

January 18, 2023

**NOTICE OF INTENT OF MALADMINISTRATION,
MISCONDUCT AND MALFEASANCE**

Dean Plocher, Speaker of the House
Mike Henderson, Speaker Pro Tem
Jonathan Patterson, Majority Floor Leader
Andrew Bailey, Missouri Attorney General

Caleb Rowden, President Pro Tem
Cindy O'Laughlin, Majority Floor Leader
John Rizzo, Minority Floor Leader

We the People of Missouri have been asking in good faith, our State Attorney Generals and staff, the Secretaries of State, and Election officials to respond to our concerns regarding the election machine systems not being certified by an accredited Testing Laboratory as mandated to the U.S. Election Assistance Commission (EAC) in the Help America Vote Act (HAVA) of 2002, and as required by Missouri State law, MO HB 511,

As many as 25 States have codified category 3, of the HAVA's ***State Voting System Certification Process*** into their respective State statutes. Missouri codified HAVA into law in MO HB 511 (2003) and established RSMo § 28.035 (1). The secretary of state shall be the chief state election official responsible for the administration and coordination of state responsibilities pursuant to the Help America Vote Act of 2002 and RSMo 115.225 § 2 (10). "No electronic voting system shall be approved unless it: Has been tested and is certified by an independent authority that meets the voting system standards developed by the Federal Election Commission or its successor agency. ..." and RSMo § 115.074, §115.076, §115.077, §115.098, and §115.801 provides funding to help states meet new standards, replace, and purchase new voting systems, and improve election administration such as security.

Category 3 HAVA participation is **mandatory**, not optional, for the following States: Alabama, Arizona, Arkansas, Idaho, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Minnesota, Missouri, Nevada, New Mexico, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Washington, and Wisconsin. These states officials are affected by the EAC's Maladministration, Malfeasance and Misconduct.

The people have been ignored, mocked, repressed, and summarily dismissed. We the People are not lawyers. We self-educate ourselves in Maxims of Law due to attorneys having been intimidated and threatened with disbarment by unscrupulous members of the Bar i.e. The 65 Project, Perkins Coie, Marc Elias, etc.; which have hampered bringing cases in front of local jurisdictions through legal representation.

We have filed HAVA and Civil Right complaints, notified our County Election Commissioners, County Councils for redress and relief by speed speaking in 3 minutes

as fast as we could to inform them of major election violations prior to the 2022 primary and general election. We've also provided detailed affidavits, concerning the EAC unaccredited laboratories, uncertified election machine systems, internet connectivity, voting machine and printer failures and violations of third-party entities which failed to protect public Personal Private Identification Information (PPII), to the Attorney General, MO Secretary of State, U.S. Western District Attorney, the Missouri Election Crime Director Hal Goldsmith, Office of Inspector General for the EAC and other Missouri elected and election officials. I'm sure being representatives of the state, you are aware Missouri has two open lawsuits regarding the EAC that a citizen, Alison Graeff has filed. 4:22-cv-00682 against the EAC and 4:22-cv-00971 a Missouri Election Contestation on the administration of an illegal election, both currently open in U.S. District Court Eastern Division.

Case details can be viewed here <https://nomofraud.com/>

We have previously presented information to thirty-nine Missouri elected and/or appointed officials concerning the National Voting System Testing Laboratories (VSTL's) otherwise known as NTS (formerly Wyle Labs), Pro V&V and SLI Compliance. Pro V&V has been out of compliance since 2017. SLI Compliance has been expired for as far back as we could find. NTS Laboratory had never received accreditation.



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

VIA EMAIL

June 30, 2022

Ali Graeff
alimariegraeff@gmail.com

Greetings:

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

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

The EAC does not possess records responsive to your request.

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

Fifty counties in Missouri are still currently still using electronic voting systems tested by this never accredited laboratory, NTS.

That being said, all the VSTL's used in the State of Missouri that are used to test electronic voting systems, in use since 2017, did not, and STILL do not, comply with the laws and requirements of the congressionally passed HAVA ACT 2002 codified into Missouri law HB511 (2003).

Although, the EAC claims the labs have received accreditation and provided new certificates, the latest certificate of accreditation for SLI Compliance is once again, not signed by the CHAIR of the Commission per laws and bylaws.



Re certificate for SLI that Mark A Robbins, Interim Dir supposedly signed. When you hover with your mouse over the signature, it shows who has inserted the signature K Muthig, 10 days after the date on the certificate.

