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<sup>2</sup> [Cert Manual 7 8 15 FINAL.pdf \(eac.gov\)](https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG1.0Vol.2.PDF)

<sup>3</sup> [National Voluntary Laboratory Accreditation Program \(NVLAP\) Procedures and General Requirements \(nist.gov\)](https://www.nist.gov/pml/xact/nvlap-procedures-and-general-requirements)

<sup>4</sup> [https://www.eac.gov/sites/default/files/eac\\_assets/1/28/VVSG1.0Vol.2.PDF](https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG1.0Vol.2.PDF)

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<sup>10</sup> [Independent entity Definition | Law Insider](#)

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<sup>13</sup> [44 U.S. Code § 1901 - Definition of Government publication | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)](#)

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<sup>17</sup> <https://ago.mo.gov/docs/default-source/publications/missourisunshinelaw.pdf?sfvrsn=20#:~:text=The%20Sunshine%20Law%20declares%20Missouri's,unless%20otherwise%20provided%20by%20law>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

**ALISON (ALI) GRAEFF,**  
individually and as a  
Candidate for Missouri State  
Representative

**Plaintiff, *pro se*,**

**v.**

**CIVIL ACTION**

**NO.: 4:22-cv-682 RLW**

**UNITED STATES ELECTION ASSISTANCE  
COMMISSION,  
633 3rd Street NW, Suite 200  
Washington, DC 20001**

**THOMAS HICKS, Commission Chairman**

in his individual capacity and  
in his official capacity as sole Federal  
Election Authority Chair; and

**CHRISTY McCORMICK, Vice Chairwoman**

all in her individual capacities and  
in their capacities as members  
of the Election Assistance Commission

**BENJAMIN W. HOVLAND, Commissioner**

all in his individual capacities and  
in their capacities as members  
of the Election Assistance Commission

**DONALD L. PALMER, Commissioner**

all in his individual capacities and  
in their capacities as members  
of the Election Assistance Commission

**MISSOURI SECRETARY OF STATE**

**JOHN J. ASHCROFT**

in his individual capacity

and in his official

capacity as Chief Elections Official

**Defendant(s),**

**PLAINTIFFS FIRST AMENDED PETITION**

**I.  
INTRODUCTION**

Plaintiff, Alison Graeff, individually and as a Candidate for Missouri State Representative for the August 2nd, 2022 Primaries, sui juris pro se litigant, without the assistance of an attorney, by exercising of the right to contract and refusal to CONSENT, am before this Court by or procedurally, hereby, file this Complaint against Defendant(s), the U.S. Election Assistance Commission (*referred to hereafter as* EAC or the Commission), in his/her individual capacity and in his/her official capacity as sole U.S. Federal Election Authority, sued in their individual capacity and in their capacity as members of the EAC, and John J. Ashcroft, Missouri Secretary of State, in his/her individual capacity and in his/her official capacity as State Chief Elections Official, (collectively, “Defendants”), in support of the claims set forth herein.

**II.  
PARTIES**

**1. Plaintiff** Alison (Ali) Graeff is an adult individual who is a resident, a taxpayer, a registered voter and is officially listed on the ballot as a candidate for Missouri State Representative, Campaign for Ali Graeff, for the August 2nd, 2022, Primary in the State of Missouri, St. Charles County, Missouri.



23 2. **Defendants**, U.S. Election Assistance Commission is an appointed Commission; a legislative  
24 act directed by The *Help America Vote Act of 2002*, (referred to hereafter as HAVA), directly  
25 responsible for the duties as outlined in *Title II, Subtitle A, Pt. 1 Section 202 -Duties (1-6)*.

26 3. **Defendant**, Thomas Hicks, was nominated by President Barack H. Obama and confirmed by  
27 unanimous consent of the United States Senate on December 16, 2014, to serve on the U.S.  
28 Election Assistance Commission (EAC). Mr. Hicks currently serves as Chairman of the EAC  
29 and Designated Federal Officer (DFO) of the Technical Guidelines Development Committee  
30 (TGDC). Presently acting in the capacity of “Commission” Chairman as of February 2022, for a  
31 one-year term; additionally served as Chairman 2018-2019. In that capacity, responsible for the  
32 Voting System Testing Laboratories (referred hereafter to as VSTL), accreditation, testing, and  
33 certification process of U.S. electronic voting systems. The EAC is the sole Federal authority for  
34 the accreditation and revocation of accreditation of VSTL’s. He is sued in his official and  
35 individual capacities.

36 4. **Defendant**, Christy McCormick was nominated by President Barack H. Obama and confirmed  
37 by unanimous consent of the United States Senate on December 16, 2014, to serve on the U.S.  
38 Election Assistance Commission (EAC). Currently serving as “Commission” Vice Chairwoman  
39 and the Designated Federal Officer (DFO) for the EAC’s Local Leadership Council. She served  
40 as “Commission” Chairwoman of the reconstituted Commission for the 2015-2016 term and also  
41 acted in the capacity of “Commission” Chairwoman in February 2019, for a one-year term; in  
42 that capacity, responsible for the Voting System Testing Laboratories (VSTL) accreditation,  
43 testing, and certification process of U.S. electronic voting systems. The EAC is the sole Federal  
44 authority for the accreditation and revocation of accreditation of VSTL’s. She is sued in her  
45 official and individual capacities.

46 5. **Defendant**, Benjamin Hovland was nominated by President Donald J. Trump and confirmed  
47 by unanimous consent of the United States Senate on January 2, 2019, to serve on the U.S.  
48 Election Assistance Commission (EAC). Mr. Hovland currently serves as the Designated Federal  
49 Officer (DFO) for the Board of Advisors. Additionally, served as “Commission” Chairman from  
50 February 2020-2021.

51 In that capacity, responsible for the Voting System Testing Laboratories (VSTL) accreditation,  
52 testing, and certification process of U.S. electronic voting systems. The EAC is the sole Federal

53 authority for the accreditation and revocation of accreditation of VSTL's. He is sued in his  
54 official and individual capacities.

55 **6. Defendant**, Donald Palmer was nominated by President Donald J. Trump and Confirmed by  
56 unanimous consent of the United States Senate on January 2, 2019, to serve on the U.S. Election  
57 Assistance Commission (EAC). Mr. Palmer currently serves as the Designated Federal Officer  
58 (DFO) of the EAC's Standards Board. Additionally, served as "Commission" Chairman from  
59 February 2021-2022.

60 **7. Defendant**, John J. Ashcroft was elected on November 8, 2016, and again on November 3,  
61 2020, as Missouri's Secretary of State. He is the chief election official for Missouri. He is sued  
62 in his official and individual capacities. **(MO. C.S.R. 15 30-10.010)**

63  
64 **III.**  
65 **JURISDICTION AND VENUE**

66 1. Plaintiff incorporates the foregoing paragraphs as if set forth in full herein. This Court has  
67 subject matter jurisdiction over Plaintiffs' claims under the *Help America Vote Act 2002*,  
68 *(HAVA ACT)*, *Title 18 U.S.C. § 241 and Title 18 U.S.C. § 242, and Title 28 U.S.C. § 1331 and*  
69 *§ 1343(a)(3) and § 1391(a)(1), (b)(2), (e)(1), and Title 42 U.S.C. § 1983, and Title 52 U.S.C. §*  
70 *10307(d), § 20511(2)(B) and, U.S. Constitution 14th Amendment.*

71 2. There exists an actual and justiciable controversy between Plaintiffs and Defendant requiring  
72 resolution by this Court. Venue is proper before the United States District Court for the Eastern  
73 District of Missouri under *28 U.S.C. § 1391* because all parties reside or otherwise are found  
74 herein, and all acts and omissions giving rise to Plaintiffs' claims occurred within the jurisdiction  
75 of the Eastern District of Missouri.

76 **IV.**  
77 **STATEMENT OF FACTS**  
78

79 1. Plaintiff incorporates the foregoing paragraphs as if set forth in full herein.

80 2. Voting System Laboratory Accreditation(s) enacted through the Help America Vote Act 2002  
81 are administered by the U.S. Election Assistance Commission. The state of Missouri adopted  
82 HAVA August 2003, MO HB 511 (2003). The state of Missouri failed to be in compliance with  
83 the **HELP AMERICA VOTE ACT 2002, Subtitle B § 231 (a) (1) (2) (b) (1)** and the federal  
84 standards for laboratory testing accreditation set forth in the **EAC Voting System Test**

**Laboratory Program Manual, version 2.0, (OMB-3265-0018)<sup>1</sup>, Section 3.4, 3.6 and 3.8,**  
**during the November 3, 2020, General Election and subsequent elections thereafter.**

## **V.**

### **INTRODUCTION**

#### **1. HAVA**

##### **Title 52 U.S.C. Ch. 209: SUBCHAPTER II, Part A § 20921. Establishment**

“There is hereby established as an independent entity the Election Assistance Commission (hereafter in this subchapter referred to as the "Commission"), consisting of the members appointed under this subpart....”

The law, policies and guidelines governing our elections of the HAVA, and the U.S. Election Assistance Commission were authorized by Congress and mandated to safeguard and protect the People’s Voice to elect servants for the purpose of conducting the People’s business. “In 2002, Congress passed HAVA and created the EAC mandating to the EAC the responsibility for both setting voting system standards and providing for the voluntary testing and certification of voting systems. This mandate represented the first time the Federal government provided for the voluntary testing, certification, and decertification of voting systems nationwide. In response to this HAVA requirement, the EAC has developed the voting system standards in the form of the Voluntary Voting System Guidelines (*referred hereafter as VVSG*), a voting system certification program in the form of the Testing and Certification Program Manual (*referred hereafter as TCPM*) (OMB 3265-0019)<sup>2</sup> and the Voting System Test Laboratory Manual (*referred hereafter as VSTL*) (OMB 3265-0018)

#### **2. NIST**

Subtitle B, § 231 of HAVA requires “the EAC provide for the testing, certification, decertification, and recertification by a federally accredited laboratory for the system’s used in federal elections. The EAC has made National Institute of Standards and Technology’s (*referred hereafter as NIST*) National Voluntary Laboratory Accreditation

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<sup>1</sup> [https://www.eac.gov/sites/default/files/eac\\_assets/1/28/VSTLManual%207%208%2015%20FINAL.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/28/VSTLManual%207%208%2015%20FINAL.pdf)

<sup>2</sup> [Cert Manual 7 8 15 FINAL.pdf \(eac.gov\)](#)

Program (*referred hereafter as NVLAP*) accreditation a requirement as part of its VSTL accreditation program. NVLAP accreditation is the primary means by which the EAC ensures that each VSTL meets and continues to meet the technical requirements of the EAC program.”

