

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

ALISON (AL) GRAEFF,

[REDACTED]

St. Charles, MO 63301

individually and as a

Candidate for Missouri State

Representative

Plaintiff, *pro se*,

v.

CIVIL ACTION

NO.: 4:22 cv-00682 SEP

UNITED STATES ELECTION ASSISTANCE

COMMISSION,

633 3rd Street NW, Suite 200

Washington, DC 20001

THOMAS HICKS, Commission Chairman

all in his individual capacity

and in his official

capacity as sole Federal

Election Authority; and

CHRISTY McCORMICK, Vice Chairwoman

all in her individual capacity and

in her capacities as members

of the Election Assistance Commission

BENJAMIN W. HOVLAND, Commissioner

all in his individual capacities and

in their capacities as members

of the Election Assistance Commission

DONALD L. PALMER, Commissioner

all in his individual capacities and

in their capacities as members

of the Election Assistance Commission

MISSOURI SECRETARY OF STATE

JOHN J. ASHCROFT

600 West Main Street

Jefferson City, Missouri

65101

in his individual capacity

and in his official

capacity as Chief Elections Official

Defendant(s),

REQUEST FOR TEMPORARY RESTRAINING ORDER (TRO)

The specific federal statutes, federal treaties, and/or provisions of the United States Constitution, including but not limited to, the issues in this case;

The Secretary of State, Chief Election Official, failed to protect my right to vote in a fair and equal election in the November 3, 2020, General election and subsequent elections under 15 CSR 30-10.010, by allowing electronic machine voting systems to be used throughout the state, which did not legally meet, obtain, or maintain Federal laboratory accreditation as codified into Missouri law RSMo 115.225 (2019), and MO 15 CSR 30-10.020 (2020), as a requirement of participation under the Help America Vote Act 2002, (HAVA 2002) 42 USC §§ 15301 - 15545, Title II, Part 3, Subtitle B, § 231(a)(1), (2) and (b) (1) (2) (A) and U.S. Constitution Art. I. § 4.C1.1.1.1.2, Role of Congress in Regulating Federal Elections and Missouri Constitution Article 1, § 25. These events gave rise in the state of Missouri November 3, 2020, and any subsequent election held within the state of Missouri.

I am disenfranchised as a Missouri voter and **candidate seeking election on the upcoming ballot for the August 2, 2022, Primaries**. Any winner of an unlawful election will not be dually elected, as we are operating under a fraudulent government.

Facts of the underlying Complaint

The Secretary of State (SOS), also known as Chief Election Officer, failed to protect my right to vote in a fair and equal election during the November 3, 2020, General election and any subsequent election held within the state of Missouri. The State allowed electronic machine voting systems to be used throughout the state of Missouri which were improperly certified and, which did not legally meet, obtain, or maintain Federal laboratory accreditation compliance as mandated in the Help America Vote Act 2002, (HAVA 2002) 42 USC 15301 - 15545, Title II, Part 3, Subtitle B, Sec. 231 (a) (1), (2) and (b) (1) (2) (A) and, the policy guidelines of the Election Assistance Commission (EAC) Voting System Test Laboratory Accreditation Program Manual version 2.0, (OMB 3265-0018), causing harm to all Missouri registered Voters by rendering all votes cast by Missouri registered Voters Null and Void. Therefore, no legal Certification of Election Results can be put forth by state election officials. The Secretary of State and the EAC failed and continues to fail to perform their mandated duty and responsibility as stated under the Help America Vote Act (HAVA ACT) 42 USC 15301 – 15545, and RSMo 115.225 to properly accredit any Voting System Test Laboratories.

The Missouri Secretary of State sent a letter dated December 2017 regarding the Qualifications of the Unisyn OpenElect 2.0 Voting Systems attesting, “having reviewed the observations of the Missouri Automated Voting Equipment Qualification Committee, the Application for Qualification, and the manufacturer’s compliance with 15 C.S.R. 30-10.020, have determined that Unisyn OpenElect 2.0 Voting System, as certified by the U.S. Election Assistance Commission, meets state criteria under section § 115.225, RSMo, and have this date granted approval of the sale and use in Missouri of Unisyn Voting Solutions’ Open elect 2.0, as certified by the U.S. Election Assistance Commission.” Pro V&V was the laboratory that administered the testing for certification of the Unisyn OpenElect 2.0 voting system, however their accreditation expired February 2017. Pro V&V’s lab had no authority to be testing any critical infrastructure. There was extreme lack of due diligence on our Chief Election Director prior to affixing the Seal of his office and executing a Statement of Qualification claiming this equipment meets state requirements under § 115.225.

By way of obfuscation under the color of law the EAC and MO Secretary of State has failed to follow contractual law based upon its own policy guidelines in issuing Laboratory Accreditation certificates with fraudulent signature and expiration dates. The sole signatory for Laboratory Accreditation is to be the EAC Chairperson not the Executive Director or Program Director.

As Chief Election Director, it is the Secretary of State that is required to ensure the proper testing and certification has occurred prior to approving equipment. Sixty-Six (66) MO counties used Unisyn OpenElect software 1.3 in the 2020 election. This software was updated and tested on 01/2015 by NTS Huntsville. NTS never received EAC accreditation, therefore, no authority to test our voting machines. See NTS Test Report No. PR030407-02¹.

Unisyn OpenElect 2.1 software update was used by Five (5) counties in MO for the 2020 election. This update was tested 10/2017 by the unaccredited Pro V&V laboratory. Pro V&V has been unaccredited since Feb 2017² with no EAC accreditation certification. Pro V&V had no valid EAC accreditation, therefore, no authority to test our voting machines.

Four (4) MO Counties used ES&S EVS 5.2.2.0 in the 2020 election. This software was tested by NTS Huntsville 02/2017. NTS never received EAC accreditation, therefore, no authority to test our voting machines.

Four (4) MO counties used ES&S EVS 6.0.2.0 in the 2020 election. This software was tested by SLI Compliance in 09/2018. The last valid EAC accreditation expired 2/2009. SLI Compliance had no EAC valid accreditation, therefore, no authority to test our voting machines.

Any vote tabulated through electronic voting machines is rendered illegal and invalid. In light of the evidence put forth as presented in the Complaint, I am disenfranchised as a Missouri voter and **Candidate seeking election on the upcoming ballot for Primaries on August 2, 2022**. Any winner of an unlawful election will not be dually elected, as we are operating under fraudulent government.

Monetary damages would not adequately compensate the people for the injuries sustained, are sustaining, or will sustain as a result of the events described above and compensation cannot be measured.

¹<https://www.eac.gov/voting-equipment/openelect-v13-modification>

² <https://www.eac.gov/voting-equipment/openelect-20>

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

Relief the plaintiff asks the court to order.

