

**IN THE 11th JUDICIAL CIRCUIT COURT
OF MISSOURI**

ALISON (ALI) GRAEFF,

**[REDACTED]
St. Charles, MO 63301**

Candidate for Missouri State

Representative

Petitioner

v.

MISSOURI SECRETARY OF STATE,

JOHN J. ASHCROFT, Chief Election Officer

ST. CHARLES COUNTY MISSOURI

ELECTION AUTHORITY,

KURT BAHR, Election Director

Respondent(s)

1 **PETITION TO CONTEST MISSOURI PRIMARY ELECTION AUGUST 2, 2022**

2 **PER RSMo § 115.531**

3
4 **I.**

5
6 Plaintiff, Alison Graeff, individually and as a Candidate for Missouri State Representative for
7 the August 2nd, 2022 Primaries, sui juris pro se litigant, without the assistance of an attorney, by
8 exercising of the right to contract and refusal to CONSENT, am before this Court by or
9 procedurally, hereby, file this Complaint against Defendant(s), the U.S. Election Assistance
10 Commission (*referred to hereafter as* EAC or the Commission), in his/her individual capacity
11 and in his/her official capacity as sole U.S. Federal Election Authority, sued in their individual
12 capacity and in their capacity as members of the EAC, and John J. Ashcroft, Missouri Secretary
13 of State, in his/her individual capacity and in his/her official capacity as State Chief Elections
14 Official, (collectively, “Defendants”), in support of the claims set forth herein.

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16 **II.**
17 **PARTIES**

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

23 **2. Defendant,** John J. Ashcroft was elected on November 8, 2016, and again on November 3,
24 2020, as Missouri’s Secretary of State. He is the chief election official for Missouri. He is sued
25 in his official and individual capacities. **(MO. C.S.R. 15 30-10.010)**

26
27 **III.**
28 **JURISDICTION AND VENUE**

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

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

40 **IV.**
41 **STATEMENT OF FACTS**
42

- 43 1. Plaintiff incorporates the foregoing paragraphs as if set forth in full herein.
- 44 2. Voting System Laboratory Accreditation(s) enacted through the Help America Vote Act 2002
45 are administered by the U.S. Election Assistance Commission. The state of Missouri adopted
46 HAVA August 2003, MO HB 511 (2003). The state of Missouri failed to be in compliance with
47 the **HELP AMERICA VOTE ACT 2002, Subtitle B § 231 (a) (1) (2) (b) (1)** and the federal
48 standards for laboratory testing accreditation set forth in the **EAC Voting System Test**
49 **Laboratory Program Manual, version 2.0, (OMB-3265-0018)¹, Section 3.4, 3.6 and 3.8,**
50 **during** the November 3, 2020, General Election and subsequent elections thereafter.

51 **V.**
52 **INTRODUCTION**

53 **1. HAVA**

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

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

58 The law, policies and guidelines governing our elections of the HAVA, and the U.S. Election
59 Assistance Commission were authorized by Congress and mandated to safeguard and protect the
60 People’s Voice to elect servants for the purpose of conducting the People’s business. “In 2002,
61 Congress passed HAVA and created the EAC mandating to the EAC the responsibility for both
62 setting voting system standards and providing for the voluntary testing and certification of voting
63 systems. This mandate represented the first time the Federal government provided for the
64 voluntary testing, certification, and decertification of voting systems nationwide. In response to
65 this HAVA requirement, the EAC has developed the voting system standards in the form of the
66 Voluntary Voting System Guidelines (*referred hereafter as VVSG*), a voting system certification

67 program in the form of the Testing and Certification Program Manual (*referred hereafter as*
68 TCPM) (OMB 3265-0019)² and the Voting System Test Laboratory Manual (*referred hereafter*
69 *as* VSTL) (OMB 3265-0018)

70 **2. NIST**

71 Subtitle B, § 231 of HAVA requires “the EAC provide for the testing, certification,
72 decertification, and recertification by a federally accredited laboratory for the system’s
73 used in federal elections. The EAC has made National Institute of Standards and
74 Technology’s (*referred hereafter as* NIST) National Voluntary Laboratory Accreditation
75 Program (*referred hereafter as* NVLAP) accreditation a requirement as part of its VSTL
76 accreditation program. NVLAP accreditation is the primary means by which the EAC
77 ensures that each VSTL meets and continues to meet the technical requirements of the
78 EAC program.”

79 “§ 231(b)(1) of HAVA requires that NIST “conduct an evaluation of independent, non-
80 federal laboratories and shall submit to the Commission a list of those laboratories...to be
81 accredited....” Additionally, HAVA § 231(c) requires NIST to monitor and review the
82 performance of EAC accredited laboratories. NIST has chosen its NVLAP to carry out
83 these duties. NVLAP conducts a review of applicant laboratories in order to provide a
84 measure of confidence that such laboratories are capable of performing testing of voting
85 systems to Federal standards. Additionally, the NVLAP program monitors laboratories by
86 requiring regular assessments. Laboratories are reviewed one year after their initial
87 accreditation and biennially thereafter. The EAC has made NVLAP accreditation a
88 requirement of its Laboratory Accreditation Program. However, a NVLAP accreditation
89 is not an EAC accreditation. EAC is the sole Federal authority for the accreditation and
90 revocation of accreditation of Voting System Test Laboratories.