“§ 231(b)(1) of HAVA requires that NIST “conduct an evaluation of independent, non-federal laboratories and shall submit to the Commission a list of those laboratories...to be accredited....” Additionally, HAVA § 231(c) requires NIST to monitor and review the performance of EAC accredited laboratories. NIST has chosen its NVLAP to carry out these duties. NVLAP conducts a review of applicant laboratories in order to provide a measure of confidence that such laboratories are capable of performing testing of voting systems to Federal standards. Additionally, the NVLAP program monitors laboratories by requiring regular assessments. Laboratories are reviewed one year after their initial accreditation and biennially thereafter. The EAC has made NVLAP accreditation a requirement of its Laboratory Accreditation Program. However, a NVLAP accreditation is not an EAC accreditation. EAC is the sole Federal authority for the accreditation and revocation of accreditation of Voting System Test Laboratories.

### **3. NVLAP**

NVLAP is a U.S. Government entity administered NIST, an agency of the U.S. Department of Commerce. NVLAP requirements are mandatory and must be fulfilled to achieve and maintain accreditation. NVLAP requirements are found in NIST Handbook 150<sup>3</sup>, NIST Handbook 150-2020 Ed., series, NVLAP Policy Guides, and NVLAP Laboratory Bulletins.

### **4. EAC**

Being the sole Federal Election Authority, the U.S. Election Assistance Commission (EAC) oversees federal voting system certification requirements. The EAC also oversees the thorough, independent testing process which determines whether an electronic voting system meets requirements, including standards designed to ensure the systems accuracy. The Election Assistance Commission is “composed of four citizens who are appointed

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<sup>3</sup> [National Voluntary Laboratory Accreditation Program \(NVLAP\) Procedures and General Requirements \(nist.gov\)](https://www.nist.gov/publications/national-voluntary-laboratory-accreditation-program-nvlap-procedures-and-general-requirements)



Representatives of the U.S. Federal Government. The “Commission” created from HAVA specifies four commissioners, nominated by the President of the United States on recommendations from the majority and minority leadership in the U.S. House of Representatives and the U.S. Senate. No more than two commissioners may belong to the same political party. Once confirmed by the full Senate, commissioners may serve two consecutive terms. HAVA states that a member of the commission shall continue to serve past their expired term until a successor takes office.

With HAVA’s enactment, the responsibility for developing voting system standards was transferred from the Federal Election Commission to the EAC and their new iterations are now the EAC Voluntary Voting System Guidelines. Voluntary Voting System Guidelines (VVSG)<sup>4</sup> are a set of specifications and requirements that electronic voting systems, including voting devices and software, must meet in order to receive a certification from the EAC. Although participation in the program is voluntary, adherence to the program’s procedural requirements is mandatory for participants. Once a state adopts into HAVA, its codified into law in that state.

The VSTL Accreditation Program Manual contains the regulations for the VVSG. The procedural requirements of this Manual will supersede any prior laboratory accreditation requirements issued by the EAC. This manual shall be read in conjunction with the EAC’s Testing and Certification Program Manual (TCPM) (OMB 3265-0019)

With the role of the EAC and their reliance on the NIST’s NVLAP accreditation program, the Handbook 150, the VSTL Accreditation Manual, and the expiration and renewal requirements established, implications at the state level are addressed.

Missouri elected to participate in HAVA as well as the VVSG in August 2003, MO HB 511 (2003) and has an obligation to follow the federal laws thereof. Furthermore, Missouri State law requires our election systems to be certified by a federally accredited laboratory, MO 15 C.S.R. 30-10.20 and requires the Secretary of State to only certify machines which have been approved by the appropriate VSTL approved by the U. S.

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<sup>4</sup> [https://www.eac.gov/sites/default/files/eac\\_assets/1/28/VVSG1.0Vol.2.PDF](https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG1.0Vol.2.PDF)

167 Election Assistance Commission. The EAC serves as the national clearinghouse with  
168 respect to the administration of elections.

173 **VI.**  
174 **RELEVANT LAWS**

175  
176 **HELP AMERICA VOTE ACT OF 2002 (HAVA 2002)<sup>5</sup>**

177 **52 U.S.C. Subtitle II Chapter 209 Subchapter II**

178 **1. § 20922. Duties.**

179 “The Commission shall serve as a national clearinghouse and resource for the  
180 compilation of information and review of procedures with respect to the  
181 administration of Federal elections by;

182 **(1)** carrying out the duties described in part 3 (relating to the adoption of  
183 voluntary voting system guidelines), including the maintenance of a clearinghouse  
184 of information on the experiences of State and local governments in implementing  
185 the guidelines and in operating voting systems in general;

186 **(2)** carrying out the duties described in subtitle B (relating to the testing,  
187 certification, decertification, and recertification of voting system hardware and  
188 software);”

189 **2. § 20925. Powers.**

190 **(a) HEARINGS AND SESSIONS.** — “The Commission may hold such hearings  
191 for the purpose of carrying out this Act, sit and act at such times and places, take

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<sup>5</sup> <https://www.congress.gov/107/plaws/publ252/PLAW-107publ2.pdf>

such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.”

(e) CONTRACTS. — “The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

### **3. § 20971. Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software**

#### **(a) Certification and testing**

##### **(1) In general**

“The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.”

##### **(2) Optional use by States**

“At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.”

#### **(b) Laboratory accreditation**

##### **(1) Recommendations by National Institute of Standards and Technology**

“Not later than 6 months after the Commission first adopts voluntary voting system guidelines under subpart 3 of part A of this subchapter, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section.”

##### **(2) Approval by Commission (a), (b), (c), (d)**

221                   **(a) In general**

222                   “The Commission shall vote on the accreditation of any laboratory under  
223                   this section, taking into consideration the list submitted under paragraph  
224                   (1), and no laboratory may be accredited for purposes of this section  
225                   unless its accreditation is approved by a vote of the Commission.”

226                   **(b) Accreditation of laboratories not on Director list**

227                   “The Commission shall publish an explanation for the accreditation of any  
228                   laboratory not included on the list submitted by the Director of the  
229                   National Institute of Standards and Technology under paragraph (1).”

230                   **(c) (1) Continuing review by National Institute of Standards and**  
231                   **Technology**

232                   “In cooperation with the Commission and in consultation with the  
233                   Standards Board and the Board of Advisors, the Director of the National  
234                   Institute of Standards and Technology shall monitor and review, on an  
235                   ongoing basis, the performance of the laboratories accredited by the  
236                   Commission under this section, and shall make such recommendations to  
237                   the Commission as it considers appropriate with respect to the continuing  
238                   accreditation of such laboratories, including recommendations to revoke  
239                   the accreditation of any such laboratory.

240                   **(d) Transition**

241                   “Until such time as the Commission provides for the testing, certification,  
242                   decertification, and recertification of voting system hardware and software  
243                   by accredited laboratories under this section, the accreditation of  
244                   laboratories and the procedure for the testing, certification, decertification,  
245                   and recertification of voting system hardware and software used as of  
246                   October 29, 2002, shall remain in effect.”

247   **4. Title 18 U.S.C. § 241 –**



**Conspiracy against rights-** “If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same.”

**5. Title 18 U.S.C. § 242 –**

**Deprivation of Rights Under Color of Law-** “any scheme that involves the necessary participation of public officials, usually election officers or notaries, acting “under color of law,” to willfully deprive a person of a right or privilege protected which is actionable as a derogation of the “one person, one vote” principle of the Constitution or laws of the United States”, i.e., “public schemes;”

**6. Title 42 U.S.C. § 1983**

**Civil Action for Deprivation of Rights–** “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer’s judicial or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.”

**7. Title 52 U.S.C. Subtitle II Chapter 205 Subchapter II**

**§ 20501 Findings and purposes -** “The Congress finds that:

- (1) the right of citizens of the United States to vote is a fundamental right;
- (2) it is the duty of the Federal, State, and local governments to promote the exercise of that right;”

**8. Missouri Constitution Article I § 1 -Source of political power**

“That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.”

Thus, the natural rights of this Sui Juris human is the Supreme Law of the land. Affiant’s individual rights are also secured within the Missouri and United States Constitutions. Affiant comes as one of the People from which your power is derived. Your Oath of Office affirms your main purpose is to protect and maintain my natural and individual Rights.

**9. Missouri Constitution Article I § 2 and § 3 -Purpose of government; Powers of the people**

“That all constitutional government is intended to promote the general welfare of the people; that all persons have a natural right to life, liberty, the pursuit of happiness and the enjoyment of the gains of their own industry; that all persons are created equal and are entitled to equal rights and opportunity under the law; that to give security to these things is the principal office of government, and that when government does not confer this security, it fails in its chief design.”

“That the people of this state have the inherent, sole and exclusive right to regulate the internal government and police thereof, and to alter and abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness, provided such change be not repugnant to the Constitution of the United States.”

“The People of the state of Missouri have the inherent right of regulating their internal government. Government is instituted for protection, security, and benefit of the People and at all times they have the right to alter or reform the same whenever the public good may require it. It is the People who decide what direction the government should proceed.”

**10. Missouri Constitution Article I § 4 - Independence of Missouri**

“That Missouri is a free and independent state, subject only to the Constitution of the United States ...” You, as state servants, are subject to having your actions restricted if your actions are not consistent with protecting the People’s freedom. Any failure on your

part to protect these rights is a breach of contract and a breach of your trust indenture, granted by the People, and will be considered an act of maladministration and misconduct and an attack on the People you have sworn to serve.”

**11. Missouri Constitution Article I § 25 -Elections and right of suffrage**

“That all elections shall be free and open’ and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.”

“It is the responsibility of our elected servants to ensure our elections are fair, safe, and conducted legally without fraud, misconduct, or misrepresentation.”

**12. Missouri Constitution Article XI § 3 - Corporations**

“The exercise of the police power of the state shall never be surrendered, abridged, or construed to permit corporations to infringe the equal rights of individuals, or the general well-being of the state.”

**13. RSMo § 115.225 (1), (2) (10) Automated equipment to be approved by Secretary of State - Standards to be met – Rules, promulgation, procedure**

(1) “Before use by election authorities in this state, the secretary of state shall approve the marking devices and the automatic tabulating equipment used in electronic voting systems and may promulgate rules and regulations to implement the intent of sections RSMo §§ 115.225 to 115.235.”

(2) “No electronic voting system shall be approved unless it:

(10) Has been tested and is certified by an independent authority that meets the voting system standards developed by the Federal Election Commission or its successor agency.”