Relief sought is de-certification of the November 3, 2020, General election and, removal of all electronic voting machines and poll pad equipment for all elections held subsequent which have not been certified by a Federally Accredited Laboratory under the authority of HAVA and the EAC and, recall of all appointments and appointed officials arising from the November 2020, general election and any subsequent elections held in the state of Missouri for future elections. The EAC failed and continues to fail to perform Its mandated responsibility and duty thru the Help America Vote Act (HAVA ACT) 42 USC §§ 15301 - 15545 by properly accrediting the Voting System Test Laboratories by way of obfuscation under the color of law. The EAC has failed to follow contractual law in the fact EAC has issued Laboratory Accreditation certificates with fraudulent signature. The sole signature is to be the EAC Chairperson not the Executive Director or Program Director.

Plaintiff requests the Court to hear this Complaint and request for TRO by Tuesday July 5th, 2022, or sooner.

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 [REDACTED], Missouri on this _____ day of January in the year of Our Lord Two Thousand and Twenty-Two.

Autograph of Affiant: _____

Notary as JURAT CERTIFICATE:

_____ State
_____ County

On this _____ day of June, 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

**IN THE UNITED STATES DISTRICT COURT
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ALISON (AI) GRAEFF

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MISSOURI SECRETARY OF STATE

JOHN J. ASHCROFT

**600 West Main Street
Jefferson City, Missouri
65101**

in his individual capacity

and in his official

capacity as Chief Elections Official

Defendant(s),

1 **COMPLAINT FOR SPECIFIC PERFORMANCE**

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

12 **PARTIES**

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

16 **2. Defendants**, U.S. Election Assistance Commission (the “EAC” or the “Commission”) is an appointed
17 Commission; a legislative act directed by The *Help America Vote Act of 2002, (HAVA ACT)*, directly
18 responsible for the duties as outlined in *Title II, Subtitle A, Pt. 1 Section 202 -Duties (1-6)*.

19 **3. Defendant**, Thomas Hicks, was nominated by President Barack H. Obama and confirmed by
20 unanimous consent of the United States Senate on December 16, 2014 to serve on the U.S. Election
21 Assistance Commission (EAC). Mr. Hicks currently serves as Chairman of the EAC and Designated

22 Federal Officer (DFO) of the Technical Guidelines Development Committee (TGDC). Presently acting in
23 the capacity of “Commission” Chairman as of February 2022, for a one-year term; additionally served as
24 Chairman 2018-2019. In that capacity, responsible for the Voting System Testing Laboratories (VSTL)
25 accreditation, testing, and certification process of U.S. voting machines. The EAC is the sole Federal
26 authority for the accreditation and revocation of accreditation of VSTL’s. He is sued in his official and
27 individual capacities.

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

37 **5. Defendant**, Benjamin Hovland was nominated by President Donald J. Trump and confirmed by
38 unanimous consent of the United States Senate on January 2, 2019 to serve on the U.S. Election
39 Assistance Commission (EAC). Mr. Hovland currently serves as the Designated Federal Officer (DFO)
40 for the Board of Advisors. Additionally, served as “Commission” Chairman from February 2020-2021.
41 In that capacity, responsible for the Voting System Testing Laboratories (VSTL) accreditation, testing,
42 and certification process of U.S. voting machines. The EAC is the sole Federal authority for the
43 accreditation and revocation of accreditation of VSTL’s. He is sued in his official and individual
44 capacities.

45 **6. Defendant**, Donald Palmer was nominated by President Donald J. Trump and Confirmed by
46 unanimous consent of the United States Senate on January 2, 2019 to serve on the U.S. Election
47 Assistance Commission (EAC). Mr. Palmer currently serves as the Designated Federal Officer (DFO) of
48 the EAC’s Standards Board. Additionally, served as “Commission” Chairman from February 2021-2022.
49 In that capacity, responsible for the Voting System Testing Laboratories (VSTL) accreditation, testing,
50 and certification process of U.S. voting machines. The EAC is the sole Federal authority for the
51 accreditation and revocation of accreditation of VSTL’s. He is sued in his official and individual
52 capacities. At all relevant times hereto, the “Commissioners” of the EAC and individual Defendants were
53 acting under color of law. *Title 18, U.S.C., § 242*, Deprivation of Rights Under Color of Law makes it a
54 crime for a person acting under color of law to willfully deprive a person of a right or privilege protected
55 by the Constitution or laws of the United States.

56 **7. Defendant,** John J. Ashcroft was elected in November 2016, and again in 2020, as Missouri’s
57 Secretary of State. He is the chief election official for Missouri. He is sued in his official and individual
58 capacities.
59

60 JURISDICTION AND VENUE

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

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

73 *Title 18 U.S.C. § 242 –*

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

79 *Title 28 U.S.C. § 1343, (a)(3),*

80 (a) “The district courts shall have original jurisdiction of any civil action authorized by law to be
81 commenced by any person: (3) To redress the deprivation, under color of any State law, statute,
82 ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the

83 Constitution of the United States or by any Act of Congress providing for equal rights of citizens
84 or of all persons within the jurisdiction of the United States.”

85 *Title 28 U.S.C. § 1391(a) (1-2), (b)(2), (e)(1) -*

86 **(a) Applicability of Section.** —“Except as otherwise provided by law— (1) this section shall
87 govern the venue of all civil actions brought in district courts of the United States; and (2) the
88 proper venue for a civil action shall be determined without regard to whether the action is local or
89 transitory in nature.”

90 **(b) Venue in General.** —“A civil action may be brought in— (2) a judicial district in which a
91 substantial part of the events or omissions giving rise to the claim occurred, or a substantial part
92 of property that is the subject of the action is situated.”

93 **(e) Actions Where Defendant Is Officer or Employee of the United States.** — (1) **In general.**
94 — “A civil action in which a defendant is an officer or employee of the United States or any
95 agency thereof acting in his official capacity or under color of
96 legal authority, or an agency of the United States, or the United States, may, except as otherwise
97 provided by law, be brought in any judicial district in which (A) a defendant in the action resides,
98 (B) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial
99 part of property that is the subject of the action is situated, or (C) the plaintiff resides if no real
100 property is involved in the action. Additional persons may be joined as parties to any such action
101 in accordance with the Federal Rules of Civil Procedure and with such other venue requirements
102 as would be applicable if the United States or one of its officers, employees, or agencies were not
103 a party.”

104 *Title 42 U.S.C. § 1983*

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

114 There exists an actual and justiciable controversy between Plaintiffs and Defendant requiring resolution
115 by this Court. Plaintiffs have no adequate remedy at law. Venue is proper before the United States District
116 Court for the Eastern District of Missouri under *28 U.S.C. § 1391* because all parties reside or otherwise
117 are found herein, and all acts and omissions giving rise to Plaintiffs’ claims occurred within the
118 jurisdiction of the Eastern District of Missouri.

