

**IN THE 11<sup>th</sup> 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.  
15

16   **II.**  
17   **PARTIES**  
18

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**  
29

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)<sup>1</sup>, 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)<sup>2</sup> 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  
95 150<sup>3</sup>, 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)<sup>4</sup> 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)<sup>5</sup>**

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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343  
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 2<sup>nd</sup> 2022, Primary  
346 election by using uncertified electronic voting system used throughout the county. All electronic  
347 voting system used in the Missouri August 2<sup>nd</sup> 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.”

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.

365  
366

367 **UNACCREDITED VOTING SYSTEMS TEST LABORATORIES**

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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 28<sup>th</sup>, 2022, regarding the  
372 Missouri November 3<sup>rd</sup>, 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.”

431

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
Go t

440

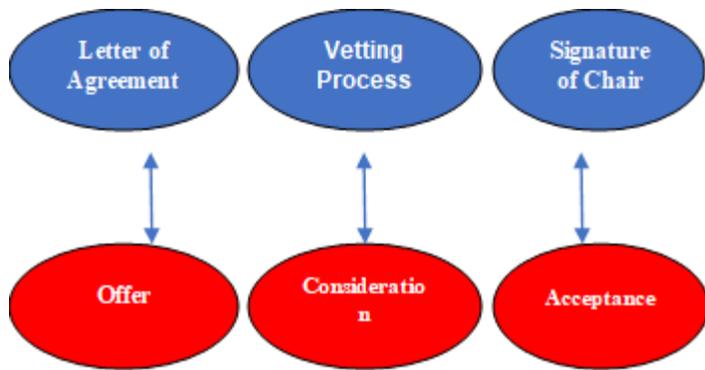
441



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:



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 3<sup>rd</sup>,  
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

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**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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Go

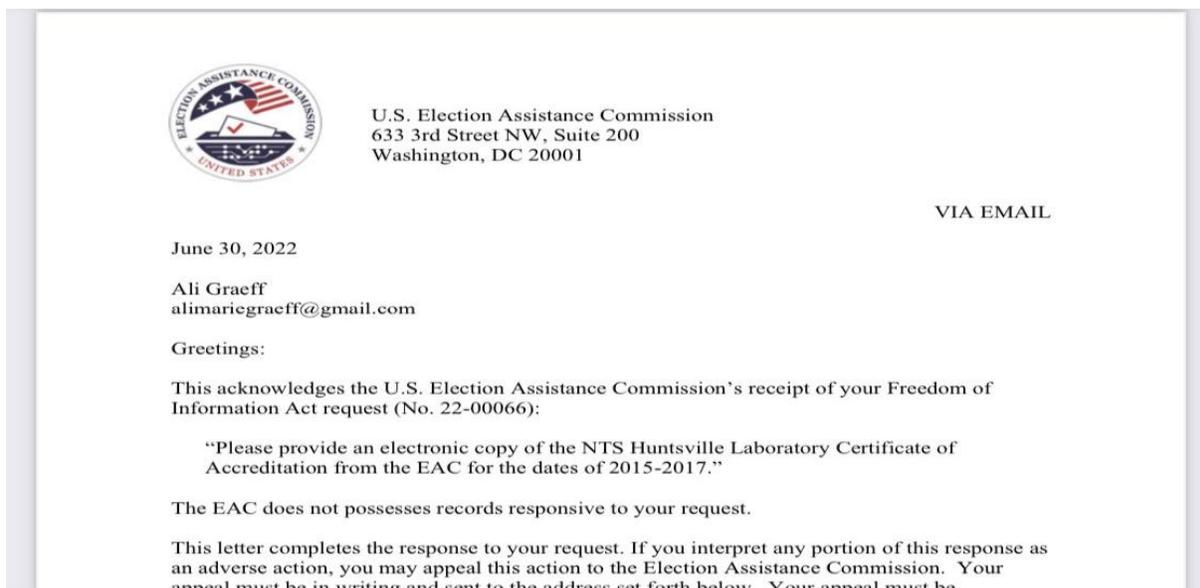
591

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 3<sup>rd</sup>, 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 28<sup>th</sup>, 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 Amendment<sup>1</sup>, 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

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<sup>1</sup> [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 14<sup>th</sup> 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 Amendment<sup>2</sup> 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 length<sup>3</sup>.

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

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

<sup>3</sup> 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 8<sup>th</sup> 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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