91 **3. NVLAP**

92 NVLAP is a U.S. Government entity administered NIST, an agency of the U.S.
93 Department of Commerce. NVLAP requirements are mandatory and must be fulfilled to
94 achieve and maintain accreditation. NVLAP requirements are found in NIST Handbook
95 150³, NIST Handbook 150-2020 Ed., series, NVLAP Policy Guides, and NVLAP
96 Laboratory Bulletins.

97 **4. EAC**

98 Being the sole Federal Election Authority, the U.S. Election Assistance Commission
99 (EAC) oversees federal voting system certification requirements. The EAC also oversees
100 the thorough, independent testing process which determines whether an electronic voting
101 system meets requirements, including standards designed to ensure the systems accuracy.
102 The Election Assistance Commission is “composed of four citizens who are appointed
103 Representatives of the U.S. Federal Government. The “Commission” created from
104 HAVA specifies four commissioners, nominated by the President of the United States on
105 recommendations from the majority and minority leadership in the U.S. House of
106 Representatives and the U.S. Senate. No more than two commissioners may belong to the
107 same political party. Once confirmed by the full Senate, commissioners may serve two
108 consecutive terms. HAVA states that a member of the commission shall continue to serve
109 past their expired term until a successor takes office.

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

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

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

125 Missouri elected to participate in HAVA as well as the VVSG in August 2003, MO HB
126 511 (2003) and has an obligation to follow the federal laws thereof. Furthermore,

127 Missouri State law requires our election systems to be certified by a federally accredited
128 laboratory, MO 15 C.S.R. 30-10.20 and requires the Secretary of State to only certify
129 machines which have been approved by the appropriate VSTL approved by the U. S.
130 Election Assistance Commission. The EAC serves as the national clearinghouse with
131 respect to the administration of elections.

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VI.
RELEVANT LAWS

HELP AMERICA VOTE ACT OF 2002 (HAVA 2002)⁵

137 **52 U.S.C. Subtitle II Chapter 209 Subchapter II**

138 **1. § 20922. Duties.**

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

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

146 (2) carrying out the duties described in subtitle B (relating to the testing,
147 certification, decertification, and recertification of voting system hardware and
148 software);”

149 **2. § 20925. Powers.**

150 (a) HEARINGS AND SESSIONS. — “The Commission may hold such hearings
151 for the purpose of carrying out this Act, sit and act at such times and places, take
152 such testimony, and receive such evidence as the Commission considers advisable
153 to carry out this Act. The Commission may administer oaths and affirmations to
154 witnesses appearing before the Commission.”

155 (e) CONTRACTS. — “The Commission may contract with and compensate
156 persons and Federal agencies for supplies and services without regard to section
157 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

158 **3. § 20971. Testing, Certification, Decertification, and Recertification of Voting**
159 **System Hardware and Software**

160 **(a) Certification and testing**

161 **(1) In general**

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

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

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

169

170 **(b) Laboratory accreditation**

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

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

179

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

181 **(a) In general**

182 “The Commission shall vote on the accreditation of any laboratory under
183 this section, taking into consideration the list submitted under paragraph

184 (1), and no laboratory may be accredited for purposes of this section
185 unless its accreditation is approved by a vote of the Commission.”

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

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

190 **(c) (1) Continuing review by National Institute of Standards and
191 Technology**

192 “In cooperation with the Commission and in consultation with the
193 Standards Board and the Board of Advisors, the Director of the National
194 Institute of Standards and Technology shall monitor and review, on an
195 ongoing basis, the performance of the laboratories accredited by the
196 Commission under this section, and shall make such recommendations to
197 the Commission as it considers appropriate with respect to the continuing
198 accreditation of such laboratories, including recommendations to revoke
199 the accreditation of any such laboratory.

200 **(d) Transition**

201 “Until such time as the Commission provides for the testing, certification,
202 decertification, and recertification of voting system hardware and software
203 by accredited laboratories under this section, the accreditation of
204 laboratories and the procedure for the testing, certification, decertification,
205 and recertification of voting system hardware and software used as of
206 October 29, 2002, shall remain in effect.”

207 **4. Title 18 U.S.C. § 241 –**

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

213 **5. Title 18 U.S.C. § 242 –**

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

219 **6. Title 42 U.S.C. § 1983**

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

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

231 **§ 20501 Findings and purposes -** “The Congress finds that:

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

235

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

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

240 Thus, the natural rights of this Sui Juris human is the Supreme Law of the land. Affiant’s
241 individual rights are also secured within the Missouri and United States Constitutions.

242 Affiant comes as one of the People from which your power is derived. Your Oath of
243 Office affirms your main purpose is to protect and maintain my natural and individual
244 Rights.

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

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

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

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

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

263 “That Missouri is a free and independent state, subject only to the Constitution of the
264 United States ...” You, as state servants, are subject to having your actions restricted if
265 your actions are not consistent with protecting the People’s freedom. Any failure on your
266 part to protect these rights is a breach of contract and a breach of your trust indenture,
267 granted by the People, and will be considered an act of maladministration and misconduct
268 and an attack on the People you have sworn to serve.”