119

120

STATEMENT OF FACTS

121

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

122

Voting System Laboratory Accreditation(s) provided from the EAC for the 2020 General Election
123 and subsequent elections thereof, were not in compliance with the written policy of the *EAC*
124 *Voting System Test Laboratory Program Manual, version 2.0, (OMB-3265-0018)*¹, *Section 3.4,*
125 *3.6 and 3.8* which violate the federal standards for laboratory testing accreditation set forth in the
126 *HELP AMERICA VOTE ACT 2002, (HAVA ACT), Subtitle B § 231 (a) (1) (2) (b) (1).*

127

128

HELP AMERICA VOTE ACT OF 2002 (HAVA 2002)²

129

Title II – COMMISSION

130

Subtitle A – Establishment and General Organization

131

Part 1 – Election Assistance Commission (EAC),

132

§ 202. Duties.

133

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

135

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

139

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

¹ https://www.eac.gov/sites/default/files/eac_assets/1/28/VSTLManual%207%208%2015%20FINAL.pdf

² <https://www.congress.gov/107/plaws/publ252/PLAW-107publ2.pdf>

141 (3) “carrying out the duties described in subtitle C (relating to conducting studies and carrying out
142 other activities to promote the effective administration of Federal elections);”

143 (4) “carrying out the duties described in subtitle D (relating to election assistance), and providing
144 information and training on the management of the payments and grants provided under such
145 subtitle;”

146 (5) “carrying out the duties described in subtitle B of title III (relating to the adoption of voluntary
147 guidance); and”

148 (6) “developing and carrying out the Help America Vote College Program under title V.””

149 **§ 205. Powers.**

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

154 (b) INFORMATION FROM FEDERAL AGENCIES. — “The Commission may secure directly
155 from any Federal department or agency such information as the Commission considers necessary
156 to carry out this Act. Upon request of the Commission, the head of such department or agency
157 shall furnish such information to the Commission.”

158 (c) POSTAL SERVICES. — “The Commission may use the United States mails in the same
159 manner and under the same conditions as other departments and agencies of the Federal
160 Government.”

161 (d) ADMINISTRATIVE SUPPORT SERVICES. — “Upon the request of the Commission, the
162 Administrator of General Services shall provide to the Commission, on a reimbursable basis, the
163 administrative support services that are necessary to enable the Commission to carry out its duties
164 under this Act.”

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

168 **Title 52—VOTING AND ELECTIONS Subtitle II—Voting Assistance and Election Administration**
169 **- 52 U.S.C. Ch. 209: ELECTION ADMINISTRATION IMPROVEMENT³ SUBCHAPTER II—**
170 **COMMISSION Part A—Establishment and General Organization Subpart 1—election assistance**
171 **commission**

172 **§ 20921. Establishment**

173 “There is hereby established as an independent entity the Election Assistance Commission
174 (hereafter in this subchapter referred to as the "Commission"), consisting of the members
175 appointed under this subpart. Additionally, there is established the Election Assistance
176 Commission Standards Board (including the Executive Board of such Board) and the Election
177 Assistance Commission Board of Advisors under subpart 2 of this part (hereafter in this subpart
178 referred to as the "Standards Board" and the "Board of Advisors", respectively) and the
179 Technical Guidelines Development Committee under subpart 3 of this part.”

180 **§ 20922. Duties**

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

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

187 (2) “carrying out the duties described in part B of this subchapter (relating to the testing,
188 certification, decertification, and recertification of voting system hardware and software);”

189 (3) “carrying out the duties described in part C of this subchapter (relating to conducting studies
190 and carrying out other activities to promote the effective administration of Federal elections);”

191 (4) “carrying out the duties described in part D of this subchapter (relating to election assistance),
192 and providing information and training on the management of the payments and grants provided
193 under such part;”

³ <https://uscode.house.gov/view.xhtml?path=/prelim@title52/subtitle2/chapter209&edition=prelim>

194 (5) “carrying out the duties described in part B of subchapter III (relating to the adoption of
195 voluntary guidance); and”

196 (6) “developing and carrying out the Help America Vote College Program under subchapter V.

197 [\(Pub. L. 107–252, title II, §202, Oct. 29, 2002, 116 Stat. 1673.\)](#)

198 **52 U.S.C. Ch. 209: ELECTION ADMINISTRATION IMPROVEMENT⁴ SUBCHAPTER II -**
199 **Subpart 3—technical guidelines development committee - Part B—Testing, Certification,**
200 **Decertification, and Recertification of Voting System Hardware and Software**

201 **§ 20971. Certification and testing of voting systems**

202 **(a) Certification and testing**

203 **(1) In general**

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

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

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

210 **(b) Laboratory accreditation**

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

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

218 **(2) Approval by Commission**

⁴ <https://uscode.house.gov/view.xhtml?path=/prelim@title52/subtitle2/chapter209&edition=prelim>

219 **(A) In general**

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

224 **(B) Accreditation of laboratories not on Director list**

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

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

229 **(1) In general**

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

237 **(d) Transition**

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

243 [\(Pub. L. 107–252, title II, §231, Oct. 29, 2002, 116 Stat. 1684.\)](#)

244

245 **INTRODUCTION**

246 **HAVA**

247 **1.1 Authority.** The law, policies and guidelines governing our elections of the HELP AMERICA
248 VOTE ACT 2002 and the U.S. Election Assistance Commission were authorized by Congress
249 and mandated to safeguard and protect the People’s Voice to elect servants for the purpose of
250 conducting the People’s business. “In late 2002, Congress passed the Help America Vote Act of
251 2002 (HAVA) HAVA created the U.S. Election Assistance Commission (EAC) and assigned to
252 the EAC the responsibility for both setting voting system standards and providing for the
253 voluntary testing and certification of voting systems. This mandate represented the first time the
254 Federal government provided for the voluntary testing, certification, and decertification of voting
255 systems nationwide. In response to this HAVA requirement, the EAC has developed the voting
256 system standards in the form of the Voluntary Voting System Guidelines (VVSG), a voting
257 system certification program in the form of the Voting System Testing and Certification Program
258 Manual and this document, the Voting System Test Laboratory Manual (OMB 3265-0018)⁵.”

259 **NIST**

260 Subtitle B, § 231 of the Help America Vote Act requires that “the EAC provide for the testing,
261 certification, decertification and recertification by a federally accredited laboratory for the
262 system’s used in federal elections. The EAC has made National Institute of Standards and
263 Technology’s (NIST) National Voluntary Laboratory Accreditation Program (NVLAP)
264 accreditation a requirement as part of its Voting System Testing Laboratory (VSTL) accreditation
265 program. NVLAP accreditation is the primary means by which the EAC ensures that each VSTL
266 meets and continues to meet the technical requirements of the EAC program.”