(Exhibit 1)

**14. RSMo § 115.631 (1), (14), (19) Class one election offenses.** — “The following offenses, and any others specifically so described by law, shall be class one election offenses and are deemed felonies connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than five years or by fine of not less than two thousand five hundred dollars but not more than ten thousand dollars or by both such imprisonment and fine:

(1) Willfully and falsely making any certificate, affidavit, or statement required to be made pursuant to any provision of this chapter, including but not limited to statements specifically required to be made "under penalty of perjury"; or in any other manner knowingly furnishing false information to an election authority or election official engaged in any lawful duty or action in such a way as to hinder or mislead the authority or official in the performance of official duties. If an individual willfully and falsely makes any certificate, affidavit, or statement required to be made under section RSMo § 115.155, including but not limited to statements specifically required to be made "under penalty of perjury", such individual shall be guilty of a class D felony;

(14) On the part of any person whose duty it is to grant certificates of election, or in any manner declare the result of an election, granting a certificate to a person the person knows is not entitled to receive the certificate, or declaring any election result the person knows is based upon fraudulent, fictitious or illegal votes or returns;

(19) Knowingly preparing, altering, or substituting any computer program or other counting equipment to give an untrue or unlawful result of an election;"

**15. RSMo § 115.635 (11) Class three election offenses.** — "The following offenses, and any others specifically so described by law, shall be class three election offenses and are deemed misdemeanors connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by fine of not more than two thousand five hundred dollars, or by both such imprisonment and fine:"

**(11) "Attempting** to commit or participating in an attempt to commit any class one or class two election offense."

**16. RSMo § 115.637 (12) Class four election offenses.** — "The following offenses, and any others specifically so described by law, shall be class four election offenses and are deemed misdemeanors not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by a fine of not more than two thousand five hundred dollars or by both such imprisonment and fine":



363 “On the part of any election authority or official, willfully neglecting, refusing, or  
364 omitting to perform any duty required of him or her by law with respect to holding and  
365 conducting an election, receiving and counting out the ballots, or making proper returns;”  
366

367 One example of the above violations; The Missouri Secretary of State sent a letter dated  
368 December 2017 regarding the Qualifications of the Unisyn OpenElect 2.0 Voting Systems  
369 attesting,

370 *“Having reviewed the observations of the Missouri Automated Voting Equipment*  
371 *Qualification Committee, the Application for Qualification, and the*  
372 *manufacturer’s compliance with 15 C.S.R. 30-10.020, have determined that*  
373 *Unisyn OpenElect 2.0 Voting System, as certified by the U.S. Election Assistance*  
374 *Commission, **meets state criteria under section § 115.225, RSMo, and have this***  
375 *date granted approval of the sale and use in Missouri of Unisyn Voting Solutions’*  
376 *Open elect 2.0, as certified by the U.S. Election Assistance Commission.”*

377 **(Exhibit 2)**  
378  
379  
380

## 381 VII

### 382 UNACCREDITED VOTING SYSTEMS TEST LABORATORIES 383

384 1. Neither the Secretary of State nor the VSTL’s used in the State of Missouri to test electronic  
385 voting systems used in the November 3, 2020, elections comply with the laws and requirements  
386 of HAVA.

387 2. The laboratories used to test electronic voting systems in the State of Missouri include NTS  
388 Huntsville Laboratory, Pro V&V, and SLI Compliance.

389 3. NTS Huntsville Laboratory was the laboratory that tested several electronic voting systems  
390 widely used in Missouri, and across the country. Additional laboratories used to test Missouri’s  
391 electronic voting systems in the November 3, 2020, General and subsequent election(s) were Pro  
392 V&V, and SLI Compliance.

4. NTS Huntsville Laboratory (*referred to hereafter as NTS*) tested electronic voting systems widely used in Missouri and nationwide. On March 5, 2014, NTS notified the EAC of its acquisition of Wyle Laboratories Inc.,<sup>6</sup> a previously accredited VSTL. In fact, Wyle's Certificate of Accreditation is the only legally EAC accredited VSTL, correctly dated and signed by the Chairman, that I've discovered. Wyle's Certificate of Accreditation was valid from 05/04/2010 through 04/27/2012 and had expired at the time of NTS's acquisition. NTS Huntsville never received a legal accreditation from the EAC, nor is there a Certificate of Accreditation available on the EAC website as dictated by HAVA. A request was made to the EAC under the Freedom of Information Act No.22-00066 on June 30, 2022, for NTS Huntsville Certificate of Accreditation. The EAC's response states: "The EAC does not have records responsive to your request." (**Exhibit 3**)



<sup>6</sup> [https://www.eac.gov/sites/default/files/voting\\_system\\_test\\_lab/files/2014.03.05.NTS\\_Acquisition\\_Ltr.pdf](https://www.eac.gov/sites/default/files/voting_system_test_lab/files/2014.03.05.NTS_Acquisition_Ltr.pdf)



U.S. Election Assistance Commission  
633 3rd Street NW, Suite 200  
Washington, DC 20001

VIA EMAIL

June 30, 2022

Ali Graeff  
alimariegraeff@gmail.com

Greetings:

This acknowledges the U.S. Election Assistance Commission's receipt of your Freedom of Information Act request (No. 22-00066):

"Please provide an electronic copy of the NTS Huntsville Laboratory Certificate of Accreditation from the EAC for the dates of 2015-2017."

The EAC does not possess records responsive to your request.

This letter completes the response to your request. If you interpret any portion of this response as an adverse action, you may appeal this action to the Election Assistance Commission. Your appeal must be in writing and sent to the address set forth below. Your appeal must be

5. Sixty-Six (66) Missouri counties used Unisyn OpenElect software 1.3 in the 2020 election. This software was updated and tested on 01/2015 by NTS Huntsville. See NTS Test Report No. PR030407-02<sup>7</sup> NTS never received EAC accreditation, therefore, no authority to test our voting machines. This is in direct violation of the Election Assistance Commission's own policies and the HAVA ACT 2002. In response to a request for laboratory accreditation of voting machines in these sixty-six Missouri counties, the Secretary of State's office produced an expired 2010-2012 Certificate of Accreditation for Wyle Laboratories Inc. (Exhibit 4, 5, 6, 7)

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<sup>7</sup> [PR030407 Test Report Addendum.pdf \(eac.gov\)](#)



**Test Report Addendum of  
EAC 2005 VVSG Certification Testing  
Performed on Unisyn Voting Solutions OVS 1.3  
EAC CERTIFICATION NUMBER: 04211950-1.3**

Issue Date: 1/5/2015

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6. NTS Huntsville Laboratory was out of Compliance with federal law per the EAC VSTL Manual:

- NIST Recommendation Letter (3.6.2.1)
- Certificate of Conditions and Practices (3.6.2.3) and
- Commissioners Decisions on Accreditations (3.6.2.4)

7. Ten (10) Counties in Missouri reported using SLI Compliance Division of Gaming Laboratories to test the software election machines.<sup>8</sup> Per the EAC's own "Voting System Testing and Certification Program Manual, Version 2.0" any modifications made to Missouri electronic voting machine software requires testing by accredited laboratories.

8. EAC alleges SLI Compliance's original Certificate of Accreditation was given 2/28/2007. However, no previous accreditations are posted on EAC's website. Should this be fact, then SLI Compliance should have also received subsequent renewal accreditations in 2009, 2015, 2017, and 2019 to stay in compliance per law (EAC had no quorum from 2011-2014). Oddly, in 2018, a Certificate of Accreditation was given for a three-year period, even though law states the effective date of certification shall not exceed a period of two years. It was signed by Brian Newby, Executive Director, not signed by the Chairman as law requires. SLI Compliance's current published accreditation is dated 2/1/21, and signed not by the Chairman as law requires, but by EAC Director Mona Harrington. It is not possible to have an accreditation which is

<sup>8</sup> [Accredited Laboratories | U.S. Election Assistance Commission \(eac.gov\)](https://www.eac.gov/accrued-laboratories)



433 indefinite, when one of the requirements for accreditation has an expiration and renewal  
434 requirement. (Exhibit 8 )

VSTL Program Manual v 2.0 page 37  
3.6. Grant of Accreditation. Upon a vote of the EAC Commissioners to accredit a laboratory, the Testing and Certification Program Director shall inform the laboratory of the decision, issue a Certificate of Accreditation and post information regarding the laboratory on the EAC Web site.

 United States Election Assistance Commission

**Certificate of Accreditation** ✓ Certificate for the Lab

**SLI Compliance**  
**Division of Gaming Laboratories International, LLC**  
**Wheat Ridge, Colorado**

*is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2005 and 2015 Voluntary Voting Systems Guidelines (VVSG 1.0 & 1.1) under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. SLI Compliance is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.*

VSTL Program Manual v 2.0 page 38  
3.6.1. Certificate of Accreditation; ... The certificate shall be signed by the Chair of the Commission and state  
3.6.1.3. The effective date of the certification, which shall not exceed a period of two (2) years, and

Original Accreditation Issued on: 2/28/2007  
Accreditation remains effective until revoked by a vote of the EAC pursuant to 52 U.S.C. § 20971(c)(2).  
(c)Continuing review by National Institute of Standards and Technology  
(2)Approval by Commission required for revocation  
The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

Should be signed by EAC Chairman NOT Executive Dir.  
 Date: 2/1/21  
Mona Harrington  
Executive Director, U.S. Election Assistance Commission  
EAC Lab Code: 0701

435



9. SLI Compliance also did the testing for the electronic voting system Hart InterCivic Verity Voting. It is unclear how Hart InterCivic could implement a major update to their Verity software (v 2.3) in 2019 without having been tested by an accredited laboratory. (**Exhibit 9**)

10. EAC claims Pro V&V's original Certificate of Accreditation was given 2/24/2015 expiring on February 24, 2017. And, to the extent that proposed statement contains verifiable facts, then Pro V&V should have also received a subsequent renewal accreditation in 2019 to stay in compliance per law. It was signed by Alice Miller, Executive Director, not signed by the Chairman as law requires. Pro V&V's current published accreditation is dated 2/1/21, also not signed by the Chairman as law requires, but by EAC Director Mona Harrington. (**Exhibit 10**)



United States Election Assistance Commission

Certificate for the Lab

## Certificate of Accreditation

### Pro V&V, Inc. Huntsville, Alabama

VSTL Program Manual v 2.0 page 37

3.6. Grant of Accreditation. Upon a vote of the EAC Commissioners to accredit a laboratory, the Testing and Certification Program Director shall inform the laboratory of the decision, issue a Certificate of Accreditation and post information regarding the laboratory on the EAC Web site.

*is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2005 and 2015 Voluntary Voting Systems Guidelines (VVG 1.0 & 1.1) under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. Pro V&V is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.*

VSTL Program Manual v 2.0 page 38

3.6.1. Certificate of Accreditation; ... The certificate shall be signed by the Chair of the Commission and state:

3.6.1.3. The effective date of the certification, which shall not exceed a period of two (2) years;

**Original Accreditation Issued on: 2/24/2015**

**Accreditation remains effective until revoked by a vote of the EAC pursuant to 52 U.S.C. § 20971(c)(2).**

Should be signed by EAC Chairman  
NOT Executive Dir.

*Mona Harrington*

Date: 2/1/21

**Mona Harrington  
Executive Director, U.S. Election Assistance Commission**

**EAC Lab Code: 1501**

**EXHIBIT H**

(c)Continuing review by National Institute of Standards and Technology

(2)Approval by Commission required for revocation

The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

EXHIBIT H

Activ  
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448



11. The U.S. Election Assistance Commission, in a Notice of Clarification, NOC 21-01 VSTL Accreditation Status issued July 23, 2021, states, “The EAC is the sole Federal authority for the accreditation and revocation of accreditation of (Voting System Test Laboratories) VSTLs.”

