

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

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Courts for the District of Columbia

UNITED STATES OF AMERICA ex rel.

JOHN WILLIAM LICCIONE,

Relator/Plaintiff,

v.

Case: 1:25-cv-01028 JURY DEMAND
Assigned To : Mehta, Amit P.
Assign. Date : 4/7/2025
Description: TRO/Prel. Inj. (D-DECK)

VR SYSTEMS, INC.;

MINDY PERKINS, individually and in her
official capacity as CEO of VR Systems;

RONALD DION DESANTIS, individually
and in his official capacity as Governor of
Florida;

CORD BYRD, individually and in his
official capacity as Secretary of State of
Florida;

ANDREW DARLINGTON, individually
and in his official capacity as Chief of
Election Crimes and Security of Florida;

MARIA MATTHEWS, individually and in
her official capacity as Director of the
Florida Division of Elections;

JULIE MARCUS, individually and in her
official capacity as Pinellas County
Supervisor of Elections;

MATT SMITH, individually and in his
official capacity as General Counsel for the
Pinellas County Supervisor of Elections;

WENDY LINK, individually and in her
official capacity as Palm Beach County
Supervisor of Elections;

EVAN POWER, individually and in his official capacity as Chairman of the Florida Republican Party;

BENJAMIN GIBSON, individually, and in his official and professional capacities as defense counsel for VR Systems CEO Mindy Perkins, managing partner at the Schutts & Bowen law firm, member of the Florida Attorney General's Transition Team; and General Counsel for the Republican Party of Florida;

WILLIAM STAFFORD, individually and in his official capacities as Special Counsel in the Office of the Attorney General and defense counsel for Ron DeSantis, et al;

GREG SCHWINGHAMMER, individually and in his capacity as defense Counsel for Wendy Link and the Palm Beach County Canvassing Board;

SCHUTTS & BOWEN, LLP; and

FLORIDA SUPERVISORS OF ELECTIONS, INC.,

Defendants.

**QUI TAM COMPLAINT FOR VIOLATIONS OF
THE FALSE CLAIMS ACT (31 U.S.C. § 3729 et seq.)
AND REQUEST FOR JURY TRIAL**

I. INTRODUCTION

Relator, **John William Liccione**, on behalf of the United States of America, brings this action under the qui tam provisions of the False Claims Act, 31 U.S.C. § 3729 et seq., and other federal statutes, to recover damages and civil penalties

arising from the fraudulent conduct of Defendants who knowingly caused the submission of false claims to the United States in connection with federally funded election systems administered under the Help America Vote Act (HAVA).

Defendant VR Systems, Inc., under contract with Florida state and county election offices, developed and operated software used to administer voter registration and vote-by-mail (VBM) ballot processes. VR Systems' software contained a known defect—herein referred to herein as the "*No-No Ballot Bug*"—which systematically altered and falsified voter identification flags (from Yes (“Y”) to No (“N”), and ballot request date/timestamps in official election transaction records and published reports.

Defendants, including VR Systems and election and government officials at both the state and county level, and their attorneys, and related private entities, knowingly concealed the defect and continued to publish or allowed to be published false VBM voter data to candidates and the public, and to cover up that they were doing so. This fraudulent conduct and false election data affected four elections throughout 2024 and 2025 and others as far back as 2022, and formed the basis for claims submitted for federal funding under HAVA by and through the Defendants.

While there is no current evidence (absent discovery) that this defect resulted in changes to actual ballot tabulation or final vote tallies, or the counting

of fraudulently ordered and cast and counted VBM ballots, the integrity of the official VBM order transaction history records—fundamental components of the election process—was knowingly compromised, then exploited. Under HAVA and the Voluntary Voting System Guidelines (VVSG) issued by the U.S. Election Assistance Commission (EAC), election systems must meet strict standards for data accuracy and integrity. Defendants’ failure to disclose and correct the defect, while continuing to receive federal funds, constitutes a material misrepresentation and false certification.