267 **1.3 Role of the National Institute of Standards and Technology.** “§ 231(b)(1) of HAVA
268 requires that the National Institute of Standards and Technology “conduct an evaluation of
269 independent, non-federal laboratories and shall submit to the Commission a list of those
270 laboratories...to be accredited....” Additionally, HAVA § 231(c) requires NIST to monitor and
271 review the performance of EAC accredited laboratories. NIST has chosen its National Voluntary
272 Laboratory Accreditation Program (NVLAP) to carry out these duties. NVLAP conducts a review
273 of applicant laboratories in order to provide a measure of confidence that such laboratories are
274 capable of performing testing of voting systems to Federal standards. Additionally, the NVLAP
275 program monitors laboratories by requiring regular assessments. Laboratories are reviewed one
276 year after their initial accreditation and biennially thereafter. The EAC has made NVLAP
277 accreditation a requirement of its Laboratory Accreditation Program. However, a NVLAP

⁵ https://www.eac.gov/sites/default/files/eac_assets/1/28/VSTLManual%207%208%2015%20FINAL.pdf

278 accreditation is not an EAC accreditation. EAC is the sole Federal authority for the accreditation
279 and revocation of accreditation of Voting System Test Laboratories (VSTL)⁶.”

280 **NVLAP**

281 The National Voluntary Laboratory Accreditation Program (NVLAP) is a U.S. Government
282 entity administered by the National Institute of Standards and Technology (NIST), an agency of
283 the U.S. Department of Commerce. NVLAP requirements are mandatory and must be fulfilled to
284 achieve and maintain accreditation. NVLAP requirements are found in NIST Handbook 150⁷,
285 NIST Handbook 150-2020 Ed., series, NVLAP Policy Guides, and NVLAP Laboratory Bulletins.

286 **EAC**

287 Being the sole Federal Election Authority, the U.S. Election Assistance Commission (EAC)
288 oversees federal voting system certification requirements. The EAC also oversees the thorough,
289 independent testing process which determines whether a voting system meets requirements,
290 including standards designed to ensure the systems accuracy. The Election Assistance
291 Commission is “composed of four citizens who are appointed Representatives of the U.S. Federal
292 Government. The “Commission” created from The Help America Vote Act of 2002 (HAVA)
293 specifies four commissioners, nominated by the President of the United States on
294 recommendations from the majority and minority leadership in the U.S. House of Representatives
295 and the U.S. Senate. No more than two commissioners may belong to the same political party.
296 Once confirmed by the full Senate, commissioners may serve two consecutive terms. HAVA
297 states that a member of the commission shall continue to serve past their expired term until a
298 successor takes office.

299 With HAVA’s enactment, the responsibility for developing voting system standards was
300 transferred from the FEC to the EAC and their new iterations are now the EAC Voluntary Voting
301 System Guidelines. Voluntary Voting System Guidelines (VVSG)⁸ are a set of specifications and
302 requirements that voting systems, including voting devices and software, must meet in order to
303 receive a certification from the EAC. Although participation in the program is voluntary,
304 adherence to the program’s procedural requirements is mandatory for participants. Once a state
305 opts into HAVA, its codified into law.

⁶ https://www.eac.gov/sites/default/files/eac_assets/1/28/VSTLManual%207%208%2015%20FINAL.pdf

⁷ [National Voluntary Laboratory Accreditation Program \(NVLAP\) Procedures and General Requirements \(nist.gov\)](https://www.nist.gov/publications/national-voluntary-laboratory-accreditation-program-nvlap-procedures-and-general-requirements)

⁸ https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG1.0Vol.2.PDF

306 Voting System Test Laboratory Accreditation Program Manual contains the regulations for the
307 Voluntary Voting System Guidelines. The procedural requirements of this Manual will supersede
308 any prior laboratory accreditation requirements issued by the EAC. This manual shall be read in
309 conjunction with the EAC’s Testing and Certification Program Manual (TCPM) (OMB 3265-
310 0019).

311 **1.4. Scope.** “This Manual⁹ provides the procedural requirements of the EAC voting system
312 Laboratory Accreditation Program. Although participation in the program is voluntary, adherence
313 to the program’s procedural requirements is mandatory for participants. The procedural
314 requirements of this Manual supersede any prior laboratory accreditation requirements issued by
315 the EAC. This manual shall be read in conjunction with the EAC Voting System Testing and
316 Certification Manual.”

317 Voting System Test Laboratory Accreditation Program Manual page 4, section 1.6.2.3
318 “The EAC accredits VSTLs, after the National Institute of Standards and Technology (NIST)
319 National Voluntary Lab Accreditation Program (NVLAP) has reviewed their technical
320 competence and lab practices to ensure the test authorities are fully qualified.”
321 The Voting System Test Laboratory Accreditation Manual agrees with the NIST NVLAP
322 Handbook 150 in regard to the expiration and renewal requirements for continued accreditation,
323 and every other requirement of the Handbook 150. See section 3.8 of the Voting System Test
324 Laboratory Accreditation Manual:

325 **EXPIRATION**

326 **3.8. Expiration and Renewal of Accreditation.** “A grant of accreditation is valid for a period
327 not to exceed two years. A VSTL’s accreditation expires on the date annotated on the Certificate
328 of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an
329 application package to the Program Director, consistent with the procedures of Section 3.4 of this
330 Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days
331 before that date. Laboratories that timely file the renewal application package shall retain their
332 accreditation while the review and processing of their application is pending. VSTLs in good
333 standing shall also retain their accreditation should circumstances leave the EAC without a
334 quorum to conduct the vote required under Section 3.5.5.”

⁹ https://www.eac.gov/sites/default/files/eac_assets/1/28/VSTLManual%207%208%2015%20FINAL.pdf

335 With the role of the EAC and their reliance on the NIST’s NVLAP accreditation program, the Handbook
336 150, the Voting System Test Laboratory Accreditation Manual, and the expiration and renewal
337 requirements established, implications at the state level are addressed.

338 Missouri elected to participate in the Voluntary Voting System Guidelines and has an obligation to follow
339 the guidelines. Not only that, but Missouri state law requires our election systems to be certified by a
340 federally accredited laboratory and requires the Secretary of State to only certify machines which have
341 been approved by the appropriate voting system test laboratory approved by the United States Election
342 Assistance Commission. Remember, the EAC serves as the national clearinghouse with respect to the
343 administration of elections.