(Exhibit 11) The EAC issued a statement asserting Covid-19 as the reason Pro V&V failed to maintain accreditation, despite the fact that their accreditation expired in 2017. This is illogical and contrary to an EAC statement made six months earlier indicating that an accreditation should not exceed two years. The EAC is inconsistent with their policies and appear to selectively reinforce them

12. The EAC also issued a statement in which they asserted that the lapse in proper accreditation was a clerical error and also that a laboratory’s accreditation is only revokable upon request. This in reference to section 52 U.S.C. § 20971 (c) (2), as they also posted on SLI’s certificate; “Accreditation remains effective until revoked by a vote of the EAC pursuant to 52 U.S.C. § 20971 (c) (2)” (Exhibit 10)

However, when you read the entirety of the law they are citing, it clearly states, “FOR PURPOSES OF THIS SECTION” This means the purposes of this section refers to (C)



**Continuing review by NIST.** Which is irrelevant to the EAC's accreditation of laboratories. This is for the express purpose of requiring a vote to REVOKE an accreditation if NIST advises them too. It's not stated here that this may be used as an excuse to violate law and continue to re-date accreditation certifications as many times as they'd like to, to avoid reviewing applications or receiving ratified offers that they then ratify. **(Exhibit 12)**

13. The EAC appears to be suggesting that Pro V&V has been accredited the entire time, without interruption. That cannot be the case according to the NVLAP accreditation certificate, which was issued in 2021 and expires in 2022. Notice the one-year expiration date. For a newly accredited lab, the lab is required to renew after 1 year, then biannually thereafter. **(Exhibit 13)**

14. Within the same **(Exhibit 12)** "document, paragraph (3) the EAC states with its own admission:

*"Due to administrative error during 2017-2019, the EAC did not issue an updated certificate to Pro V&V causing confusion with some people concerning their good standing status." "Even though the EAC failed to reissue the certificate, Pro V&V's audit was completed in 2018 and again in early 2021 as the scheduled audit of Pro V&V in 2020 was postponed due to COVID-19 travel restrictions."*  
*The EAC admits it did not follow, and ignored, their own policies and procedures written in the EAC VSTL Program Manual to re-issue Certificates of Accreditation for Pro V&V Laboratory and SLI Compliance Division of Gaming Laboratories International, LLC for the 2020 General Election.*  
*It acknowledges Its failure to re-certify PRO V&V Labs for the 2020 General Election in paragraph (3) stating, "the scheduled audit of Pro V&V was postponed due to COVID-19 travel restrictions."*

15. The Centers for Disease Control (CDC) reported and confirmed COVID-19 in the United States on January 20, 2020, which should not have hampered, interfered, or delayed the re-certification accreditation of the Laboratories for the 2020 General election. **(Exhibit 14)**

16. In paragraph (4) of the **(Exhibit 12)** document the EAC reports, "the Testing & Certification program has been fully staffed since May 2019, and we are confident that the integrity of the labs and our voting system certification programs has

remained strong throughout.” “Confidence” does not equate to a valid Certification of Accreditation for election safety and integrity.

17. A letter dated January 27, 2021, from Jerome Lovato, Voting System Testing and Certification Director, in reference to Pro V&V EAC VSTL Accreditation Acknowledges § 3.8 of the VSTL Program Manual version 2.0 policy stating:

*“Pro V&V has completed all requirements to remain in good standing with the EAC’s Testing and Certification program per section 3.8 of the Voting System Test Laboratory Manual, version 2.0:” “Expiration and Renewal of Accreditation. A grant of accreditation is valid for a period not to exceed two years.” A VSTL’s accreditation expires on the date annotated. (Exhibit 15)*

18. In reference to the above statement, Plaintiff is alleging the EAC is falsely stating and portraying the laboratory as being accredited when current certification laws under Title 52 U.S.C Chapter 209 have not been followed to render legal accreditation.

19. If this laboratory were accredited the entire time, the accreditation certificates would have a 2-year expiration and renewal date from the original accreditation of February 2015 with renewal dates of February 2017 and 2019 yet no accreditation certificates exist for 2017 and 2019. Therefore, this lab was not accredited during the time it falsely claims the machines were accredited and in use in the state of Missouri and nationwide. The accreditation certificates are not available on the NIST or the EAC’s websites, whereas the 2015 and 2021 records are readily available. (Exhibit 10)

## VIII

### ACCREDITATION PROCESS

1. How did these laboratories actually obtain a Certificate of Accreditation? This is not simply a matter of requesting or issuing a certificate. It is a contractual process whereby certain parameters must be in place in order to be in a relationship to conduct business. Including verifiable steps such as a submission, acceptance and review, that a VSTL’s must take to obtain or renew Accreditation. Here are those laws set forth by the EAC in the VSTL Manual. Note that

the accreditation is “*subject to*” receipt of information and EAC’s review and approval of materials.

## **EAC Voting System Test Laboratory Program Manual 2.0 (OMB 3265-0018)**

### **3.1. Overview.**

“.....The process generally includes an application for and receipt of a NIST recommendation; receipt of an EAC invitation to apply; and the successful *submission, acceptance, and review* of an EAC application.”

### **3.4. Application.**

“EAC is the sole authority for Voting System Test Laboratory Accreditation. While NIST’s recommendation serves as a reliable indication of potential technical competency, *the EAC must take additional steps to ensure that laboratory policies are in place regarding issues like conflict of interest, record maintenance, and financial stability.* It must also ensure that the candidate laboratory is willing and capable to work with EAC in its Certification Program. To that end, applicant laboratories are required to submit a Letter of Application requesting accreditation. The letter shall be addressed to the Testing and Certification Program Director and attach (in either hard copy or on CD/DVD)”

(1) “all required information and documentation; (2) a signed letter of agreement; and (3) a signed certification of conditions and practices.”

**3.4.1. Information and Documents.** “The applicant laboratory must submit the information and documents identified below as a part of its application. These documents will be reviewed by the EAC in order to determine whether the applicant laboratory meets the program requirements identified in Chapter 2. The grant of EAC accreditation is *subject to* receipt of the information and EAC’s review and approval of the materials. The applicant laboratory shall properly label any documents, or portions of documents, it believes are protected from release under Federal law”

558 **3.4.3. Certification of Laboratory Conditions and Practices.** “The applicant  
559 laboratory must submit a signed Certification of Laboratory Conditions and  
560 Practices as a part of its application. No applicant laboratory will be considered  
561 for accreditation unless it has properly affirmed its conditions and practices  
562 through the certification document. A Certification of Laboratory Conditions and  
563 Practices form may be found at Attachment C and is available electronically at  
564 www.eac.gov. By signing the certification, a laboratory affirms that it, in fact, has  
565 in place the policies, procedures, practices, resources and personnel stated in the  
566 document. Any false representations made in the certification process may result  
567 in the revocation of accreditation and/or criminal prosecution.”

568 Without valid accreditation, an issued certification of any voting system manufacturer is invalid.  
569 *A laboratory having received EAC accreditation is exclusively what grants that laboratory the*  
570 *authority to perform any testing on our critical infrastructure.*

## 572 IX

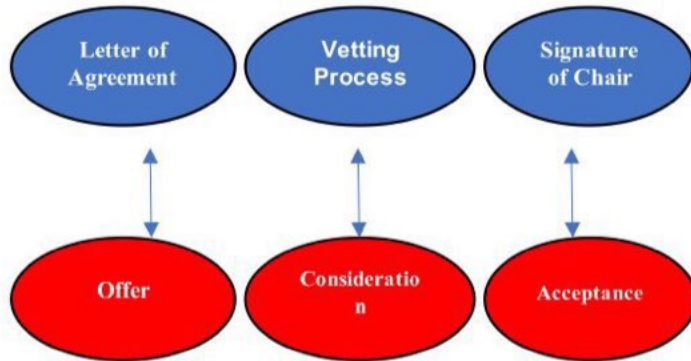
### 573 COMMISSION CERTIFICATION SIGNATURE VIOLATIONS

574 1. Not only is the date on these accreditation certifications important, but the signature on a  
575 laboratory’s Certification of Accreditation is critical. As a Licensed Realtor, it is standard  
576 practice when at a closing table to ensure the buyers new home title is correctly signed by the  
577 signing authority. No other signature would be legal. Its Contractual law.

578 2. Per the (VSTL) Voting System Test Laboratory Program Manual ver. 2.0 effective May 31,  
579 2015, page 38, § 3.6.1. Certificate of Accreditation: “A Certificate of Accreditation shall be  
580 issued to each laboratory by vote of the Commissioners. The certificate *shall* be signed by the  
581 CHAIR of the Commission and state:” “**§ 3.6.1.3. The effective date of the certification, which**  
582 **shall not exceed a period of two (2) years;**” (*emphasis added*)

583 3. Similar to a real estate transaction, until you have the fully executed contract, you do not have  
584 anything binding on which to build a transaction or abiding terms. The Certificate of  
585 Accreditation itself is the proof of the contract. To have a valid contract, you must have an Offer,  
586 Consideration, and Acceptance.

4. The “Offer” is the Letter of Agreement, submitted by the applicant laboratory. The VSTL authorized signature on this agreement serves as the VSTL contract offer to do business with the EAC and to ensure oversight when dealing with official infrastructure.



**3.4.2. Letter of Agreement.** “The applicant laboratory must submit a signed letter of agreement as a part of its application. This letter shall be signed by an official vested with the legal authority to speak for, contract on behalf of or otherwise **bind** the applicant laboratory (see Section 2.21). The purpose of this letter is to document that the applicant laboratory is aware of and agrees to abide by the requirements of the EAC Voting System Testing Laboratory Accreditation Program. **No applicant laboratory will be considered for accreditation unless it has properly submitted a letter of agreement.** The letter shall unequivocally state the following:”

*“The undersigned representative of \_\_\_\_\_ (hereinafter “Laboratory”), being lawfully authorized to bind Laboratory and having read the EAC Voting System Test Laboratory Program Manual, accepts and agrees on behalf of Laboratory to follow the program requirements as laid out in Chapter 2 of the Manual. Laboratory shall meet all program requirements as they relate to NVLAP accreditation; conflict of interest and prohibited practices; personnel policies; notification of changes; resources; site visits, notice of lawsuits; testing, technical practices and reporting; laboratory independence; **authority to do business in the United States; VSTL communications; financial stability;** and recordkeeping. Laboratory further recognizes that meeting these program requirements is a continuing responsibility. Failure to meet each of the requirements may result in the denial of an application for accreditation, a suspension of accreditation or a revocation of accreditation”*

Consideration of offer is covered here.