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

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

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

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

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

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

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

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

285 (10) Has been tested and is certified by an independent authority that meets the
286 voting system standards developed by the Federal Election Commission or its
287 successor agency.” **(Exhibit 1)**

288

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

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

302 115.155, including but not limited to statements specifically required to be made "under
303 penalty of perjury", such individual shall be guilty of a class D felony;

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

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

310

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

316 (11) “**Attempting** to commit or participating in an attempt to commit any class one or
317 class two election offense.”

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

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

326

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

330 *“Having reviewed the observations of the Missouri Automated Voting Equipment*
331 *Qualification Committee, the Application for Qualification, and the*

332 *manufacturer's compliance with 15 C.S.R. 30-10.020, have determined that*
333 *Unisyn OpenElect 2.0 Voting System, as certified by the U.S. Election Assistance*
334 *Commission, meets state criteria under section § 115.225, RSMo, and have this*
335 *date granted approval of the sale and use in Missouri of Unisyn Voting Solutions'*
336 *Open elect 2.0, as certified by the U.S. Election Assistance Commission."*
337 **(Exhibit 2)**

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344 The Secretary of State, Chief Election Official, as described under **MO 15 CSR 30-10.010**,
345 failed to protect my right to vote in a fair and equal election in the August 2nd 2022, Primary
346 election by using uncertified electronic voting system used throughout the county. All electronic
347 voting system used in the Missouri August 2nd Primary did not legally meet, obtain, or maintain
348 Federal laboratory accreditation as codified into Missouri law through the 2002 Help America
349 Vote Act (**52 USC Subtitle II, CHAPTER 209, SUBCHAPTER II, Part B**). These
350 unaccredited laboratories then unlawfully certified our critical voting infrastructure for use in
351 Missouri elections. This has inflicted irreputable harm to myself as a Candidate as well as all
352 Missouri registered voters by rendering all votes cast through unlawful, uncertified voting
353 systems null and void. Therefore, no legal Certification of Election results can be put forth by
354 state election officials.

355
356 **MO 15 CSR 30-10.020 (2020), as a requirement of participation under the Help America**
357 **Vote Act 2002, (HAVA 2002) 52 U.S.C. Subtitle II Chapter 209, Subtitle II, Part 3, Subtitle**
358 **B, § 231(a)(1), (2) and (b) (1) (2) (A), RSMo § 115.225, 2(10),**

359 "No electronic voting system shall be approved unless it: Has been tested and is certified
360 by an independent authority that meets the voting system standards developed by the
361 Federal Election Commission or its successor agency."
362

363 U.S. Constitution Art. I. § 4.C1.1.1.1.2, Role of Congress in Regulating Federal Elections and
364 Missouri Constitution Article I, § 25.

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366

367 **UNACCREDITED VOTING SYSTEMS TEST LABORATORIES**

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369

370 For clarification and contextual purposes, I begin with background documentation brought forth
371 in a federal Complaint of the same nature filed by Petitioner on June 28th, 2022, regarding the
372 Missouri November 3rd, 2020, General Election involving the use of three (3) laboratories
373 (VSTLs), Pro V&V, SLI Compliance, and NTS Huntsville.

374 Since the Nov 3, 2020, General Election, Missouri is now utilizing only two VSTL's, Pro V & V
375 and SLI Compliance. However, understanding the illegal use of all three during the Nov 3, 2020,
376 General Election and all subsequent elections are pertinent to the awareness of the issues
377 presented before the Court today.

378 Neither the Secretary of State, nor the laboratories used in the State of Missouri to test electronic
379 voting systems in the August 2, 2022, Primary Elections comply with the laws and requirements
380 of HAVA.

381 The laboratories used to test electronic voting systems in the State of Missouri include Pro V&V,
382 and SLI Compliance.

383

384 **52 U.S.C. Ch. 209, Subchapter II, Part B § 20971. Testing, Certification, Decertification,
385 and Recertification of Voting System Hardware and Software**

386 **(a) Certification and testing**

387 **(1) In general**

388 "The Commission shall provide for the testing, certification, decertification, and
389 recertification of voting system hardware and software by accredited
390 laboratories."

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

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

395

396 **(b) Laboratory accreditation**

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

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

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

406 **(a) In general**

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

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

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

415 **(c) (1) Continuing review by National Institute of Standards and
416 Technology**

417 “In cooperation with the Commission and in consultation with the Standards
418 Board and the Board of Advisors, the Director of the National Institute of
419 Standards and Technology shall monitor and review, on an ongoing basis, the
420 performance of the laboratories accredited by the Commission under this section,

421 and shall make such recommendations to the Commission as it considers
422 appropriate with respect to the continuing accreditation of such laboratories,
423 including recommendations to revoke the accreditation of any such laboratory.

424 **(d) Transition**

425 “Until such time as the Commission provides for the testing, certification,
426 decertification, and recertification of voting system hardware and software by
427 accredited laboratories under this section, the accreditation of laboratories and the
428 procedure for the testing, certification, decertification, and recertification of
429 voting system hardware and software used as of October 29, 2002, shall remain in
430 effect.”