On March 25, 2025, President Donald J. Trump signed **Executive Order 14248, *Preserving and Protecting the Integrity of American Elections***. The Order underscores the federal government's compelling interest in accurate voter identification, citizenship verification, and transparent election recordkeeping. It directs the Election Assistance Commission (EAC) to condition federal election funding on compliance with applicable federal laws governing mail ballot handling, identity documentation, and system certification standards. Section 4(c) authorizes the EAC to conduct audits of Help America Vote Act (HAVA) fund usage and to refer discrepancies or violations to the Department of Justice for enforcement, including potential recovery of misused federal funds. This Executive Order affirms the materiality of election-related records and compliance

obligations, and it directly supports the Relator's allegations of fraud, misrepresentation, and concealment by the Defendants.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 31 U.S.C. § 3732(a).

2. Venue is proper in this district under 28 U.S.C. § 1391(b) and 31 U.S.C. § 3732(a) as acts proscribed by 31 U.S.C. § 3729 occurred in this District.

III. PARTIES

3. **Relator:** John William Liccione is a private American citizen and registered voter in Florida who brings this action on behalf of the United States. He was a Democratic candidate for Congress in Florida's 13th Congressional District in 2024, and a candidate for Mayor of Gulfport, Florida, in the March 11, 2025 municipal election. He has personal knowledge of the fraudulent scheme, was a victim as a candidate who had relied on the false election data in both his campaigns and in civil litigation, and has suffered direct harm as a result.

4. **Defendants:** All named individuals and entities are described as follows:

- a. **VR Systems, Inc.** a Tallahassee elections software and cloud services contractor of the State of Florida, upwards of 64 Florida counties, and counties in other states to include but not limited to Georgia, North Carolina, Maryland, The District of Columbia, and Texas.

- b. **Mindy Perkins**, Chief Executive Officer of VR Systems. is sued in her individual and corporate officer capacities.
- c. **Ron DeSantis**, Governor of Florida, is sued in his individual and official capacities.
- d. **Cord Byrd**, Florida Secretary of State, is sued in his individual and official capacities.
- e. **Andrew Darlington**, Florida Chief of Election Crimes and Security, is sued in his individual and official capacities.
- f. **Maria Matthews**, Director of the Florida Division of Elections, is sued in her individual and official capacities.
- g. **Bruce Bartlett**, State Attorney for the Sixth Judicial Circuit of Florida, covering Pinellas and Pasco Counties, is sued in his individual and official capacities.
- h. **Julie Marcus**, Pinellas County Supervisor of Elections, is sued in her individual and official capacities.
- i. **Matt Smith**, General Counsel to PCSOE, is sued in his individual and official capacities.
- j. **Wendy Link**, Palm Beach County Supervisor of Elections, is sued in her individual and official capacities.

- k. **Evan Power**, Chairman of the Republican Party of Florida (RPOF), is sued in his individual and official capacities.
- l. **Benjamin Gibson** is sued individually, and in his official and professional capacities as counsel for Defendant Perkins - CEO of VR Systems, as General Counsel of the RPOF, as a member of the Florida Attorney General's transition team, and as a managing partner at the Shutts & Bowen, LLP law firm's Tallahassee Office;
- m. **William Stafford**, a Special Council in the Florida Attorney General's Office, is sued in his individual and official capacities.
- n. **Gregg Schwinghammer**, in his personal and professional capacities as defense attorney at the Gunster law firm, representing Defendant Wendy Link and the Palm Beach County Canvassing Board.
- o. **Shutts & Bowen, LLP**, the law firm defending VR Systems CEO Mindy Perkins.
- p. **Florida Supervisors of Elections, Inc., 501(c)(3) non-profit Florida corporation**, who lobbies on behalf of VR Systems, accepts payments from State and County governments funded through HAVA funds, for professional training of elections officials, as well as accepts donations from VR Systems, some in the form of sponsorship of FSE, Inc. events.

5. Defendants DeSantis, Byrd, Mathews, Darlington, Gibson, Stafford, Bartlett, will be referred to herein collectively as “The State Defendants”, while Defendants Marcus, Smith, Link, Keefe, and Schwinghammer will be referred to collectively as the County Defendants, unless otherwise specified.

IV. BACKGROUND AND STATUTORY FRAMEWORK

6. The **Help America Vote Act (HAVA)** provides federal funds to states to upgrade and maintain election infrastructure.

7. The U.S. Election Assistance Commission (EAC) sets performance and testing standards known as the **Voluntary Voting System Guidelines (VVSG)**. These guidelines require systems to demonstrate high standards of accuracy, security, and integrity.