### **3.5. EAC Review of Application Package.**

“The EAC will perform a review of each Applicant Laboratory’s application package to ensure that it is complete, and the laboratory meets Voting System



Test Laboratory Program Manual, Version 2.0 pg. 35-36 (OMB 3265-0018), the program requirements. Each package will be reviewed to identify any apparent nonconformities or deficiencies. If necessary, the Program Director will notify Applicant Laboratories of any such nonconformities or deficiencies and provide them an opportunity to cure problems prior to forwarding the package to the Commissioners. The Program Director will issue a recommendation to the Commissioners when forwarding any application package. Consistent with HAVA, a laboratory will receive an accreditation only upon a vote of the Commissioners.”

The ratification of the entire transaction, as laid out in the manual, is the signature of the Chair of Commission. That actual laboratory Accreditation Certificate is the ratification of the relationship. It must be signed by the Chair of the Commission.

5. These portions of the EAC manual describe pertinent steps that are critical to the very charter that the EAC was created for. A contractual relationship necessitating a binding signature on the letter of agreement. The EAC Manual dictates an agreement is void if not ratified and re-applied for every 2 years. Any lapse of signature or appropriate paperwork would, of necessity, make the contract null and void because it includes in depth consideration, counter commentary and eventually ratification by the EAC in the form of issuance of a signed and dated Certificate of Accreditation.

This equals a contract to do business together. Terms are clearly defined validated by both sides.

**X**  
**WHO SIGNED THE VSTL CERTIFICATIONS?**

| VSTL Name      | EAC Accreditation on file? | Date of Expiration |  | Signed by EAC Chairman? | Who signed?                        |
|----------------|----------------------------|--------------------|--|-------------------------|------------------------------------|
| NTS Huntsville | NO                         | X                  |  | X                       | X                                  |
| Pro V&V        | YES                        | 2/24/2017          |  | NO                      | Acting Exec. Director Alice Miller |
| SLI Compliance | YES                        | 1/10/2020          |  | NO                      | Exec Director Brian Newby          |

1. Contract for Pro V&V and SLI Compliance were void due to:
  - Lack of submission of the Letter of Agreement
  - Lack of Binding signature on the Certification.
2. NTS Huntsville is out of compliance with documentation requirement per the EAC VSTL manual:
  - NIST Recommendation letter (3.6.2.4)
  - Certifications and Practices (3.6.2.3)
  - Commissions Decisions (3.6.2.4)
3. SLI Compliance lacks 4 out of 5 required documents per EAC VSTL:
  - NIST Recommendation letter (3.6.2.4)
  - Letter of Agreement (3.6.2.2)
  - Certifications and Practices (3.6.2.3)
  - Commissions Decisions (3.6.2.4)
4. Pro V&V lacks documentation on
  - Commission's decision on Accreditation (3.6.2.4)
  - No new certification in 2017
  - No documentation on website from 2015 to 2021

#### **4.1. Purpose.**

“The purpose of the Compliance Management Program is to improve EAC’s Laboratory Accreditation Program and testing; increase coordination, communication and understanding between the EAC and its VSTLs; and *increase public confidence in elections* by facilitating VSTL accountability. The program accomplishes this by increasing personal interaction between EAC staff and VSTL personnel, collecting information and performing reviews to ensure continued compliance with program requirements, and requiring that VSTLs promptly remedy any identified areas of noncompliance.

XI  
EAC & COVID

**Disaster Preparedness and Recovery**

1. Thankfully, administrative tasks were generally and appropriately carried out during Covid-19 as the EAC was able to mitigate the foreseeable risks of the pandemic. PPE plans were promptly put in place for CARES ACT relief funding and their website was helpful. Communications with states continued. (**Exhibit 16, 17**)

2. FEMA's website states on March 13, 2020, President Trump declared a nationwide emergency pursuant to Title V, § 501(b) of the Stafford Act, and Emergency Assistance Act (Stafford Act; 42 U.S.C. §5191(b)) (**Exhibit 18**)

3. The good news is the EAC has plenty of documentation of habit in paperwork and meetings regarding how well prepared this Commission can be to deal with any kind of emergencies and disasters. You can see in for 2016, they had an Initiative to deal with H1N1. In 2019 they had a very comprehensive meeting that talked a great deal about continuing plans for emergencies and in 2020, they put into place massive continuation plans regarding Covid.

4. Their disaster preparedness was mentioned and executed for years by the EAC. Natural disasters, Hurricanes, pandemics, they assured the public they would be prepared to assist the states.

5. When Covid hit, it was handled quite well by the EAC. Luckily, they were able to work from home like many other administrative positions across the nation<sup>9</sup>. The increase in digital methods to work remotely, both before Covid and after, has allowed for very little disruption in administrative tasks. EAC has rules in place to receive documents digitally and to review and sign documents through e-sign. The boom in housing market sales during 2020 proves it can be an easy, smooth process, even in a national emergency. The Zoom® revolution also has made voting and decision making over video chat, a welcome alternative to coming into an office.

6. HAVA states "the EAC is an independent entity" in **52 U.S.C. TITLE II— Subtitle A, § 201**

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<sup>9</sup> [Coronavirus \(COVID-19\) Resources | U.S. Election Assistance Commission \(eac.gov\)](https://eac.gov/coronavirus)



“There is hereby established as **an independent entity** the Election Assistance Commission (hereafter in this title referred to as the “Commission”), consisting of the members appointed under this part. Additionally, there is established the Election Assistance Commission Standards Board (including the Executive Board of such Board) and the Election Assistance Commission Board of Advisors under part 2 (hereafter in this part referred to as the “Standards Board” and the “Board of Advisors”, respectively) and the Technical Guidelines Development Committee under part 3.

7. “*Independent entity* means an entity having a public purpose relating to the state or is given by the state the right to exist and conduct its affairs”<sup>10</sup>

8. As an independent entity with a public purpose that has only increased in the past election year, EAC officials were excellent at processing grants, helping states with PPE, and taking close care regarding Covid-19. The EAC performed the impossible, when it didn’t seem practical to do so during a national emergency. Yet, it appears that the most important task before this Commission has been ignored for several years. Commensurate effort was not put forth regarding the laboratory accreditations and due diligence as will be shown throughout this Complaint.”

## **XII**

### **EAC RULES AS TO STANDARDS AND COMPLIANCE FOR VSTLS**

1. The EAC issues formal Certificates of Accreditation that are to be published on the EAC website.

#### **3.6.2. Post Information on Web Site**

“The Program Director shall make information pertaining to each accredited laboratory available to the public on EAC’s Web site<sup>11</sup>.”

2. The expiration and renewal process are also made crystal clear.

#### **3.8. Expiration and Renewal of Accreditation.**

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<sup>10</sup> [Independent entity Definition | Law Insider](#)

<sup>11</sup> [Voting System Test Laboratory Program Manual\(eac.gov\)](#)

“A grant of accreditation is valid for a period not to exceed two years. A VSTL’s accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending. VSTLs in good standing shall also retain their accreditation should circumstances leave the EAC without a quorum to conduct the vote required under § 3.5.5<sup>12</sup>.”

3. The HAVA Act, codifies that the Commission must disseminate to the public, in matter that is consistent with US Code, Title 44, Chapter 19<sup>13</sup>.

## **Title II, Subtitle A, Pt.1 § 206. DISSEMINATION OF INFORMATION.**

“In carrying out its duties, the Commission shall, on an ongoing basis, disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) in a manner that is consistent with the requirements of chapter 19 of title 44, United States Code, information on the activities carried out under this Act.

“Government publication” as used in this chapter, means informational matter which is published as an individual document at Government expense, or as required by law.”

(Pub. L. 90–620, Oct. 22, 1968, 82 Stat. 1283.)

Repeated again, in the VSTL Manual (OMB 3265-0018):

**3.6.2 Post Information on Website.** “The Progress Director shall make information pertaining to each accredited Laboratory, available to the public on EAC’s website. This information shall include, but not limited to”

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<sup>12</sup> [Voting System Test Laboratory Program Manual \(eac.gov\)](https://www.eac.gov/Voting-System-Test-Laboratory-Program-Manual)

<sup>13</sup> [44 U.S. Code § 1901 - Definition of Government publication | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)](https://www.law.cornell.edu/uscode/44/uscode44-1901.html)

- 753 3.6.2.1 “NIST’s Recommendation Letter;”  
754 3.6.2.2. “The VSTL’s Letter of Agreement;”  
755 3.6.2.3. “The VSTL’s Certification of Conditions and Practices;”  
756 3.6.2.4. “The Commissioner’s Decision on Accreditation and;  
757 3.6.2.5. “Certificate of Accreditation.”  
758

759 **1.12. Publication and Release of Documents.**

760 “The EAC *will* release documents consistent with the requirements of Federal  
761 law. It is EAC policy to make the laboratory accreditation process as open and  
762 public as possible. *Any documents (or portions thereof) submitted under this*  
763 *program will be made available to the public unless specifically protected* from  
764 release by law. *The primary means for making this information available is*  
765 *through the EAC Web site.* See Chapter 7 of this Manual for additional  
766 information.”

767 5. In several different ways, the publishing and dissemination of this information is meant to  
768 communicate transparency to the states and the people. Indeed, the EAC had demonstrated great  
769 transparency in the past. However, efforts to be transparent are currently lacking. It began to  
770 decline between 2012-2015 and has continued to degrade since that time. (Exhibit 19)

771 6. The importance of the release of certification program information is to increase public  
772 confidence and create a more informed and involved public.