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432
433 EAC claims Pro V&V’s original Certificate of Accreditation was given 2/24/2015 expiring on February
434 24, 2017. And, to the extent that proposed statement is a verifiable fact, then Pro V&V should have also
435 received a subsequent renewal accreditation in 2019 to stay in compliance per law. It was signed by Alice
436 Miller, Executive Director, not signed by the Chairman as law requires. Pro V&V’s current published
437 accreditation is dated 2/1/21, and also not signed by the Chairman as law requires, but by EAC Director
438 Mona Harrington. **(Exhibit 5)**

439



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 (VVSG 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.

Should be signed by EAC Chairman NOT Executive Dir.

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).

Mona Harrington Date: 2/1/21
Mona Harrington
Executive Director, U.S. Election Assistance Commission
EAC Lab Code: 1501

(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

Act
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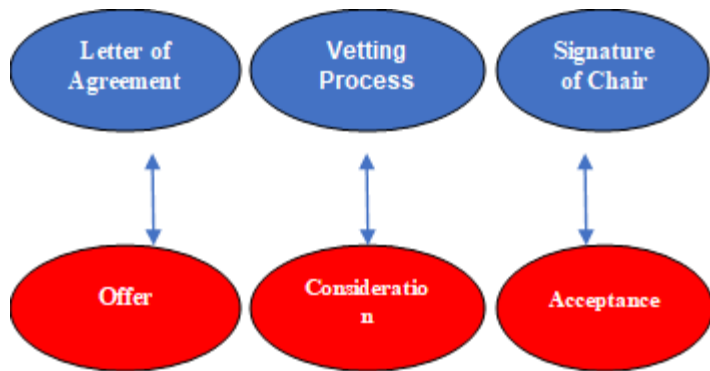
441



442
443 Per the (VSTL) Voting System Test Laboratory Program Manual ver. 2.0, OMB 3265-0018
444 effective May 31, 2015, page 38, § 3.6.1. Certificate of Accreditation: “A Certificate of
445 Accreditation shall be issued to each laboratory by vote of the Commissioners. The certificate
446 shall be signed by the CHAIR of the Commission and state:” “**§ 3.6.1.3. The effective date of**
447 **the certification, which shall not exceed a period of two (2) years;**” (emphasis added). This is
448 reiterated in a EAC Notice of Clarification NOC 21-01: VSTL Accreditation Status issued by
449 Program Director on July 23, 2021. (Exhibit 6)

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

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



457

458 **3.4.2. Letter of Agreement.** “The applicant laboratory must submit a signed letter of agreement
 459 as a part of its application. This letter shall be signed by an official vested with the legal
 460 authority to speak for, contract on behalf of or otherwise **bind** the applicant laboratory (see
 461 Section 2.21). The purpose of this letter is to document that the applicant laboratory is aware of
 462 and agrees to abide by the requirements of the EAC Voting System Testing Laboratory
 463 Accreditation Program. **No applicant laboratory will be considered for accreditation unless it**
 464 **has properly submitted a letter of agreement.** The letter shall unequivocally state the following:”

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

475 Consideration of the offer is covered here:

476 **3.5. EAC Review of Application Package.**

477 “The EAC will perform a review of each Applicant Laboratory’s application
 478 package to ensure that it is complete, and the laboratory meets Voting System
 479 Test Laboratory Program Manual, Version 2.0 pg. 35-36 (OMB 3265-0018), the
 480 program requirements. Each package will be reviewed to identify any apparent
 481 nonconformities or deficiencies. If necessary, the Program Director will notify
 482 Applicant Laboratories of any such nonconformities or deficiencies and provide

483 them an opportunity to cure problems prior to forwarding the package to the
484 Commissioners. The Program Director will issue a recommendation to the
485 Commissioners when forwarding any application package. Consistent with
486 HAVA, a laboratory will receive an accreditation only upon a vote of the
487 Commissioners.”

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

491 Contract for Pro V&V was void due to:

- 492 • Lack of submission of the Letter of Agreement
- 493 • Lack of Binding signature on the Certification.

494 Pro V&V lacks documentation on

- 495 • Commission's decision on Accreditation (3.6.2.4)
- 496 • No new certification in 2017
- 497 • No documentation on website from 2015 to 2021

498 The U.S. Election Assistance Commission, in a Notice of Clarification, NOC 21-01 VSTL
499 Accreditation Status issued July 23, 2021, states, “The EAC is the sole Federal authority for the
500 accreditation and revocation of accreditation of (Voting System Test Laboratories) VSTLs.”
501 **(Exhibit 6)**

502 More excuses came from the EAC in an issued statement asserting Covid-19 as the reason Pro
503 V&V failed to maintain accreditation, despite the fact the accreditation expired in 2017. This is
504 illogical and contrary to an EAC statement made six months earlier indicating that an
505 accreditation should not exceed two years. The EAC is inconsistent with their policies and
506 appear to selectively reinforce them. In this statement they asserted that the lapse in proper
507 accreditation was an “administrative” error and asserted that a laboratory’s accreditation is only
508 revokable upon request and referenced section 52 U.S.C. § 20971 (c) (2) “Accreditation remains
509 effective until revoked by a vote of the EAC pursuant to 52 U.S.C. § 20971 (c) (2)” **(Exhibit 5)**