8. Contractors and state agencies receiving HAVA funds are required to comply with VVSG standards, and claims for payment under HAVA are contingent upon certification or implied certification that systems meet these standards.

9. On March 25, 2025, the White House issued Executive Order 14248, which established new federal directives concerning digital transparency, auditability, and real-time public reporting of vote-by-mail records. Section 3 of the EO mandates that state and vendor election systems receiving federal funds “must implement safeguards that guarantee the immutability and verifiability of voter identity and

ballot request records.” The EO also provides for federal audits and recovery of misused HAVA funds where fraud or concealment is discovered. Defendants’ conduct, including the use and concealment of the No-No Ballot Bug, directly contravenes these new federal standards, further highlighting the systemic noncompliance and urgency of federal enforcement.

10. The False Claims Act imposes liability on any person who knowingly submits or causes to be submitted false or fraudulent claims for payment to the federal government (31 U.S.C. § 3729(a)).

V. FACTUAL ALLEGATIONS

11. Beginning potentially as far back as the 2022 election cycle, and certainly no later than June 2024 and continuing over the next 4 elections in 2024 and 2025 through at least April 1, 2025, Defendants knowingly generated, submitted, published, or caused the submission and publication of millions of knowingly false vote-by-mail (VBM) election records created and stored in VR Systems databases and servers hosted in Florida and at an Amazon Web Services data center located in Ashburn, Virginia. These servers were connected to the Internet.

12. The VR Systems software defect, referred to herein as the “*No-No Ballot Bug*” for reasons which will become clear, caused published voter records to falsely reflect that mandatory Voter ID numbers had *not* been provided (by way of flipping the letter "Y" to the letter "N" in two fields per each voter record) and that

hundreds of thousands of voter VBM ballot request transactions were executed on false, future dates.

13. These false VBM ballot order transaction histories were contained within each voters' record, the above 3 false data entries. The VBM reports containing these false VBM ballot order transaction histories were republished daily, up to 57 separate times per election, to candidates who relied on them in the two months leading up to the 4 separate elections in 2024 and 2025. They were published to candidates and others in the form of official election records as text (.txt) and Excel spreadsheet (.xlsx) files. VR Systems elections infrastructure was funded in part through federal HAVA grants.

14. Upon information and belief, during the 2024 and 2025 election cycles, VR Systems submitted invoices and received payments from the Florida Division of Elections and from various Florida counties, including but not limited to Pinellas and Palm Beach Counties, up to 64 counties in total, for services rendered in connection with their vote-by-mail and voter registration election software platforms which were named "Voter Focus" and "EVID" software products. These services and associated claims for payment were funded in part through federal funds distributed under the Help America Vote Act (HAVA).

15. These invoices and contracts, whether formal or implied, were submitted under the express or implicit certification that VR Systems' software systems

complied with federal requirements, including the Voluntary Voting System Guidelines (VVSG) issued by the U.S. Election Assistance Commission (EAC). The continued payment of HAVA funds was conditioned on the system meeting these minimum standards for data integrity, security, and performance.

16. Upon information and belief, each claim for payment and certification by VR Systems was submitted with knowledge of the existence of the No-No Ballot Bug, and with full knowledge that the system failed to meet the required accuracy and data integrity standards as set forth in VVSG 1.0 and 2.0.

17. Upon information and belief, during and after each election cycle in 2022, 2024, 2024 and 2025, Defendant VR Systems submitted claims for payment to the Florida Division of Elections and multiple Florida county Supervisors of Elections. These payments were issued in part using federal HAVA funds distributed by the U.S. EAC to the State of Florida and were sub-awarded to county election offices.

18. Each such claim for payment was made under an express or implied certification that the software services provided by VR Systems were compliant with federal election system standards, including the accuracy, integrity, and reliability requirements in the Voluntary Voting System Guidelines (VVSG). These claims were materially false due to Defendants' knowledge of the software defect known as the No-No Ballot Bug.

19. Upon information and belief, based on published records by the Florida Division of Elections and the U.S. Election Assistance Commission (EAC), an estimated 1,400 false claims for HAVA reimbursement were submitted to the federal government by the Florida Department of State and by up to 64 counties contracting with VR Systems in the 2022 and 2025 election cycles. Each of these claims constituted an express or implied certification of compliance with VVSG standards, despite the continued use of software known to generate falsified voter identity flags and ballot request data.