773 **7.2. EAC Policy on the Release of Certification Program Information.**

774 “The EAC seeks to make its Voting System Test Laboratory Program as  
775 transparent as possible. The agency believes that such action benefits the program  
776 by increasing public confidence in the process and creating a more informed and  
777 involved public. As such, it is the policy of the EAC to make all documents, or  
778 severable portions thereof, available to the public consistent with Federal law  
779 (e.g., Freedom of Information Act (FOIA) and the Trade Secrets Act).”  
780  
781  
782

**XIII**  
**QUORUM**

1. EAC claims in two separate news releases, both dated February 2019, they had no quorum for nearly a decade. Yet, the chart below shows only the years 2011 through 2014 did not have a quorum. From 2015 through 2020 the Commission had enough members to hold votes for Chairmen positions throughout those 5 years. This would mean the Commission should have had enough votes to accredit laboratories during this same time period. (**Exhibit 20, 21**)

| YEAR | CHAIRMAN          |
|------|-------------------|
| 2004 | DeForest Soaries  |
| 2005 | Gracia Hillman    |
| 2006 | DeGregorio        |
| 2007 | Donetta Davidson  |
| 2008 | Rosemary Rodrigez |
| 2009 | Gineen Bresso     |
| 2010 | Donetta Davidson  |
| 2011 | NO QUORUM         |
| 2012 | NO QUORUM         |
| 2013 | NO QUORUM         |
| 2014 | NO QUORUM         |
| 2015 | Christy McCormick |
| 2016 | Thomas Hicks      |
| 2017 | Matthew Masterson |
| 2018 | Thomas Hicks      |
| 2019 | Christy McCormick |
| 2020 | Benjamin Hovland  |
| 2021 | Donald Palmer     |

**XIV**  
**SIGNIFICANCE OF VOTING SYSTEM TESTING LABORATORIES**

VSTLs are responsible for the examination of the use of Commercial Off-The-Shelf (COTS) components as well as the examination of other applications, software, and components deemed to be proprietary. Like established security vulnerabilities, and the increase threats of hacks and manipulations by bad actors, the significance of accredited VSTLs to the certification process is not a novel concept to those in the election infrastructure industry. The critical role of VSTLs has long been established, acknowledged and conveyed amongst the EAC, election technology manufacturers/vendors, politicians, state and county officials, and many experts in the field. In a letter dated July 10, 2008, Brian J Hancock, Director of Testing and Certification to Mary

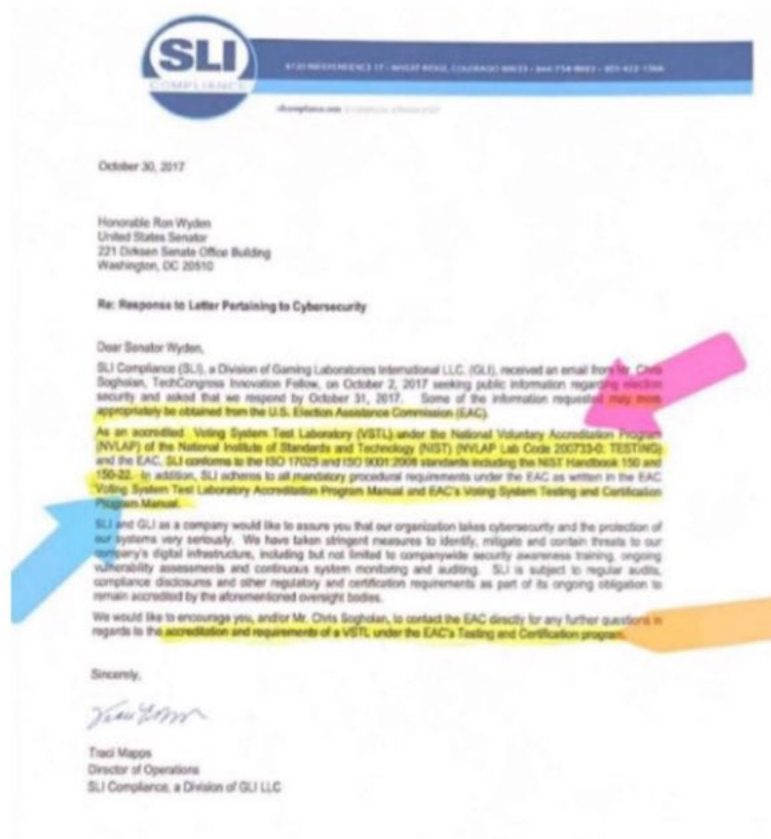




823 See Traci Mapps response...

824

825



826

827

828

## ARGUMENT

829 The Secretary of State and the EAC knowingly allowed Missourians to vote on networked  
830 machines that were not certified due to lack of accredited VSTL(s) since the November 3, 2020,  
831 elections. This onerous conduct renders the results void. The Defendants continued to certify  
832 election results knowing they violated Missourian's civil liberties subsequently forcing Plaintiff  
833 into fraudulent contracts with illegally elected government officials: providing said officials with  
834 unlawful power to enforce actions under the color of law coercing and subjecting Plaintiffs into  
835 servitude in which our liberty to determine our own course and way of life has been strong-  
836 armed from us. "The secretary of State has no authority to pass upon the question of negligence  
837 or freedom from negligence. He has no discretion but is obliged to act as the law provides."  
838 *DeVries v. Secretary of State*, 329 Mich. 68 (1950). 44 N.W.2d 872.

839 Missouri Secretary of State and 34 Missouri representatives both elected and appointed, in  
840 addition to three United States EAC Commissioners and one EAC Executive Director, were  
841 served in March of 2022, via certified mail a legal “Notice and Demand Affidavit of  
842 Maladministration, Misrepresentation, Misconduct and Fraud” informing Defendants of the lack  
843 of legal accreditation of VSTL’s used in the November 3rd, 2020, General Election. This  
844 notified every recipient of all the information and evidence provided to the Court today. There  
845 have been no responses, answers or refute of *any* manner from any of the 39 Respondent’s to  
846 date. **(Exhibit 23, 24)**

847 Due to the disregard in response to the information provided in the “Notice and Demand  
848 Affidavit of Maladministration, Misrepresentation, Misconduct and Fraud” served to the  
849 Defendants in March of 2022, they have left little option for remedy in regard to addressing the  
850 gross negligence they have created. With an upcoming election, less than 30 days away, EAC  
851 policy states a renewal of a laboratory's accreditation must be “no earlier than 60 days before the  
852 accreditation expiration date and no later than 30 days before that date.” Therefore, rendering  
853 any attempt at laboratory re-accreditation at this late stage, an unfeasible option. Additionally,  
854 the public’s trust in the EAC has been irrevocably broken. This shows, for years the EAC has  
855 neglected the law. They’ve failed to perform their duties to The People in safeguarding and  
856 securing our electronic voting systems, our critical infrastructure, and our voices. For nearly a  
857 decade, over half of the State of Missouri has used uncertified electronic voting systems due to  
858 the lack of accreditation of the VSTL, NTS Huntsville Laboratory. Rendering any votes cast  
859 through an uncertified electronic voting machine, null and void.

860 As a candidate, a citizen, and a voter, the evidence that unaccredited laboratories tested the  
861 electronic voting systems software for legal use in the Missouri’s November 3<sup>rd</sup>, 2020, General  
862 Election, and continuing to be used currently, nullifies any vote cast through electronic voting  
863 systems that underwent testing/certification by these unaccredited laboratories. This violates my  
864 rights as a citizen, silences my voice as a voter, eliminating my right to express my political  
865 opinion on who governs my state and my fundamental right to vote.



The phrase “right to vote” appears for the first time in the Fourteenth Amendment<sup>14</sup>, which declares States shall lose congressional representation “when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime.” The allowance of the EAC and the Missouri Secretary of State to continue to neglect law in respect to the certification and legality of our electronic voting system machines, my vote, and any electorate’s vote for me in the next election, are nullified. Rendering the violation of my U. S. Constitution 14<sup>th</sup> Amendment right.

The act of voting is exercising our power to preserve our Republic and make our voices heard. Our right to vote, our right to select those who represent and make decisions for us affecting every aspect of our lives, is among the most sacred that we have and must safeguard the process against fraud and manipulation.

Supreme Court case law supports a theory of First Amendment<sup>15</sup> protection for voters. The Court has repeatedly characterized the fundamental right to vote in terms of “voice” and expression. In *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964), the Court explained: “No right is more precious in a free country than that of having a voice in the election of those who make the laws.” In *Reynolds v. Sims*, 377 U.S. 533, 565 (1964), the Court held: “Each citizen must have an equally effective voice in the election of members of his state legislature.” In *Norman v. Reed*, 502 U.S. 279, 288 (1992), the Court noted that voting gives “opportunities of all voters to express their own political preferences.” Finally, in *Anderson v. Celebrezze*, 460 U.S. 780, 806 (1983), the source of the current balancing test, the Court held that the interest at stake was the “interests of voters who chose to associate together to express their support for Anderson’s candidacy and the views he expressed.” This list goes on at length<sup>16</sup>.

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<sup>14</sup> [U.S. Constitution - Fourteenth Amendment | Resources | Constitution Annotated | Congress.gov | Library of Congress](https://constitution.congress.gov/constitution/amendment-1/)

<sup>15</sup> <https://constitution.congress.gov/constitution/amendment-1/>

<sup>16</sup> *Baker v. Carr*, voting is characterized as providing citizens with a “voice” in their democracy; *Clingman v. Beaver*, 544 U.S. 581, 599 (2005); *Miller v. Johnson*, 515 U.S. 900, 932, 937 (1995); *Shaw v. Reno*, 509 U.S. 630,



Chief Justice Roberts’s majority opinion in (quoting *Republican Party of Minn. v. White*, 536 U.S. 765, 788 (2002), stated:

*“An individual expresses a view on a political matter when he signs a petition under Washington’s referendum procedure . . . . [T]he expression of a political view implicates a First Amendment right. The State, having “cho[sen] to tap the energy and the legitimizing power of the democratic process, . . . must accord the participants in that process the First Amendment rights that attach to their roles.”*

The Chief Justice’s opinion acknowledged that signing a petition was part of a process leading to legal consequences under state law, and that “to the extent a regulation concerns the legal effect of a particular activity in [the electoral] process, the government will be afforded substantial latitude to enforce that regulation.” That regulatory necessity, however, does not negate the First Amendment’s protection:

*“Voting and petition-signing plainly express a point of view and represent a decision to sign on to a particular idea in the marketplace of ideas or support a particular candidate who best represents the voters’ political beliefs.”*

The expressive interests implicated by voting are strong. By voting, citizens declare their choice to participate. This is expressed in front of their neighbors, poll officials, and allow a public record of their choice. The expressive nature of the vote is present whether the vote is for a

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675 (1993); U.S. Dep’t of Commerce v. Montana, 503 U.S. 442, 460 (1992); Burdick v. Takushi, 504 U.S. 428, 441 (1992); Burson v. Freeman, 504 U.S. 191, 199 (1992); Chisom v. Roemer, 501 U.S. 380, 398 n.25 (1991); Bd. of Estimate of City of New York v. Morris, 489 U.S. 688, 693 (1989); Davis v. Bandemer, 478 U.S. 109, 166 (1986) (Powell, J., concurring in part and dissenting in part); Rogers v. Lodge, 458 U.S. 613, 649 (1982) (Stevens, J., dissenting); Ball v. James, 451 U.S. 355, 371 (1981); Democratic Party of U.S. v. Wisconsin ex rel. La Follette, 450 U.S. 107, 127, 134 (1981); City of Rome v. United States, 446 U.S. 156, 176 n.12 (1980); City of Mobile v. Bolden, 446 U.S. 55, 78 (1980); Holt Civic Club v. City of Tuscaloosa, 439 U.S. 60, 76 (1978); United Jewish Organizations of Williamsburgh, Inc. v. Carey, 430 U.S. 144, 177 n.5 (1977); City of Richmond v. United States, 422 U.S. 358, 387 (1975); Am. Party of Texas v. White, 415 U.S. 767, 799 (1974); Lubin v. Panish, 415 U.S. 709, 721 n.\* (1974); Kasper v. Pontikes, 414 U.S. 51, 58 (1973); Rosario v. Rockefeller, 410 U.S. 752, 764 (1973); Mahan v. Howell, 410 U.S. 315, 321, 323 (1973); Jenness v. Forston, 403 U.S. 431, 442 (1971); Whitcomb v. Chavis, 403 U.S. 124, 141 (1971); Oregon v. Mitchell, 400 U.S. 112, 134 (1970); Evans v. Comman, 398 U.S. 419, 422 (1970); Kramer v. Union Free Sch. Dist. No. 15, 395 U.S. 621, 627 (1969); Hadnott v. Amos, 393 U.S. 904, 906 (1968); Williams v. Rhodes, 393 U.S. 23, 31 (1968); Avery v. Midland County, Tex., 390 U.S. 474, 480 (1968); Carrington v. Rash, 380 U.S. 89 (1965); Fortson v. Toombs, 379 U.S. 621, 626 (1965) (Harlan, J., concurring in part and dissenting in part); Roman v. Sincock, 377 U.S. 695 (1964); WMCA, Inc. v. Lomenzo, 377 U.S. 633, 655 (1964); Reynolds, 377 U.S. at 576; Wesberry, 376 U.S. at 10, 17; Gray v. Sanders, 372 U.S. 368, 386 (1963).

candidate in a primary or general election or for a ballot proposition, recall, referendum or anything else called a vote. Likewise, a vote is expressive regardless of whether it is decisive.