510 However, when you read the entirety of the law they are citing, it states, “FOR PURPOSES OF
511 THIS SECTION” This means the purposes of this section refers to **(C) Continuing review by**
512 **NIST**. Under this section, NIST shall make *recommendations* to the Commission as the

513 COMMISSION considers appropriate with respect to the continuing accreditation of such
514 laboratories, including *recommendations* to revoke the accreditation of any such laboratory.
515 Which is irrelevant to the EAC’s responsibility in the renewal of the accreditation of
516 laboratories. This is for the express purpose of requiring a vote to REVOKE an accreditation if
517 NIST advises them too. It’s not stated here that this may be used as an excuse to violate law and
518 continue to re-date accreditation certifications as many times as they’d like to, to avoid
519 reviewing applications or receiving ratified offers that they then ratify. (**Exhibit 7**)

520

521 Within the same (**Exhibit 7**) document, paragraph (3) the EAC states with its own admission:

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

534

535 The Centers for Disease Control (CDC) reported and confirmed COVID-19
536 in the United States on January 20, 2020, which should not have hampered,
537 interfered, or delayed the re-certification accreditation of the Laboratories for the 2020
538 General election. (**Exhibit 8**)

539

540 In paragraph (4) of the (**Exhibit 7**) document the EAC reports, “the Testing &
541 Certification program has been fully staffed since May 2019, and we are confident
542 that the integrity of the labs and our voting system certification programs has
543 remained strong throughout.”

544 However, “confidence” does not legally qualify a valid substitution of Certification for
545 accreditation for election safety and integrity.

546

547 A letter dated January 27, 2021 (**Exhibit 9**), from Jerome Lovato, Voting System Testing and
548 Certification Director, in reference to Pro V&V EAC VSTL Accreditation
549 Acknowledges § 3.8 of the VSTL Program Manual version 2.0 policy stating:

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

555
556 In reference to the above statement, Petitioner is alleging the EAC is falsely stating and
557 portraying the laboratory as being accredited when current certification laws under Title 52
558 U.S.C Ch. 209 have not been followed to render legal accreditation.

559 If this laboratory were accredited the entire time, the accreditation certificates would have a 2-
560 year expiration and renewal date from the original accreditation of February 2015 with renewal
561 dates of February 2017 and 2019, yet no accreditation certificates exist for 2017 and 2019.
562 Therefore, this lab was not accredited during the time it falsely claims the machines were
563 accredited and in use in the state of Missouri and nationwide. The accreditation certificates are
564 not available on the NIST or the EAC’s websites, whereas the 2015 and 2021 records are readily
565 available. **(Exhibit 5)**

566

567

COMPLAINT

568


569 In February and March of 2022, a total of 39 Representatives both elected and appointed, including
570 Missouri Secretary of State and St. Charles County Election Director were served via certified mail a
571 legal “Notice and Demand Affidavit of Maladministration, Misrepresentation, Misconduct and Fraud”.
572 This was to inform all recipients including Respondents of the lack of legal accreditation of VSTL’s that
573 were used in the November 3rd, 2020, General Election and provided all the necessary evidence needed
574 to address the unlawful voting systems prior to Missouri’s August 2nd 2022 Primary Election. There have
575 been no responses, answers or refutes of *any* manner from any of the 39 Respondent’s to date. **(Exhibit**
576 **U. V.)** Nevertheless, the Secretary of State knowingly continued to require Missourians to vote in
577 the August 2, 2022, Missouri Primary elections on uncertified machines. Still uncertified, but
578 now uncertified due to the continued lack of accreditation of the Pro V&V laboratory that is
579 performing the testing. This onerous conduct renders the election results, regardless of outcome,
580 null and void.

581

582 Further attempts to shed light and get these issues resolved prior to the Missouri Primary
583 Election, on April 25, 2022 I attended the St. Charles County Council meeting. I notified the
584 council during Public Comments, the violations of the unaccredited laboratories that were
585 conducting the testing and certification of our voting systems used in St. Charles County. At this
586 time, I notified them that the software St. Charles County used for the Missouri November 3rd,
587 2020, General Election (Unisyn OpenElect v 1.3) was tested and certified by NTS Laboratory
588 and that laboratory conducting that testing NEVER received EAC Accreditation.