344 **MISSOURI STATE LAW**

345 **Missouri Constitution Article 1 § 2 and § 3**

346 **Purpose of government; Powers of the people**

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

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

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

360 **Missouri Constitution Article 1 § 1**

361 **Source of political power**

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

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

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

368 **Missouri Constitution Article 1 § 4**

369 **Independence of Missouri**

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

375 **Missouri Constitution Article 1 § 25**

376 **Elections and right of suffrage**

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

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

381

382 **C.S.R. Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter**

383 15 CSR 30-1.010 General Organization –

384 “1. The secretary of state is the chief elections official”

385 **RSMo Title IX, § 115.225 (1), (2) (10)**

386 **Automated equipment to be approved by Secretary of State - Standards to be met – Rules,
387 promulgation, procedure**

388 1 “Before use by election authorities in this state, the secretary of state shall approve
389 the marking devices and the automatic tabulating equipment used in electronic voting
390 systems and may promulgate rules and regulations to implement the intent of sections
391 RSMo §§115.225 to 1150235.”

392

393 2 “No electronic voting system shall be approved unless it:
394 (10) Has been tested and is certified by an independent authority that meets the
395 voting system standards developed by the Federal Election Commission or its
396 successor agency.” (Exhibit A)

397 ARGUMENT

398 Neither the Secretary of State nor the VSTL’s used in the State of Missouri to test voting systems used in
399 the 2020 elections comply with these laws.

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

402 NTS Huntsville Laboratory was the laboratory that tested several voting systems widely used in Missouri,
403 and across the country for that matter. The other laboratories used to test our machines utilized in the
404 2020 General and subsequent election(s) were Pro V&V, and SLI Compliance.

405 NTS Huntsville Laboratory (hereafter referred to as NTS) tested voting systems widely used in Missouri
406 and nationwide. In 2014, NTS acquired Wyle Laboratories (footnote letter?), a previously accredited
407 VSTL. However, Wyle’s Certificate of accreditation, valid from 05/04/2010 through 04/27/2012, had
408 already expired. NTS never received legal EAC accreditation, nor is a Certificate of Accreditation
409 available on the EAC website as dictated by HAVA10. Seventy-one (71) counties in Missouri reported
410 using an outdated version of Unisyn OpenElect version 1.3 on voting systems. The EAC granted this
411 particular version of OpenElect a Certificate of Conformity in January 2015 without ever having an
412 accredited laboratory test. This is in direct violation of the Election Assistance Commission’s own
413 policies and the HAVA ACT 2002. In response to a request for lab accreditation of voting machines in
414 the affected counties, the Secretary of State’s office answered with the Wyle Laboratories expired 2010-
415 2012 Certificate of Accreditation. (Exhibit B, C, D, E)

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

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

420 . Ten (10) Counties in Missouri reported using SLI Compliance Division of Gaming Laboratories to test
421 the software election machines.¹⁰ Per the EAC's own “Voting System Testing and Certification Program

¹⁰ [Accredited Laboratories | U.S. Election Assistance Commission \(eac.gov\)](https://www.eac.gov/accrued-laboratories)

422 Manual, Version 2.0” any modifications made to Missouri voting machine software requires testing by
423 accredited laboratories.

424 **3.1. Overview.**

425 “An EAC certification signifies that a voting system has been successfully tested against an
426 identified voting system standard adopted by the EAC. Only the EAC can issue a federal
427 certification. Ultimately, systems must be submitted for testing and certification under this
428 program to receive this certification. Systems will usually be submitted when (1) they are new to
429 the marketplace, (2) they have never before received an EAC certification, (3) they are modified,
430 or (4) the Manufacturer wishes to test a previously certified system to a different (newer)
431 standard. This chapter discusses the submission of de minimis change orders, which may not
432 require additional testing and certification. Additionally, this chapter outlines provisional, pre-
433 election emergency modifications, which provide for pre-election, emergency waivers.”

434 SLI Compliance was a previously accredited VSTL. However, the certificate of accreditation expired on
435 February 28, 2009. It is unclear how Hart InterCivic could implement a major update to their Verity
436 software (version 2.3) in 2019 without having been tested by an accredited lab.
437 (Exhibit **F1, F2**)

438 Lastly, Pro V&V was a previously accredited VSTL. However, the certificate of accreditation expired on
439 February 24, 2017. It is unclear how affected voting machines received on October 17, 2017, a Certificate
440 of Conformance for the OpenElect software update from 1.3 to 2.0, nearly eight months after Pro V&V’s
441 certificate of accreditation had expired. It was not until January 2021 that Pro V&V renewed its
442 accreditation. The new certificate does not indicate an expiration date and instead, states that
443 “accreditation remains effective unless revoked upon a vote of the commission.” However, the NIST’s
444 NVLAP website clearly references an expiration date for accreditation. It is not possible to have an
445 accreditation which is indefinite when one of the requirements for accreditation has an expiration and
446 renewal requirement.

447

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

451 The EAC issued a statement asserting Covid-19 as the reason Pro V&V failed to maintain accreditation,
452 despite the fact that their accreditation expired in 2017. This is illogical and contrary to an EAC statement

453 six months earlier indicating that accreditation should not exceed two years. The EAC is inconsistent with
454 their policies and appear to selectively reinforce them.

455 The EAC also issued a statement in which they asserted that the lapse in proper accreditation was a
456 clerical error and a laboratory's accreditation is only revokable upon request. This appears to be in
457 reference to section 5.2 of the Accreditation Manual, however, it fails to address the contradictory
458 requirement of renewal and expiration dates referenced above.

459 This statement is correct only in citing a test laboratory cannot be revoked unless the Commission votes
460 to revoke the laboratory accreditation as cited in HAVA 2002; (Exhibit I)

461
462 **HAVA Title II, Subtitle B, § 231(b) (1) (c) (2), Continuing Review by National Institute of**
463 **Standards and Technology**; however, the EAC is obscuring the fact the laboratories must be re-
464 accredited every TWO (2) years and an authorized signature must be that of the EAC Chair of
465 Commissioners as specifically written in the EAC VSTL Program Manual version 2.0, (OMB3265-0018),
466 Accreditation Process: Section 3.6.1. and 3.8.

467
468 The EAC statement is not incorrect, it is merely misleading and irrelevant to the compliance, renewal and
469 expiration of the accreditations. The statement may have been a general response intended to address the
470 question of whether or not an accreditation was revoked. The manual includes a section addressing
471 suspension, but their statement is only accurate in reference to revocation. If revocation were the only
472 manner in which accreditation would cease, the rest of the regulations would be invalidated.

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

477 Within the same (exhibit "I") document, paragraph (3) the EAC states with its own admission:

478 *"Due to administrative error during 2017-2019, the EAC did not issue an updated*
479 *certificate to Pro V&V causing confusion with some people concerning their good*
480 *standing status." "Even though the EAC failed to reissue the certificate, Pro V&V's*
481 *audit was completed in 2018 and again in early 2021 as the scheduled audit of Pro*
482 *V&V in 2020 was postponed due to COVID-19 travel restrictions."*

483 *The EAC admits it did not follow, and ignored, their own policies and procedures*
484 *written in the EAC VSTL Program Manual to re-issue Certificates of Accreditation*

485 *for Pro V&V Laboratory and SLI Compliance Division of Gaming Laboratories*
486 *International, LLC for the 2020 General Election.*
487 *It acknowledges Its failure to re-certify PRO V&V Labs for the 2020 General Election*
488 *in paragraph (3) stating, “the scheduled audit of Pro V&V was postponed due to*
489 *COVID-19 travel restrictions.”*

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

495 In paragraph (4) of the (exhibit “I”) document the EAC reports, “the Testing &
496 Certification program has been fully staffed since May 2019, and we are confident
497 that the integrity of the labs and our voting system certification programs has
498 remained strong throughout.” “Confidence” does not equate to a valid Certification
499 of Accreditation for election safety and integrity.