The decision not to vote may also serve an expressive purpose and be intended to protest the unresponsiveness of the government or deny the legitimacy of the process or of a particular outcome.

Voting is therefore both a means of achieving a particular end and of expressing an opinion as to both the process and the desired end.

It is well-established that “the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373, 96 S. Ct. 2673, 49 L.Ed.2d 547(1976)

Applying a strict scrutiny analysis to the instant facts, **RSMo § 115.631 (7)** serves a "compelling interest" “.....knowingly practicing any fraud upon a voter to induce him or her to cast a vote which will be rejected, or otherwise defrauding him or her of his or her vote;”

Relevant to “public interest”, this affects the population of Missouri as a whole should Missouri voters continue to be required to cast their votes on illegal voting machines, resulting in the installation of a fraudulent government body.

Our vote is our voice in government, and without this, we are not free people. The First Amendment protects our voice which we demonstrate through our vote. If the EAC and Missouri Secretary of State fail to safeguard our elections and uphold the rule of law, then my First Amendment rights, as well as all other Missouri citizen’s rights have been violated. This not only effects Missouri registered voters, but the Missouri population as a whole. We collectively inherit a fraudulent government.

In weighing injury and risk, The People of Missouri bear the injury and are the beneficiaries of the problems caused by lack of compliance by the EAC and Missouri Secretary of State. Safety of critical infrastructure and public trust were both violated by Defendants who took an oath to protect and defend the Constitution which guarantees our right to vote and be heard in elections. Lack of compliance and contract renders the respective elections unlawful bearing the weight of injury on voters forced to use any uncertified electronic voting equipment system nullifying their

937 vote and First Amendment right.

938 There is a burden on the Missouri Secretary of State to logically prepare the state election  
939 process without the use of electronic voting equipment systems. However, this burden does not  
940 outweigh the loss of the Peoples constitutionally protected right to free and fair elections.

941  
942 The people of Missouri have been forced into contract with representatives through deceptive  
943 practices and fraudulent certifications; thereby, rendering the elections false as "fraud vitiates  
944 everything," (*United States v. Throckmorton*, 98 U.S. 61). This is clear injury to The People as a  
945 result of Respondents' actions.

946 It is interesting to note the repeated references to fraud in the above quotes. Therefore, the  
947 meaning of fraud should be noted: Fraud. "An intentional perversion of truth for the purpose of  
948 inducing another in reliance upon it to part with some valuable thing belonging to him or to  
949 surrender a legal right. A false representation of a matter of fact... which deceives and is intended  
950 to deceive another so that he shall act upon it to his legal injury. ... It consists of some deceitful  
951 practice or willful device, resorted to with intent to deprive another of his right, or in some  
952 manner to do him injury... "(Emphasis added) –*Black's Law Dictionary Fifth Edition (1989)*,  
953 page 594.

954 Consider the case of *McNally v. U.S.*, 483 U.S. 350 (1987) 371-72, *Quoting U.S. v Holzer*, 816  
955 *F.2d*. 304, 307 (1987). Fraud in its elementary common law sense of deceit... includes the  
956 deliberate concealment of material information in a setting of fiduciary obligation. A public  
957 official is a fiduciary toward the public... and if he deliberately conceals material information  
958 from them, he is guilty of fraud.

959 These usurpations against The People of Missouri and the tyrannical measures are a clear,  
960 apparent violations of **Article I, § 1, § 2, § 3, § 4 and § 25 of the Missouri Constitution** - as  
961 well as, **18 U.S. Code §§ 241 and 242** - and must be halted, atoned for, and rectified.

962 Missourians are living in immediate imminent danger (with no remedy other than the Court's  
963 honorable intervention) under the threat of continuing to have their constitutional rights and  
964 liberties stripped, which necessitates emergent action from the Court. *LaBuy v. Howes Leather*  
965 *Co.*, 352 U.S. 249 (1957); *United States v. McGarr*, 461 F.2d 1 (7th Cir. 1972).

967 **U.S. Constitution Art I. § 4.C1.1.1.1.2**, Role of Congress in Regulating Federal Elections As  
968 noted, although § 2, cl.1, of this Article vests in the states the responsibility, now limited, to  
969 establish voter qualifications for congressional elections, the Court has held that the right to vote  
970 for Members of Congress is derived from the Federal Constitution, and that Congress therefore  
971 may legislate under this section of the Article to protect the integrity of this right. Congress may  
972 protect the  
973 right of suffrage against both official and private abridgment. Where a primary election is an  
974 integral part of the procedure of choice, the right to vote in that primary election is subject to  
975 Congressional protection. The right embraces, of course, the opportunity to cast a ballot and to  
976 have it counted honestly. What amount of monetary damages can adequately compensate a  
977 stolen or nullified vote?

978  
979 **CLOSING**  
980

981 1. Safety of critical infrastructure and public trust were both violated by the EAC, who took an  
982 oath to protect and defend the Constitution which guarantees our Right to vote and be heard in  
983 elections.

984 2. Missouri Secretary of State and 34 Missouri representatives both elected and appointed, in  
985 addition to three United States EAC Commissioners and one EAC Executive Director, were  
986 served via certified mail legal “Notice and Demand Affidavit of Maladministration,  
987 Misrepresentation, Misconduct and Fraud” informing Defendants of the lack of legal  
988 accreditation of VSTL’s used in the November 3rd, 2020, General Election. (**Exhibit 23, 24**)

989 3. Compliance is not something that can be determined retroactively nor made up “on the go.”  
990 Creating or modifying documents to demonstrate due diligence after the fact is both unlawful  
991 and dangerous. **Lack of valid compliance and contract renders the retrospective elections**  
992 **unlawful.** (*emphasis added*). In this case, law and standard were codified for the express purpose  
993 of protecting the voice and the trust of the people. These laboratories were to be thoroughly  
994 vetted every two years. Not just because it’s a good idea, but because it’s the law. It would be a  
995 violation of the public trust if all government contractors with access to critical infrastructure  
996 were able to do as they pleased.



4. The EAC posting of VSTL contracting lab communications and accreditation is for the purpose of public, transparent, date verified, documentation of continued due diligence. This allows the American public and State officials to be certain that they are operating within the law, and that the EAC is timely receiving, acting on, and communicating with the most important task in its purview.

5. Distributing taxpayer dollars and holding conferences are among the least important functions such a critical commission has, yet the documentation of these activities is plentiful, dated, available to the public and well produced.

6. Recent attempts to issue memos, cite irrelevant code, re-date certifications with zero reference to contract, and to use Covid as an excuse as to why signatures, contracts and documents cannot be submitted, reviewed, or ratified, shows the outright disregard for the foundational purpose for the EAC oversight and management of government contractors.

7. These illegal acts were and are perpetrated by an unelected commission that the American people cannot fire. With zero say in the matter, our fundamental rights were risked and violated. We the People of Missouri were to be the beneficiaries of a well-executed and legal process that was signed into law to secure our trust and our voice. Instead, we have been the beneficiaries of insufficient oversight, invalid contracts, mismanagement, and gross negligence. This has affected our entire state and renders the outcomes said to be assured by these systems of accountability, to be NULL and VOID.

8. "Fraud vitiates the most solemn contracts, documents and even judgements..., or perjured evidence, or for any matter which was actually considered in the judgment assailed."

**UNITED STATES V. THROCKMORTON, 98 U.S. 61, 25 L. Ed. 93 (1878)**

**COUNT I - Violation of Procedural Due Process**

**UNDER 42 U.S.C. §1983, 28 U.S.C. §1331**

**(1st, 14th, and 15th Amendments)**

*(Seeking declaratory and injunctive relief against All Defendants)*

Plaintiffs incorporate the foregoing paragraphs as if set forth in full herein.

In order establish a claim under section 1983 of the Civil Rights Act, a plaintiff must prove a Defendant: (a) acted under the color of state law; (b) proximately causing; (c) the Plaintiff to be deprived of a federally protected right. 42 U.S.C. §1983.

For this matter, Defendants violated the federally protected rights of voting. 18 U.S.C. 245.

In the instant case, Defendants unquestionably acted under the color of state and federal law.

Each Individual Defendant is an appointed official with the authority of duties pursuant to Missouri Statutes for the State of Missouri.

Under the First Amendment to the U.S. Constitution, no abridging the freedom of speech.

The Fourteenth Amendment applies the protections of the First and Fifteenth Amendment to state actors. U.S. Const. Ann., Amendment XIV.

Under the Fifteenth Amendment to the U.S. Constitution, no citizen of the United States the right to vote shall not be denied or abridged by any state on account of servitude by those in power without due process of law. U.S. Const. Ann., Amendment XV.

Plaintiffs have constitutionally protected interests in the benefits that come from the right to vote and not being subject to the illegal voting systems/equipment, software, and modifications, including the ability to pursue our First Amendment right to legal elections without being subjected to casting an illegal vote that violates federal and state laws.

Defendants' knowingly certified voting system/equipment, software and modifications unlawfully deprives Plaintiffs of these and other constitutionally protected interests without due process of law. Such deprivation occurred after Defendants had open communications with voting vendors and the EAC in which Defendants did not disclose to the public and gave no notice or meaningful opportunity for open public discussion regarding defects of voting equipment/software to the Plaintiffs prior to certifications. Such deprivation was arbitrary, capricious, based on ignorance without inquiry into facts, and in violation of the Missouri and Federal laws and other applicable laws. Such deprivation violates the First, Fourteenth, and Fifteenth Amendments of the United States Constitution thereby depriving Plaintiffs civil rights in regard to casting a "legal" vote.

1052 Despite Defendant's knowledge of voting systems noncompliance with state and federal law,  
1053 Defendants intend to continue to utilize these non-compliance systems in future elections.