589 **(Exhibit 4, 5, 6, 7)**

590



Test Report No. PR030407-02
Page 1 of 9
www.nts.com

**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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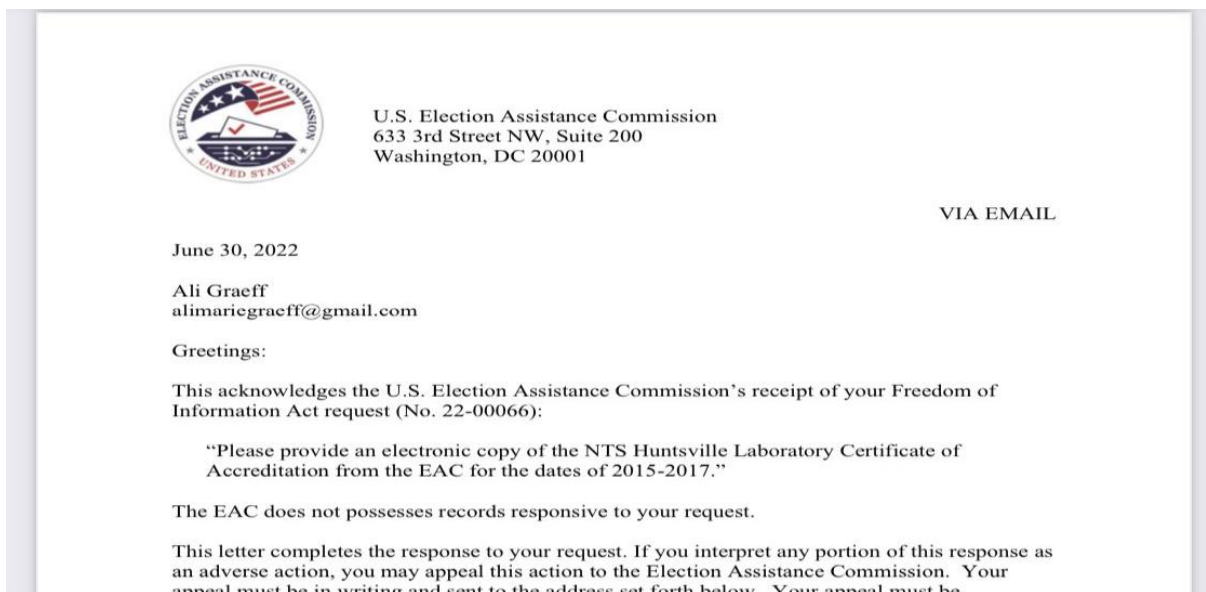
592

593



594

595 Wyle’s Certificate of Accreditation was valid from 05/04/2010 through 04/27/2012 and had
596 expired at the time of NTS’s acquisition. NTS Huntsville never received a legal accreditation
597 from the EAC, nor is there a Certificate of Accreditation available on the EAC website as
598 dictated by HAVA. A request was made to the EAC under the Freedom of Information Act
599 No.22-00066 on June 30, 2022, for NTS Huntsville Certificate of Accreditation. The EAC’s
600 response states: “The EAC does not have records responsive to your request.” (**Exhibit 1**)



601

602
603 Only one councilmember, Joe Brazil, responded to the evidence presented and requested the
604 Councils auditor look further into the claims of the laboratories being unaccredited. This resulted
605 in an (Exhibit ?) “Executive Summary” and “Review Write Up” from the County Auditor, Brent
606 Statler, that stated “*Unisyn used Wyle Technologies, to certify the Unisyn
607 OpenElect, v 1.3. In 2014, NTS Huntsville acquired Wyle Technologies. In 2017, NTS Huntsville
608 voluntarily withdrew their VSTL accreditation to perform future testing.*”

609 However, the testing report shown above (PR030407-02) on Unisyn OpenElect 1.3 are not from
610 Wyle Laboratory, but clearly state NTS Huntsville. The Auditor’s report further goes on to
611 claim, “*Although the certificate appears to have expired in April of 2012, there is no
612 documentation regarding a vote by the EAC Commission to revoke their accreditation as
613 required by 52 US Code 20971(C)(2) until their voluntary withdrawal in 2017. Since 2017,
614 Unisyn has used Pro V&V and/or SLI Compliance to test all OpenElect versions (all except for
615 two with Pro V&V). As stated in Attachment E, Pro V&V and SLI Compliance have retained
616 their accreditation since their initial Certification of Accreditation was issued.*”

617 A NIST non-revocation does not equate to an EAC renewal of accreditation; however, it appears
618 that law is being misinterpreted to cover the obfuscation and gross negligence that’s occurred for
619 years.

620 The State of Missouri and St. Charles County continue to certify election results violating
621 Missourian’s civil liberties. This is subsequently forcing Petitioner, as well as all Missouri
622 citizens, into fraudulent contracts with illegally elected government officials: providing said
623 officials with unlawful power to enforce actions under the color of law coercing and subjecting
624 Petitioner into servitude. A situation where the liberty to determine our own course and way of
625 life has been strong-armed from us. "The Secretary of State has no authority to pass upon the
626 question of negligence or freedom from negligence. He has no discretion but is obliged to act as
627 the law provides." *DeVries v. Secretary of State, 329 Mich. 68 (1950). 44 N.W.2d 872.*

628
629 On June 1st, 2022, I filed an online Complaint with the Office of Inspector General for the EAC. I
630 received a call from “Sarah” with the Office of Inspector General's office shortly after filing the
631 complaint online and she provided me an email address to send the documents of maladministration and
632 assured me this would be investigated, however would not be able to update me any further on the matter.
633 I provided them the Maladministration Notice with all the evidence provided to the court today.
634 (Exhibit??)