Kristen Muthig is Communications Director at the U.S. Election Assistance Commission (EAC). She manages media relations, communications strategy and supports the commissioners and EAC leadership...

<https://www.eac.gov/about/staff-directory/kristen-muthig>

In addition, our research has discovered SLI Compliance's prior certificate displays a three-year delta and again, signed by the wrong signing authority. Per the (VSTL) Voting System Test Laboratory Program Manual ver. 2.0 effective May 31, 2015, **§ 3.6.1.3. The effective date of the certification, which shall not exceed a period of two (2) years;** (emphasis added)

An undated statement sent out by EAC does admit to *clerical administrative errors* as well as asserted that COVID was at fault for the EAC's non-compliance. Testing lab accreditations were due **prior** to COVID arriving in the USA. This is unacceptable reasoning and a clear breach of contract.

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

However, there is an appearance of a cover up by the EAC. When you read the entirety of the law 52 U.S. Code § 20971(c)(2), it clearly states, “FOR PURPOSES OF THIS SECTION” This means the purposes of this section refers to:

(C) Continuing review by NIST. This is for the express purpose of requiring a vote to REVOKE an accreditation. It’s not stated here this may be used as an excuse to violate law and continue to re-date accreditation certifications as many times as they’d like to, to avoid reviewing applications or receiving ratified offers that they then ratify. Words matter here. There is a difference between “revoked” and “expired”.

For example, if my driver's license is expired, and I've been pulled over by the police, how far do you think me telling him “Well, it's not revoked, so it's still legal” would get me?

The question here is also, why is this extremely low bar not even being upheld when it comes our electronic voting systems?

The law is specific for VSTL’s to *reapply* for accreditations. This is not simply a matter of requesting or issuing a certificate. It is a **contractual** process whereby certain parameters must be in place in order to be in a relationship to conduct business. Including verifiable steps such as a submission, acceptance and review, that a VSTL’s must take to obtain or renew accreditation.

Here are those laws set forth by the EAC in the VSTL Manual. Note that the accreditation is “**subject to**” receipt of information and EAC’s review and approval of materials.

Violation of Law - Rules for VSTL Accreditation (VSTL Manual 2.0)

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

3.4. Application. EAC is the sole authority for Voting System Test Laboratory Accreditation. While NIST’s recommendation serves as a reliable indication of potential technical competency, the EAC must take additional steps to ensure that laboratory policies are in place regarding issues like conflict of interest, record maintenance, and financial stability. It must also ensure that the candidate laboratory is willing and capable to work with EAC in its Certification Program. To that end, applicant laboratories are required to submit a Letter of Application requesting accreditation. The letter shall be addressed to the Testing and Certification Program Director and attach (in either hard copy or on CD/DVD) (1) all required information and documentation; (2) a signed letter of agreement; and (3) a signed certification of conditions and practices.

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

Note that the accreditation is ‘subject to’ receipt of information and review and approval of same

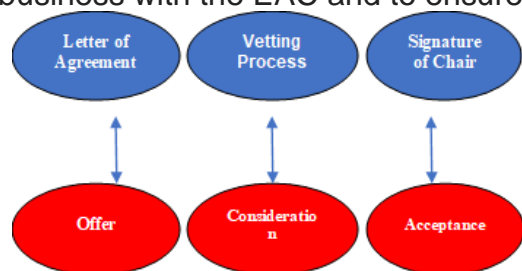
So, not only is the date on these accreditation certifications important, but the signature on a laboratory’s Certification of Accreditation is critical. As a Licensed Realtor, it is standard practice when at a closing table to ensure the buyers new home title is correctly signed by the signing authority.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

Per the (VSTL) Voting System Test Laboratory Program Manual ver. 2.0 effective May 31, 2015, page 38, § 3.6.1. Certificate of Accreditation: “A Certificate of Accreditation

shall be issued to each laboratory by vote of the Commissioners. 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;” (*emphasis added*)