1054 Plaintiffs were harmed and continue to be irreparably harmed by these unlawful acts, including  
1055 by suffering forced contracts with representatives through deceptive practices and fraudulent  
1056 certifications. RSMo § 115.631 (1) (14) (19), RSMo § 115.635 (11), RSMo § 115.637 (12)

1057  
1058 **COUNT II - Violation of Substantive Due Process**  
1059 **UNDER 42 U.S.C. §1983, 18 U.S.C. §245**  
1060 **(Fourteenth Amendment, Equal Rights)**  
1061 *(Seeking declaratory and injunctive relief against All Defendants)*

1062 Plaintiffs incorporate the foregoing paragraphs as if set forth in full herein.

1063 In order establish a claim under section 1983 of the Civil Rights Act, a plaintiff must prove a  
1064 Defendant: (a) acted under the color of state law; (b) proximately causing; (c) the Plaintiff to be  
1065 deprived of a federally protected right. 42 U.S.C. §1983.

1066 For this matter, Defendants violated the federally protected rights of voting. 18 U.S.C. §245.

1067 In the instant case, Defendants unquestionably acted under the color of state law.

1068 Each Individual Defendant is an appointed official with the authority of duties pursuant to  
1069 Missouri Statutes for the State of Missouri.

1070 Under the Fourteenth Amendment of the Constitution, and as established by *United States ex rel.*  
1071 *Accardi v. Shaughnessy*, 347 U.S. 260 (1954) created the Accardi doctrine, Plaintiffs have a  
1072 fundamental right to cast a ballot and vote in a legal and fair election.

1073 Plaintiffs were harmed and continue to be irreparably harmed by these unlawful acts, including  
1074 by suffering forced contract with representatives through deceptive practices and fraudulent  
1075 certifications. **RSMo § 115.225**

**COUNT III – Deprivation of Civil Rights  
UNDER 42 U.S.C §1983, 42 U.S.C. 1985 (3)  
(MO Const. Art. I, § 14 and Art. I, § 10)**

*(Seeking declaratory and injunctive relief against All Defendants)*

Plaintiffs incorporate the foregoing paragraphs as if set forth in full herein.

Article 1, § 14 of the Missouri Constitution provides, “That the courts of justice shall be open to every person, and certain remedy afforded for every injury to person, property or character, and that right and justice shall be administered without sale, denial or delay.”

Article 1, § 10 of the Missouri Constitution affords the people of Missouri with the right to be free from violations of the procedural due process rights, and “no person shall be deprived of life, liberty, or property without due process of law.”

Plaintiffs have constitutionally protected interests in the benefits that come from the right to vote and not being subject to the illegal voting systems/equipment, software, and modifications, including the ability to pursue our First Amendment right to legal elections without being subjected to casting illegal votes in violation of both state and federal laws.

Defendants’ knowingly certified voting system/equipment, software and modifications unlawfully deprives Plaintiffs of these and other constitutionally protected interests without due process of law. Such deprivation occurred after Defendants had open communications with voting vendors and the EAC in which Defendants did not disclose to the public and gave no notice or meaningful opportunity for open public discussion regarding defects of voting equipment/software to the Plaintiffs prior to certifications. Such deprivation was arbitrary, capricious, based on ignorance without inquiry into facts, and in violation of the Missouri and Federal laws and other applicable laws. Such deprivation violates Article 1, § 14 and Article 1, § 10 of the Missouri Constitution thereby depriving Plaintiffs civil rights regarding casting a “legal” vote. RSMo § 115.631 (1) (14) (19), RSMo § 115.635 (11), RSMo § 115.631 (7) RSMo § 115.637 (12)

Plaintiffs were harmed and continue to be irreparably harmed by these unlawful acts, including by suffering forced contracts with representatives through deceptive practices and fraudulent certifications.



1112  
1113 **COUNT IV – Deprivation of Constitutional Rights**  
1114 **UNDER 28 U.S.C. 1331**  
1115 **(MO Const. Art. I § 14; Art. I § 10; Art I § 25; Art. XI § 3)**

1116 *(Seeking declaratory and injunctive relief against All Defendants)*  
1117

1118 Plaintiffs incorporate the foregoing paragraphs as if set forth in full herein.

1119 Article 1, § 14 of the Missouri Constitution provides, “That the courts of justice shall be open to  
1120 every person, and certain remedy afforded for every injury to person, property or character, and  
1121 that right and justice shall be administered without sale, denial or delay.

1122 Article 1, § 10 of the Missouri Constitution affords the people of Missouri with the right to be  
1123 free from violations of the substantive due process rights, and “no person may be deprived of  
1124 life, liberty, or property without due process of law.”

1125 Under Article 1, § 25 of the Missouri Constitution, and as established by *United States ex rel.*  
1126 *Accardi v. Shaughnessy*, 347 U.S. 260 (1954) case law created the Accardi doctrine, “That all  
1127 elections shall be free and open; and no power, civil or military, shall at any time interfere to  
1128 prevent the free exercise of the right of suffrage.”

1129 MO Const Art XI § 3 states “The exercise of the police power of the state shall never be  
1130 surrendered, abridged, or construed to permit corporations to infringe the equal rights of  
1131 individuals, or the general well-being of the state.” Allowance of these laboratories, that are  
1132 registered corporations<sup>17</sup>, to continue undermining election law is a violation of my rights in Art.  
1133 XI of the MO Constitution.

1134 Plaintiffs were harmed and continue to be irreparably harmed by these unlawful acts, including  
1135 by suffering forced contracts with representatives through deceptive practices and fraudulent  
1136 certifications.

1137  
1138  

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<sup>17</sup> [GAMING LABORATORIES INTERNATIONAL, LLC :: Delaware \(US\) :: OpenCorporates](#)  
[Pro V & V, Inc. :: Alabama \(US\) :: OpenCorporates](#)

1139 **COUNT V – Voting Rights Violation**  
1140 **UNDER 52 U.S.C § 20511 (2)(b),**  
1141 **(U.S. Const. First and Fourteenth Amendment)**  
1142 **Missouri Constitution Article I § 25**

1143 *(Seeking declaratory and injunctive relief against All Defendants)*

1144 Plaintiffs incorporate the foregoing paragraphs as if set forth in full herein.

1145 In order establish a claim under section 20511(a)(b) of Title 52-Voting and Elections, a plaintiff  
1146 must prove a Defendant: (a) acted under the color of state law; (b) proximately causing; (c) the  
1147 Plaintiff to be deprived of a federally protected right. 42 U.S.C. §1983.

1148 In the instant case, Defendants unquestionably acted under the color of state and federal law.

1149 Each Individual Defendant is an appointed official with the authority of duties pursuant to  
1150 Missouri Statutes for the state of Missouri.

1151 Under the First and Fourteenth Amendment to the U.S. Constitution, and as established by state  
1152 law including US Supreme Court case law created Accardi doctrine, Plaintiffs have a  
1153 fundamental right to cast a ballot and vote in a legal and fair election.

1154 The Missouri Constitution Article I § 25 states, “That all elections shall be free and open; and no  
1155 power, civil or military, shall at any time interfere to prevent the free exercise of the right of  
1156 suffrage.”

1157 Plaintiff was harmed and continue to be irreparably harmed by these unlawful acts, including by  
1158 suffering forced contract with representatives through deceptive practices and fraudulent  
1159 certifications.

1160  
1161 **COUNT VI – DECLARATORY JUDGMENT**  
1162 **UNDER 28 U.S.C. § 2201**  
1163 *(Against All Defendants)*

1164 Plaintiffs incorporate the foregoing paragraphs as set forth in full herein.

1165 Defendants’ conduct has and will continue to violate the rights of citizens of Missouri, as set  
1166 forth above.

The Court has the authority pursuant to 28 U.S.C. § 2201 to issue an Order enjoining the State from conducting an election in which votes are casted through uncertified voting machines.

If the State of Missouri proceeds with the forthcoming election as described above, it will violate the rights of Missourians by conducting an unsecure, vulnerable electronic voting systems which is susceptible to manipulation and intrusion.

If the State of Missouri proceeds with the forthcoming election as described above, it will violate the rights of Missourians by conducting an election on illegally certified voting systems in violation of both the State of Missouri and Federal election laws.

The Court should issue an Order enjoining the State from using any electronic voting system and respective devices to include but not limited to poll pads, tabulators, printers, etc.

#### **RESERVATION OF RIGHTS**

Plaintiffs herein expressly reserve their rights in regard to any additional claims to which they may be entitled under federal law as well as under the laws of the State of Missouri, including claims arising from any violations of Missouri's Open Meetings Laws<sup>18</sup> or other actions of misconduct that may have been committed by Defendants. Plaintiffs.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request that the Court grant the following relief:

a. The immediate and permanent removal of the State of Missouri from the Federal mandates under the HAVA.

b. The immediate and permanent removal of all electronic voting machines, equipment, and poll pads in the State of Missouri.

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<sup>18</sup> <https://ago.mo.gov/docs/default-source/publications/missourisunshineclaw.pdf?sfvrsn=20#:~:text=The%20Sunshine%20Law%20declares%20Missouri's,unless%20otherwise%20provided%20by%20law.>

c. Immediately return the State of Missouri to hand-cast, and hand-counted paper ballots.

d. Temporarily restrain, as well as preliminarily and permanently enjoin Defendants, their agents, servants, employees, attorneys, and all persons in active concert or participation with any of them, from implementing or enforcing the use of electronic voting machines, equipment, and electronic poll pads and from taking any other action to implement the use of electronic voting equipment; in all future Missouri elections; and

f. Prohibit the Missouri Secretary of State, and all election officials in the state of Missouri from deletion, destruction, disposal, or altering of all election data pertaining to the November 3, 2020 General election in the State of Missouri; and

g. Grant such other and further relief the Court sees just, equitable, and proper including without limitation, an award of attorneys' fees and costs to Plaintiffs.

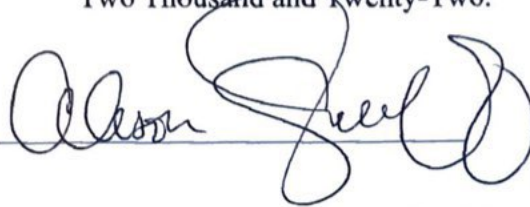


### Verification

I hereby declare, certify, and state, pursuant to the penalties of perjury under the laws of the United States of America, and by the provisions of 28 USC § 1746 that all the above and foregoing representations are true and correct to the best of my knowledge, information, and belief.

Executed in St Charles County, Missouri on this 22<sup>nd</sup> day of July in the year of Our Lord Two Thousand and Twenty-Two.

Autograph of Affiant:



**Notary as JURAT CERTIFICATE:**

Missouri State  
St. Charles County

On this 22<sup>nd</sup> day of July 2022, before me,

Theresa Judd, a Notary Public, personally appeared

Alison Gragg Name of Affiant, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their autograph(s) on the instrument the person executed, the instrument.

I certify under PENALTY OF PERJURY under the lawful laws of the State of Missouri and that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature of Notary / Jurat