500 A letter dated January 27, 2021, from Jerome Lovato, Voting System Testing and
501 Certification Director, in reference to Pro V&V EAC VSTL Accreditation
502 acknowledges Section 3.8 of the VSTL Program Manual version 2.0 policy stating:
503 “Pro V&V has completed all requirements to remain in good standing with the EAC’s
504 Testing and Certification program per section 3.8 of the Voting System Test
505 Laboratory Manual, version 2.0:” “Expiration and Renewal of Accreditation. A grant of accreditation is
506 valid for a period not to exceed two years. A VSTL’s accreditation expires on the date annotated.

507 (Exhibit L)

508 If Pro V&V were accredited the entire time, the accreditation certificates would have a 2-year expiration
509 and renewal date from the original accreditation of February 2015 with renewal dates of February 2017
510 and 2019 yet no accreditation certificates exist for 2017 and 2019. Therefore, this lab was not accredited
511 during the time it falsely claims the machines were accredited and in use in the state of Missouri and
512 nationwide. The accreditation certificates are not available on the NIST or the EAC’s websites, where the
513 2015 and 2021 records are found. (Exhibit M)

514 **COMMISSION CERTIFICATION SIGNATURE VIOLATIONS**

515 Not only is the date on these accreditation certifications important, but the signature on the lab
516 Certification of Accreditation is very crucial. As a Licensed Realtor it is standard practice when at a

517 closing table to ensure the buyers new home title is correctly signed by the signing authority. No other
518 signature would be legal. Its Contractual law.

519 Per the (VSTL) Voting System Test Laboratory Program Manual ver. 2.0 effective May 31, 2015, page
520 38, Sec 3.6.1. Certificate of Accreditation: “A Certificate of Accreditation shall be issued to each
521 laboratory by vote of the Commissioners. The certificate shall be signed by the CHAIR of the
522 Commission and state:”

523 **3.6.1.3. The effective date of the certification, which shall not exceed a period of two (2) years**
524

525 Both Donald Palmer AND Benjamin Hovland were appointed by President Trump and confirmed in the
526 senate on Feb. 4, 2019, as EAC Commissioners but not Chairman. Neither of these two could be valid
527 signatures on the Laboratory Certificates of Accreditation since none were issued in 2020.

528 (Exhibit N)

- 529
- Donald Palmer was elected Commission Chairman February 24, 2021 (Exhibit O)
 - Benjamin Hovland was appointed Commission Chairman February 2020 (Exhibit P)
- 530

531

532 Commission Chair McCormick’s signature should be on ALL EAC Laboratory Certificates of
533 Accreditation for the 2020 General Election.

534 Christy McCormick was elected as Commission Chairwoman on February 24, 2019 (Exhibit Q)

535

536 Chairman Thomas Hick's signature would have only been good thru February 2020 but depending when it
537 was signed the Certificates of Accreditation signed by Hicks could be valid.

538 Thomas Hicks was elected as Commission Chairman on February 24, 2018 (Exhibit R)

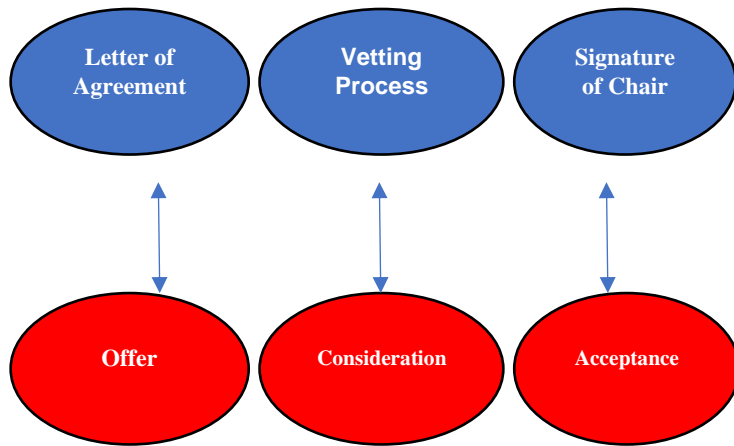
539 Just like in a real estate transaction, until you have the fully executed contract, you do not have anything
540 binding on which to build a transaction or abiding terms. The Certificate itself is the proof of the contract.

541 To have a valid contract, you must have an Offer, Consideration, and Acceptance.

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

545

546



547

548 **3.4.2. Letter of Agreement.** “The applicant laboratory must submit a signed letter of agreement as a part
 549 of its application. This letter shall be signed by an official vested with the legal authority to speak for,
 550 contract on behalf of or otherwise *bind* the applicant laboratory (see Section 2.21). The purpose of this
 551 letter is to document that the applicant laboratory is aware of and agrees to abide by the requirements of
 552 the EAC Voting System Testing Laboratory Accreditation Program. ***No applicant laboratory will be***
 553 ***considered for accreditation unless it has properly submitted a letter of agreement.*** The letter shall
 554 unequivocally state the following:”

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

565 Consideration of offer is covered here.

566 **3.5. EAC Review of Application Package.**

567 “The EAC will perform a review of each Applicant Laboratory’s application package to ensure
 568 that it is complete, and the laboratory meets Voting System Test Laboratory Program Manual,
 569 Version 2.0 36 OMB Control Number: 3265-0018 the program requirements. Each package will
 570 be reviewed to identify any apparent nonconformities or deficiencies. If necessary, the Program
 571 Director will notify Applicant Laboratories of any such nonconformities or deficiencies and
 572 provide them an opportunity to cure problems prior to forwarding the package to the
 573 Commissioners. The Program Director will issue a recommendation to the Commissioners when

574 forwarding any application package. Consistent with HAVA, a laboratory will receive an
575 accreditation only upon a vote of the Commissioners.”