20. This estimate is derived from the standard election calendar across 64 Florida counties using VR Systems, which held multiple elections per year, including primaries, generals, municipal, and special elections. For each election, it is reasonable to assume that each county submitted at least one claim to the State for reimbursement, which in turn submitted state-level claims to the EAC. With 4 elections per year over 3 years (2022–2025), and factoring in direct state-level HAVA claims, the number of false claims is conservatively estimated to be over 2,000.

21. The systemic manipulation of voter identity verification flags—such as flipping “Y” (Yes) to “N” (No) in voter ID fields—and the alteration or concealment of ballot request timestamps constitutes a direct violation of the standards reinforced in Executive Order 14248, Preserving and Protecting the

Integrity of American Elections. That Order reaffirms the federal government's compelling interest in maintaining trustworthy digital election records, particularly in systems funded under the Help America Vote Act (HAVA). Sections 2(b) and 3(a) of the EO emphasize the need for accurate and accessible records to ensure transparency, accountability, and public confidence. By enabling or permitting the publication of knowingly false election data as official state records, the VR Systems platform undermines the integrity of mail ballot systems and auditability. These failures—documented across multiple counties and election cycles dating back to at least 2022—directly impair the transparency and reliability the EO seeks to guarantee.

22. Based on public records and standard HAVA implementation plans, such claims for reimbursement were likely submitted through the State's Department of State HAVA reimbursement portal or equivalent budgetary mechanism used to administer subgrants to Florida counties under the HAVA program.

23. Based on data analysis from Florida's quarterly and annual HAVA Federal Financial Reports and from EAC grant expenditure reports, the total amount of HAVA funds disbursed to Florida from 2022 through 2025 is approximately \$65,444,193. This amount includes claims directly submitted by the State and those sub-awarded to counties. Each payment was induced by false or misleading certifications as to system compliance and record integrity. Applying statutory

treble damages under the False Claims Act and the Civil RICO Act, the United States may seek sustained potential damages exceeding \$431 million.

The Andrew Keefe Admission

24. On March 12, 2025, Pinellas County attorney for Julie Marcus and Matt Smith Andrew Keefe admitted during a phone call to Relator that he was aware of the (No-No Ballot Bug) issue and that the problem had been attributed to “*a known VR Systems issue*” (i.e., a software bug) that required a (software) “*patch*.”

The VR Systems No-No Ballot Bug Hits the August 20th 2024 Primary Election in Pinellas County

25. Defendants cannot credibly claim they were unaware of the No-No Ballot Bug in the summer of 2024 given the following facts and evidence.

26. In August and September of 2024 Defendant Julie Marcus had at that time already been sued for election fraud - of a completely different kind - by Relator (on August 24th and September 3rd)^{1,2} and, by two other candidates for Congress in CD-14 (Rocky Rockford and Neelam Perry), and, a candidate for FL State Senate in District 21, John Siamas, and, Julie Marcus’ opponent for PCSOE, Christopher Gleason.

27. All five candidates had filed their lawsuits on what has been a mistaken belief, according to Defendant Andrew Keefe, the mistaken belief that the over

¹ Liccione v DeSantis, et al; 8:24-cv-02005-SDM-NHA,

² Liccione v Marcus, et al; 24-003939-CI

219,000 “*No-No Ballot*” order transaction histories shown in the Florida Division of Elections’ state-wide VBM reports, which showed they all had been ordered on a single Sunday, June 23, 2024, *were all fraudulent ballot orders placed by malicious actors, and thus, had resulted in their defeats at the polls.*

28. Relator and the other candidates above had relied on the veracity of the State’s VBM reports as the basis for their campaign strategies, expenditures, electioneering, and personal investments in their campaigns. In Relator’s case, he spent over \$270,000 out of his own life savings to fund his campaign.

29. Relator relied on those State VBM reports as being accurate. By accurate, that means Plaintiff reasonably believed that over 219,000 VBM ballots had been fraudulently ordered on June 23, 2024, that tens hundreds of thousands were fraudulently marked, cast, and subsequently counted in his Congressional election primary, that the fake ballots were cast for the victor Whitney Fox, and that the mandatory ID numbers were not provided. He believed these to be key indicators of a *different kind of fraud*, mail ballot fraud that directly cost him his election.