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

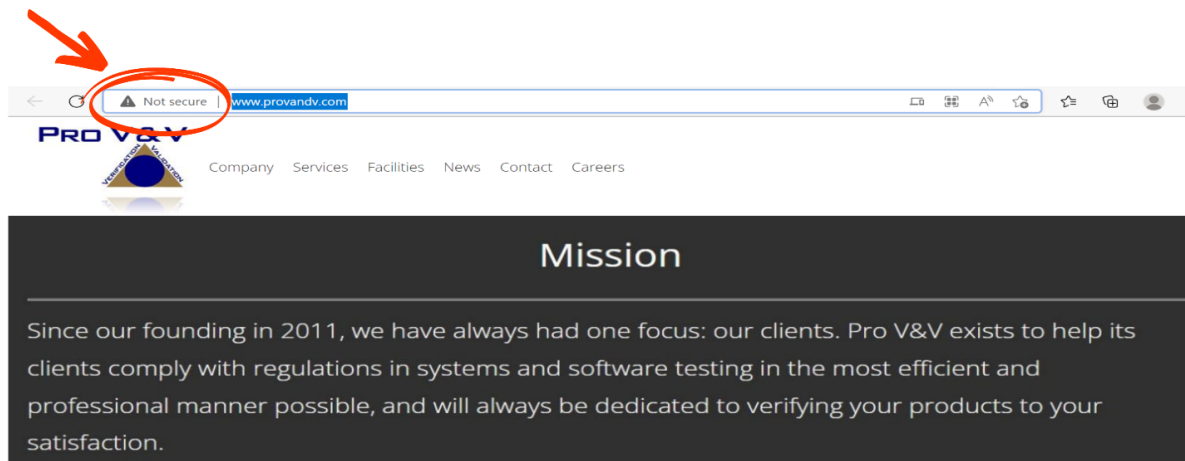
The “Offer” is the Letter of Agreement, submitted by the applicant laboratory. The VSTL authorized signature on this agreement serves as the VSTL contract offer to do business with the EAC and to ensure oversight when dealing with official infrastructure.



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

Furthermore, there is a definite conflict of interest between the voting machine manufacturers, the laboratories, and the people in relation to protections against methods to detect and prevent fraud and ensure my vote is untainted. The manufacturers and laboratories have a vested monetary interest in the use of electronic voting machines systems throughout the state. The manufacturers are paying the testing laboratories to test and certify the voting machines placing voting machine manufacturers as stakeholders over the peoples vested shareholder interest for safe, fair and fraud free elections. This is akin to the fox watching the hen house.

Since neither Pro V&V nor SLI Compliance are legally accredited laboratories, where lies their vested interest? And to that point, the Pro V&V website states as its mission:



Their mission statement states they will always be dedicated to verifying products to CLIENTS satisfaction. That would be the machine manufactures, not the interest of the people. Also, the website belonging to the laboratory designated to test our nations' "critical infrastructure" is itself unsecured.

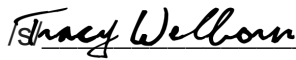
This accreditation process is imperative, not only because its codified law, but also because it's a National Security risk. Mr. Brian Hancock, former EAC Director of Voting System Testing and Certification, testified in December 2010, that he was gravely concerned that Commercial off the Shelf (COTS) chips and software in our election equipment installed from third-party vendors are produced in CHINA and pose a major security risk. Mr. Mark A. Robbins, who during this same time, was EAC's General Council, was present at Mr. Hancock's testimony. Robbins is currently the Interim Executive Director for the EAC and is unlawfully signing certificates of accreditations. For all the reasons stated above, the certificate of accreditations must be signed by the CHAIR of Election Assistance Commission. Despite the dire warnings in 2010, twelve years have passed and the EAC has failed to address third-party vendors and COTS security issues. There is systemic and continued maladministration, misconduct and malfeasance by the Election Assistance Commission and the Secretaries of State that continually ignore our repeated requests for redress.

After listening to testimonies in Arizona and Colorado, courageous County Supervisors have braved to abstain from certifying canvass reports until answers were provided by Secretaries of State or by the Election Assistance Commission. They have been threatened and unjustly attacked with legal actions by State and County officials. Cochise, Yavapai and Mohave County officials in Arizona have been threatened by Katie Hobbs, if they did not certify, they would face prison terms, loss of house and life savings. They have since caved under duress. Tina Peters, in Mesa County, Colorado's County Clerk and Recorder, was indicted in 2022 on criminal charges relating to irregular election results and failure to certify those results. This is unacceptable.

We seek remedy with the removal of all electronic voting systems, printers and poll pad systems not prescribed for ADA use. The removal of Missouri Registered Voters from the E.R.I.C voter registration system. All votes to be hand-cast AND hand-counted.

We demand our elected officials honor their Oath of Office and uphold the Constitution of Missouri and the United States. You are obligated to investigate fraud perpetrated against the People and the State. Failure to act immediately will result in further action from the People against every elected/appointed representative that will now be knowingly complicit in these crimes.

Sincerely and respectfully,



Tracy R. Welborn





Ali M. Graeff

