-issued protective order, the Michigan Department of State warns voters to be wary of the claims that the group may make in coming days. Members of the group have previously made false statements, shared fake documents, and made baseless claims about the election that have been widely debunked and rejected in multiple courts,” the office stated, without sharing any examples.

In a separate statement, a spokeswoman for Michigan Attorney General Dana Nessel said no information regarding the inspection of Dominion machines has been made available to Nessel or Benson.

Dominion, a producer of election equipment and software, has said what happened in Antrim County “was due to user error.” Dominion offered this week to testify before the Michigan state Senate about its operations and machines.

The examination in Antrim County has been hyped by President Donald Trump’s lawyers, who have traveled around the country testifying about election irregularities and presenting experts to back up their allegations.

“This is really important ... because we have an independent team that is there that has gotten all of this imaging, and they spent about eight hours yesterday doing that forensic audit,” Trump campaign lawyer Jenna Ellis said this week.

Judge Kevin Elsenheimer, who is overseeing the case, ruled Thursday that Benson could intervene. Benson argued that she had supervisory control over the Antrim County election clerk's office, saying that she had an interest in any audits being done.

Assistant Attorney General Heather Meingast told The Detroit News that the imaging was done by the Allied Security Operations Group and a resident of the Village of Central Lake. Allied, based in Washington, didn't respond to a query.

"We'd like to know more about what was obtained, what the intent is for the use of the images obtained," Meingast said.

Jack Phillips contributed to this report.



Michigan Secretary of State Jocelyn Benson speaks in Detroit, Mich., on Aug. 18, 2020. (Rebecca Cook/Reuters)

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