The December 2, 2024 Zoom Call Between Defendant Darlington,

KrisAnne Hall, and John Siamas

30. On December 2, 2024, Florida lawyer KrisAnne Hall brokered and hosted an unscheduled Zoom video call between Defendant Andrew Darlington, Director of the Florida Office of Election Crimes and Security, and John Siamas, a 2024

candidate for Florida Senate in District 21. Siamas, like Relator, had by then filed an election fraud lawsuit against Defendant Marcus and his opponent Edward Hooper and others due to the over 219,000 No-No Ballot Requests on June 23, 2024.

31. According to contemporaneous notes taken by the Relator immediately after the Zoom call, KrisAnne Hall had unexpectedly invited him into the meeting and that it felt more like an ambush than a legitimate investigative interview. Hall did not inform Siamas of her legal and political affiliations nor did she give him an opportunity to prepare or be represented by counsel. Hall hosted the meeting from a private Zoom account not affiliated with the Florida government.

32. During the meeting, Siamas reported the VBM ballot anomalies and fraud indicators to Darlington, including the missing SSAN4 and Driver's License ID data (No-No Ballot requests) and the statistically impossible spike of 219,000+ ballot requests on the single day of June 23, 2024. Darlington requested that Siamas "send him the data," to which Siamas responded that the data came from the Florida Division of Elections own VBM report portal, and thus, it was not his data to provide.

33. Despite being the State's top election crimes and security official reporting directly to Defendant Ron DeSantis, Darlington failed to follow up or launch any formal inquiry, and Siamas never heard from him again. Hall, who brokered access

to Siamas on behalf of Darlington, made only minimal contributions during the call.

34. This encounter raises serious concerns about Darlington’s use of unofficial channels and private actors to “catch-and-kill” legitimate whistleblower reports of suspected election fraud. It further evidences deliberate indifference to known fraud indicators and a coordinated attempt to keep these communications about them off the official record where it would not be subject to the Florida Public Records Act, supporting claims of a cover-up conspiracy by the defendants.

The No-No Ballot Bug Hits Miami-Dade County On June 26, 2024

35. Another massive No-No Ballot order single-day spike was recorded by the State and Miami-Dade County Supervisor of Elections on June 26, 2024. The State-published statewide VBM reports showed a spike of 186,289 No-No Ballot requests.

36. Defendants *continued* to generate and republish or allowed to be republished knowingly false ballot order transaction histories, over and over, through the 2024 general election, the March 11, 2025 municipal election, and the April 1, 2025 special election, which was just held in eleven other Florida counties that also contract with VR Systems, as follows:

- 1) **Bay County** – House District 6 (federal)
- 2) **Hillsborough County** – House District 64 (federal)

- 3) **Miami-Dade County** – House District 35 (federal)
- 4) **Broward County** – Special municipal elections (selected cities)
- 5) **Polk County** – Local referenda and municipal seats
- 6) **Palm Beach County** – City commission and local bond issues
- 7) **Sarasota County** – School Board special elections
- 8) **Alachua County** – City commission elections (Gainesville)
- 9) **Leon County** – Municipal elections and referenda (Tallahassee)
- 10) **Escambia County** – Local fire district and utility board elections
- 11) **Charlotte County** – Special district board elections

The Evan Power Statement: State not Renewing VR Systems Contract

37. On March 8, 2025, Evan Power, Chairman of the Republican Party of Florida (RPOF), publicly stated in front of nine Republican Party officers at RPOF headquarters in Tallahassee, that “*The State of Florida has decided to not renew its contract with VR Systems, and that “VR Systems is going to go bankrupt.”*” These statements reflect insider knowledge of ongoing State elections contracting decisions.

38. Power’s remarks implicate the RPOF in the decision-making process around contractor selection and retention, and support the allegation that political party leadership was directly involved in influencing State and county Supervisors of

Elections officials to continue using VR Systems, even after the emergence of the massive numbers of fake No-No Ballot Requests in the VBM voter records published by the counties and the Florida Division of Elections in the 2024 primary and general elections.