635

636 On June 3rd, 2022, I notified Missouri's Election Crime Director, Hal Goldsmith, (**Exhibit ??**)

637

638 Petitioner has demonstrated in this Petition to the Court, the numerous efforts made to address these
639 issues brought before you today through multiple governmental officials and agencies for remedy.

640 Due to the disregard in response to the information provided in the "Notice and Demand Affidavit of
641 Maladministration, Misrepresentation, Misconduct and Fraud" served to the Respondents in Feb./March
642 of 2022, and the distortion of law by the St. Charles County Council has left little option for remedy to
643 Petitioner in regards to addressing the gross negligence uncovered. Consequently, on June 28th, 2022, I
644 filed a federal lawsuit in the Eastern District of Missouri against the Missouri Secretary of State and U.S.
645 Election Assistance Commission. (4:22-CV-00682-RLW)

646 The public's trust in the electronic voting systems used in Missouri has been irrevocably broken. This
647 evidence shows, for years, the EAC and Missouri Secretary of State have neglected the law and policies
648 put in place to safeguard our elections. They've failed to perform their sworn duties to The People in
649 securing our electronic voting systems, our critical infrastructure, and our voices. For nearly a decade,
650 over half of the State of Missouri have used uncertified electronic voting systems due to the lack of
651 accreditation of NTS Huntsville Laboratory, Pro V&V, and SLI Compliance. Rendering any votes cast
652 through an uncertified electronic voting system, null and void.

653

654 Without intervention of redress from the Court, this broken process will continue to infringe upon the
655 voters right to express our political opinion on who governs the state. It's an infraction on our
656 fundamental right to vote, because casting a vote into a system that is not lawfully certified renders it
657 illegal. As a Candidate, a citizen, and a voter, the evidence that unaccredited laboratories tested the
658 electronic voting systems software used in the Missouri's August 2, 2022, Primary Election, diminishes
659 my ability to duly represent the constituents within my district. Moreover, violates my rights as a citizen,
660 and silences my voice as a voter.

661 The phrase "right to vote" appears for the first time in the Fourteenth Amendment¹, which declares States
662 shall lose congressional representation "when the right to vote at any election for the choice of electors
663 for President and Vice-President of the United States, Representatives in Congress, the Executive and
664 Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male
665 inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way
666 abridged, except for participation in rebellion, or other crime." The allowance of the Missouri Secretary

¹ [U.S. Constitution - Fourteenth Amendment | Resources | Constitution Annotated | Congress.gov | Library of Congress](#)

667 of State and ST. Charles Election Director to continue to neglect law in respect to the certification and
668 legality of our electronic voting system machines, my vote, and any electorate’s vote for me in the next
669 election, are nullified. **Rendering the violation of my U.S. Constitution 14th Amendment right.**

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

674 Supreme Court case law supports a theory of First Amendment² protection for voters. The Court has
675 repeatedly characterized the fundamental right to vote in terms of “voice” and expression. In *Wesberry v.*
676 *Sanders*, 376 U.S. 1, 17 (1964), the Court explained: “No right is more precious in a free country than that
677 of having a voice in the election of those who make the laws.” In *Reynolds v. Sims*, 377 U.S. 533, 565
678 (1964), the Court held: “Each citizen must have an equally effective voice in the election of members of
679 his state legislature.” In *Norman v. Reed*, 502 U.S. 279, 288 (1992), the Court noted that voting gives
680 “opportunities of all voters to express their own political preferences.” Finally, in *Anderson v. Celebrezze*,
681 460 U.S. 780, 806 (1983), the source of the current balancing test, the Court held that the interest at stake
682 was the “interests of voters who chose to associate together to express their support for Anderson’s
683 candidacy and the views he expressed.” This list goes on at length³.

684 Chief Justice Roberts’s majority opinion in (quoting *Republican Party of Minn. v. White*, 536 U.S. 765,
685 788 (2002), stated:

² [U.S. Constitution - First Amendment | Resources | Constitution Annotated | Congress.gov | Library of Congress](#)

³ In the following, virtually endless, list of voting rights Supreme Court voting cases since *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, 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); *Kusper 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. Cornman*, 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).

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

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

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

698 The expressive interests implicated by voting are strong. By voting, citizens declare their choice to
699 participate. This is expressed in front of their neighbors, poll officials, and allow a public record of their
700 choice. The expressive nature of the vote is present whether the vote is for a candidate in a primary or
701 general election or for a ballot proposition, recall, referendum or anything else called a vote. Likewise, a
702 vote is expressive regardless of whether it is decisive.

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

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

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

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

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

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

721 In weighing injury and risk, The People of Missouri bear the injury and are the beneficiaries of the
722 problems caused by lack of compliance by the EAC and Missouri Secretary of State. Safety of critical
723 infrastructure and public trust were both violated by Defendants who took an oath to protect and defend
724 the Constitution which guarantees our right to vote and be heard in elections. Lack of compliance and
725 contract renders the respective elections unlawful bearing the weight of injury on voters forced to use any
726 uncertified electronic voting equipment system nullifying their vote and First Amendment right.
727 There is a burden on the Missouri Secretary of State to logistically prepare the state election process
728 without the use of electronic voting systems. However, this burden does not outweigh the loss of the
729 Peoples constitutionally protected right to free and fair elections.