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

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

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

586 **WHO SIGNED THE VSTL CERTIFICATIONS?**

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

587

588 Contract for Pro V&V and SLI Compliance were void due to:

- 589
- Lack of submission of the Letter of Agreement
 - Lack of Binding signature on the Certification.
- 590

591 NTS Huntsville is out of compliance with documentation requirement per the EAC VSTL manual:

- 592
- NIST Recommendation letter (3.6.2.4)
 - Certifications and Practices (3.6.2.3)
 - Commissions Decisions (3.6.2.4)
- 593
- 594

595 SLI Compliance lacks 4 out of 5 required documents per EAC VSTL:

- 596
- NIST Recommendation letter (3.6.2.4)
 - Letter of Agreement (3.6.2.2)
 - Certifications and Practices (3.6.2.3)
 - Commissions Decisions (3.6.2.4)
- 597
- 598
- 599

600 Pro V&V lacks documentation on

- 601 • Commission's decision on Accreditation (3.6.2.4)
- 602 • No new certification in 2017
- 603 • No documentation on website from 2015 to 2021

604 **4.1. Purpose.**

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

612 **EAC & COVID**

613 **Disaster Preparedness and Recovery**

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

617 (Exhibit S1, S2)

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

620 (Exhibit T)

621 The good news is the EAC has plenty of documentation of habit in paperwork and meetings regarding
622 how well prepared this Commission can be to deal with any kind of emergencies and disasters. You can
623 see in for 2016, they had an Initiative to deal with H1N1. In 2019 they had a very comprehensive meeting
624 that talked a great deal about continuing plans for emergencies and in 2020, they put into place massive
625 continuation plans regarding Covid¹¹

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

¹¹ [Disaster Preparedness and Recovery | U.S. Election Assistance Commission \(eac.gov\)](https://www.eac.gov/disaster-preparedness-and-recovery)

628 When Covid hit, it was handled quite well by the EAC. Luckily, they were able to work from home like
629 many other administrative positions across the nation¹². The increase in digital methods to work remotely,
630 both before Covid and after, has allowed for very little disruption in administrative tasks. EAC has rules
631 in place to receive documents digitally and to review and sign documents through e-sign. The boom in
632 housing market sales during 2020 proves it can be an easy, smooth process, even in a national emergency.
633 The Zoom® revolution also has made voting and decision making over video chat, a welcome alternative
634 to coming into an office.

635

636 HAVA states “the EAC is an independent entity.”

637 **TITLE II—COMMISSION Subtitle A—Establishment and General Organization PART 1—**
638 **ELECTION ASSISTANCE COMMISSION**

639 **EC. 201. ESTABLISHMENT.** “There is hereby established as **an independent entity** the Election
640 Assistance Commission (hereafter in this title referred to as the “Commission”), consisting of the
641 members appointed under this part. Additionally, there is established the Election Assistance Commission
642 Standards Board (including the Executive Board of such Board) and the Election Assistance Commission
643 Board of Advisors under part 2 (hereafter in this part referred to as the “Standards Board” and the
644 “Board of Advisors”, respectively) and the Technical Guidelines Development Committee under part 3.

645

646 “*Independent entity* means an entity having a public purpose relating to the state or is given by the state
647 the right to exist and conduct its affairs”¹³

648

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

655

656 **Relevant Policies of the Election Assistance Commission**

¹² [Coronavirus \(COVID-19\) Resources | U.S. Election Assistance Commission \(eac.gov\)](#)

¹³ [Independent entity Definition | Law Insider](#)

657 **3.2.2. Emergency** – “EAC Accreditation without NIST Recommendation. HAVA authorizes the EAC to
658 consider and accredit laboratories without a NIST recommendation (42 U.S.C. §15371(b)(2)(B)). The
659 EAC will accredit laboratories without a NIST recommendation only as an emergency action.”

660 **3.2.2.1. Emergency Action**—“Defined. The EAC will take emergency action only in instances
661 where (1) there is a significant national need for accredited laboratory testing capacity that cannot
662 be met by existing VSTL’s, (2) the shortage of laboratory testing capacity may cause a disruption
663 in the orderly administration of Federal elections, and (3) NIST is not capable of timely providing
664 new laboratories to meet needs. Consistent with HAVA, the EAC will publish its basis for
665 emergency action following the above standards.”

666 **3.2.2.2. Emergency Action**—“Process. Laboratories shall be accredited by the EAC in an
667 emergency action only after they have been properly assessed according to international standards
668 and applicable NIST Guidance. These standards include International Standard ISO/IEC 17025,
669 General Requirements for the Competence of Testing and Calibration Laboratories; NIST
670 Handbook 150, Procedures and General Requirement; NIST Handbook 150-22, Voting System
671 Testing; and/or any documents supplementing, updating or replacing these standards or
672 handbooks.”

673 **3.2.2.3. Emergency Action**—“Provisional. Any accreditation provided by the EAC through its
674 emergency action authority will be provisional in nature and limited in scope. All emergency
675 accreditations must expire on a date certain.”

676 **EAC Rules as to Standards and Compliance for VSTLs**

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

678 **3.6.2. “Post Information on Web Site. The Program Director shall make information pertaining to
679 each accredited laboratory available to the public on EAC’s Web site¹⁴.”**

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

681 **3.8. Expiration and Renewal of Accreditation.**

682 “A grant of accreditation is valid for a period not to exceed two years. A VSTL’s accreditation
683 expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall
684 renew their accreditation by submitting an application package to the Program Director,

¹⁴ [Voting System Test Laboratory Program Manual \(eac.gov\)](http://eac.gov)

685 consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the
686 accreditation expiration date and no later than 30 days before that date. Laboratories that timely
687 file the renewal application package shall retain their accreditation while the review and
688 processing of their application is pending. VSTLs in good standing shall also retain their
689 accreditation should circumstances leave the EAC without a quorum to conduct the vote required
690 under Section 3.5.5¹⁵.”

691 The HAVA Act, codifies that the Commission must disseminate to the public, in matter that is consistent
692 with US Code, Title 44, Chapter 19¹⁶.

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

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

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

700 ([Pub. L. 90–620, Oct. 22, 1968, 82 Stat. 1283.](#))

701

702 Repeated again, in the VSTL Manual:

703 **“1.12. Publication and Release of Documents.**

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

710 As you can see, in several different ways, the publishing and dissemination of this information is meant to
711 communicate transparency to the states and the people. Indeed, the EAC had demonstrated great

¹⁵ [Voting System Test Laboratory Program Manual \(eac.gov\)](#)

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

712 transparency in the past. However, efforts to be transparent are currently lacking. It began to decline
713 between 2012-2015 and has continued to degrade since that time. (Exhibit U)

714 The important purpose of the release of certification program information is to increase public confidence
715 and create a more informed and involved public.

716 **7.2. EAC Policy on the Release of Certification Program Information.**

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

722 **ACCREDITATION PROCESS**

723 How did these laboratories actually obtain a Certificate of Accreditation? It is not simply a matter of
724 requesting or issuing a certificate. It is a contractual process whereby certain parameters must be in place
725 in order to be in a relationship to do business. Here are those laws set forth by the EAC in the VSTL
726 Manual. Note that the accreditation is “*subject to*” receipt of information and EAC’s review and approval
727 of materials.

728 **3.1. Overview.**

729 “This chapter sets forth the required steps Applicant Laboratories must perform in order to
730 receive an EAC Voting System Test Laboratory Accreditation. The process generally includes an
731 application for and receipt of a NIST recommendation; receipt of an EAC invitation to apply; and
732 the successful *submission, acceptance* and *review* of an EAC application.”

733 **3.4. Application.**

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

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

744 **3.4.1. Information and Documents.** “The applicant laboratory must submit the
745 information and documents identified below as a part of its application. These documents
746 will be reviewed by the EAC in order to determine whether the applicant laboratory
747 meets the program requirements identified in Chapter 2. The grant of EAC accreditation
748 is *subject to* receipt of the information and EAC’s review and approval of the materials.
749 The applicant laboratory shall properly label any documents, or portions of documents, it
750 believes are protected from release under Federal law”

751 **3.4.3. Certification of Laboratory Conditions and Practices.** “The applicant laboratory
752 must submit a signed Certification of Laboratory Conditions and Practices as a part of its
753 application. No applicant laboratory will be considered for accreditation unless it has
754 properly affirmed its conditions and practices through the certification document. A
755 Certification of Laboratory Conditions and Practices form may be found at Attachment C
756 and is available electronically at www.eac.gov. By signing the certification, a laboratory
757 affirms that it, in fact, has in place the policies, procedures, practices, resources and
758 personnel stated in the document. Any false representations made in the certification
759 process may result in the revocation of accreditation and/or criminal prosecution.”

760 Without valid accreditation, an issued certification of any voting system manufacturer is invalid. *A*
761 *laboratory having received EAC accreditation is solely what gives that laboratory the authority to*
762 *perform any testing.*

763 **Relevant Rules for VSTL Accreditation (VSTL Manual)¹⁷**

764 **3.6 Grant of Accreditation.** “Upon a vote of the EAC Commissioners to accredit a laboratory, the
765 Testing and Certification Program Director shall inform the laboratory of the decision, *Issue a Certificate*
766 *of Accreditation* and post information regarding the laboratory on the EAC website.”

767 **3.6.1 Certificate of Accreditation.** “A Certificate of Accreditation shall be issued to each
768 laboratory accredited by vote of the Commissioners. *This certificate shall be signed by the Chair*
769 *of the Commission and state:”*

770 **3.6.1.1** “The name of the VSTL;”

¹⁷ https://www.eac.gov/sites/default/files/eac_assets/1/28/VSTLManual%207%208%2015%20FINAL.pdf

771 3.6.1.2 “The scope of accreditation, by stating the Federal standard or standards to which
772 the VSTL is competent to test;”

773 3.6.1.3 “The effective date of the certification, which shall not exceed a period of two
774 years and”

775 3.6.1.4 “The technical standards to which the laboratory was accredited.”

776 **3.6.2 Post Information on Website.** “The Progress Director shall make information pertaining to each
777 accredited Laboratory, available to the public on EAC’s website. This information shall include, but not
778 limited to”

779 3.6.2.1 “NIST’s Recommendation Letter;”

780 3.6.2.2. “The VSTL’s Letter of Agreement;”

781 3.6.2.3. “The VSTL’s Certification of Conditions and Practices;”

782 3.6.2.4. “The Commissioner’s Decision on Accreditation and;

783 3.6.2.5. “Certificate of Accreditation.”

784 **3.8. Expiration and Renewal of Accreditation.**

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

794 The EAC violated their own standards by failing to consistently secure a quorum. When Christy
795 McCormick was appointed EAC Chairwoman in February, 2019, the EAC reported the appointment as
796 the first one in nearly a decade “with a full slate of Commissioners.” (Exhibit V)

797 In the United States each state is tasked to conduct an (IV & V) Independent Verification and Validation
798 to provide assurance of the integrity of the votes. If the “accredited” non-federal entities have NOT

799 received EAC accreditation this is a failure of the states to uphold their own State standards that are
800 federally regulated.

801 If the “accredited” non-federal entities have NOT received EAC accreditation, this is a failure of the state
802 to uphold their federally regulated state standards.

803 **RSMo Stat. § 115.225 (2019), MO Code Regs. 15 CSR 30-10.020 (2020).**

804 **Title 52 U.S.C. §10307(d) and §20511(2)(B).**

805 In March of 2022, 35 Missouri representatives both elected and appointed, in addition to three United
806 States EAC Commissioners and one EAC Executive Director, were served legal “Notice and Demand
807 Affidavit of Maladministration, Misrepresentation, Misconduct and Fraud” (Exhibit W)

808 This notified every recipient of all of the information and evidence provided to you today. I have received
809 no responses, answers or refute from any of the 39 total recipients to date.

810 The Court also recognizes Whistleblower Affidavit of Truth Declaration filed in Pima County, AZ., May
811 27, 2022, (sequence number 20221470793), by Terpsehore Maras, and supports this complaint.

812 (Exhibit X)

813 **CLOSING**

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

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

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

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

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

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

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

842 **UNITED STATES V. THROCKMORTON**

843

844

RESERVATION OF RIGHTS

845 Plaintiffs herein expressly reserve their rights in regard to any additional claims to which they may be
846 entitled under federal law as well as under the laws of the State of Missouri, including claims arising from
847 any violations of Missouri’s Open Meetings Laws¹⁸ or other actions of misconduct that may have been
848 committed by Defendants. Plaintiffs

849

850

PRAYER FOR RELIEF

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

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

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

- 854 b. The immediate and permanent removal of all electronic voting machines, equipment, and poll pads.
- 855 c. Immediately return the State of Missouri to hand-cast, and hand-counted paper ballots.
- 856 c. Decertify the 2020 election and any subsequent elections thereafter that used illegal, unlawful and
857 unaccredited laboratories.
- 858 e. Temporarily restrain, as well as preliminarily and permanently enjoin Defendants, their agents,
859 servants, employees, attorneys, and all persons in active concert or participation with any of them, from
860 implementing or enforcing the use of electronic voting machines, equipment, and poll pads and from
861 taking any other action to implement the use of electronic voting equipment; and
- 862 f. Preliminary Injunction prohibiting the destruction, deletion, disposal, or altering of all election data
863 pertaining to the 2020 General election and all subsequent elections; and
- 864 g. Grant such other and further relief as may be just, equitable, and proper including without limitation,
865 an award of attorneys' fees and costs to Plaintiffs.

866

867

868 Respectfully submitted this _____ day of June, 2022

869 Respectfully Presented, All Rights Reserved, Without Prejudice & Without Recourse /s/

870 Defendant/Defendant, pro se, sur juris **Alison (Ali) Graeff at 519 N. 6th St., St Charles, Missouri 63301**

871 **phone: 314-306-7111**