730

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

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

742 Consider the case of *McNally v. U.S., 483 U.S. 350 (1987) 371-72, Quoting U.S. v Holzer, 816 F.2d. 304,*
743 *307 (1987).* Fraud in its elementary common law sense of deceit... includes the deliberate concealment of
744 material information in a setting of fiduciary obligation. A public official is a fiduciary toward the
745 public... and if he deliberately conceals material information from them, he is guilty of fraud.

746 These usurpations against The People of Missouri and the tyrannical measures are a clear, apparent
747 violations of **Article I, § 1, § 2, § 3, § 4 and § 25 of the Missouri Constitution** - as well as **18 U.S.C. §§**
748 **241 and 242** - and must be halted, atoned for, and rectified. Missourians are living in immediate
749 imminent danger (with no remedy other than the Court's honorable intervention) under the threat of
750 continuing to have their constitutional rights and liberties stripped, which necessitates emergent action

751 from the Court. *LaBuy v. Howes Leather Co.*, 352 U.S. 249 (1957); *United States v. McGarr*, 461 F.2d 1
752 (7th Cir. 1972).

753

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

764

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

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

769 Thus, the natural rights of this Sui Juris Petitioner is the Supreme Law of the land.

770 Petitioner’s individual rights are also secured within the Missouri and United States
771 Constitutions.

772 Petitioner comes as one of the People from which your power is derived. Your Oath of
773 Office affirms your main purpose is to protect and maintain my natural and individual
774 Rights.

775 **9. Missouri Constitution Article I § 2 and § 3 -Purpose of government; Powers of the** 776 **people**

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

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

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

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

793 “That Missouri is a free and independent state, subject only to the Constitution of the
794 United States ...” You, as state servants, are subject to having your actions restricted if
795 your actions are not consistent with protecting the People’s freedom. Any failure on your
796 part to protect these rights is a breach of contract and a breach of your trust indenture,
797 granted by the People, and will be considered an act of maladministration and misconduct
798 and an attack on the People you have sworn to serve.”

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

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

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

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

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

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

810 **(1)** “Before use by election authorities in this state, the secretary of state shall approve
811 the marking devices and the automatic tabulating equipment used in electronic voting
812 systems and may promulgate rules and regulations to implement the intent of sections

813 RSMo §§ 115.225 to 115.235.”

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

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

818

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

825 (1) Willfully and falsely making any certificate, affidavit, or statement required to be
826 made pursuant to any provision of this chapter, including but not limited to statements
827 specifically required to be made "under penalty of perjury"; or in any other manner
828 knowingly furnishing false information to an election authority or election official
829 engaged in any lawful duty or action in such a way as to hinder or mislead the authority
830 or official in the performance of official duties. If an individual willfully and falsely
831 makes any certificate, affidavit, or statement required to be made under section RSMo §
832 115.155, including but not limited to statements specifically required to be made "under
833 penalty of perjury", such individual shall be guilty of a class D felony;

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

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

840

841 **15. RSMo § 115.635 (11) Class three election offenses.** — “The following offenses, and any
842 others specifically so described by law, shall be class three election offenses and are deemed

843 misdemeanors connected with the exercise of the right of suffrage. Conviction for any of these
844 offenses shall be punished by imprisonment of not more than one year or by fine of not more
845 than two thousand five hundred dollars, or by both such imprisonment and fine:”

846 (11) “**Attempting** to commit or participating in an attempt to commit any class one or
847 class two election offense.”

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

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

856

857 **PRAYER FOR RELIEF**

858

859 1. That this Honorable Court GRANT Plaintiff’s Motion for Preliminary Injunctive Relief to halt the
860 Defendants’ illegal and unlawful conduct;

861 (a) Temporarily restrain, as well as preliminarily enjoin Defendants, their agents, servants, employees,
862 attorneys, and all persons in active concert or participation with any of them, from implementing or
863 enforcing the use of electronic voting machines, equipment, and electronic poll pads in the August 2nd
864 2022 Missouri Primaries and November 8th 2022 Missouri General Election and from taking any other
865 action to implement the use of electronic voting equipment; in all future Missouri elections should the
866 Court grant Plaintiff permanent injunctive relief.

867 (b). Prohibit the Missouri Secretary of State, and all election officials in the state of Missouri from
868 deletion, destruction, disposal, or altering of all election data pertaining to the November 3rd, 2020
869 General election in the State of Missouri;

870 (c). That this Honorable Court set the hearing for Plaintiff’s Permanent Injunction;

871 (d) Grant such other and further relief the Court sees just, equitable, and proper including without
872 limitation, an award of attorneys’ fees and costs to Plaintiffs.

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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 _____ day of August in the year of Our Lord Two Thousand and Twenty-Two.

Autograph of Affiant: _____

Notary as JURAT CERTIFICATE:

_____ State
_____ County

On this _____ day of August 2022, before me,
_____, a Notary Public, personally appeared

_____ 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

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