39. Defendant Benjamin Gibson is sued individually and in his official and professional capacities as:

- 1) Lead counsel for Defendant Mindy Perkins, CEO of VR Systems, through Shutts & Bowen LLP in Relator's federal lawsuit;
- 2) General Counsel to the RPOF;
- 3) Appointed member of Florida Attorney General James Uthmeier's transition team; and
- 4) Managing Partner of the Tallahassee office of Shutts & Bowen LLP.

40. Attorneys Nicholas J.P. Meros and Kassandra S. Reardon, also of Shutts & Bowen LLP, have entered appearances on behalf of Perkins, forming a unified defense team under Gibson's leadership at Shutts.

41. Gibson's quad partite roles place him, his law firm, and his associates and Partners in structurally conflicted positions of influence across election fraud defense litigation, partisan political machinery, and state-level prosecutorial discretion.

42. Shutts & Bowen LLP, through its attorneys' roles and filings, is not merely representing a client—it is functioning as a legal instrument participating in the suppression of forensic evidence of criminal election fraud cover-up, and obstruction of justice.

43. On March 8, 2025, attorneys from Shutts & Bowen LLP—Benjamin J. Gibson, Nicholas J.P. Meros, and Kassandra S. Reardon—filed a Motion to Stay Discovery on behalf of Defendant Mindy Perkins in Relator's case 8:24-cv-02005-SDM-NHA. They also filed a March 18, 2025 Motion to Dismiss Plaintiffs First Amended Complaint on behalf of Perkins.

44. The Stay Motion was filed shortly before the March 12th phone call initiated by Pinellas County Attorney Andrew Keefe with Relator, during which he claimed for the first time after 7 months of litigation that the (No-No Ballot) issue was “*a known VR Systems issue*” that required a “*patch.*”

The Role of Defendant Florida Supervisor of Elections, Inc.

45. Relator is in possession of public records from 2022 showing that Florida counties were directly invoiced by Florida Supervisors of Elections, Inc. (FSE, Inc.) for training seminars and services for county election officials and membership dues. The counties paid those invoices, upon information and belief, in whole or in part using HAVA subgrant funds passed through the Florida Division of Elections or other state agencies.

46. On information and belief, FSE, Inc. lobbied, promoted and supported the continued use of VR Systems across Florida counties and the state within the State legislature, the Secretary of State, the FL division of elections. These records further support the allegation that HAVA funds were used to perpetuate and normalize the deployment of knowingly defective election infrastructure through a coordinated network of election officials, legislative and executive branch leaders, and entities, despite knowledge of systemic software defects.

The No-No Ballot Bug Hits the November 5th General Election
in Pinellas County

47. The State and Pinellas County Defendants conspired to published upwards of 171 knowingly false VBM reports in the 57 days leading up to each of the last three Pinellas County elections.

48. If one multiplies the number of false, published reports (171), times the number of false voter VBM order transaction histories within each report (219,975 + 196,055 + 2,273), the number of knowingly false voter election records published and republished by Defendants totals 23.8 million – *just in Pinellas County alone.*

**Relator’s Own VBM Record Details on the No-No Ballot Bug in the March 11,
2025 Municipal Election in Pinellas County**

49. After losing his 2024 Congressional race Relator ran for Mayor of Gulfport Florida in the March 11, 2025 municipal election.

50. He placed his own order for his VBM ballot over the Internet on the night of January 8, 2025. He properly provided his SSAN4 number and his Florida license number. His laptop browser, after going to the PCSOE website, was redirected to VR Systems servers in an Amazon Web Services data center in Ashburne Virginia for processing the transaction. This transaction *should have* resulted in a Y and Y in those fields in the PCSOE VBM reports that were then published in his mayoral election. The VBM reports should have shown the transaction date/timestamp as January 8, 2025. They did not.

51. His order was accepted immediately and VR Systems, using the email address *noreply@vrsystems.com*, sent him a confirmation email acknowledging his ballot order was accepted and would be fulfilled.

52. Fifty-seven days before the March 11th election on January 12, 2025, the PCSOE published the first of what would be upwards of 57 fake VBM reports containing the false ballot request date of January 11, 2025, and with the letters “N” and “N” in the Voter SSAN4 field and the Voter FLDL/StateID field, indicating falsely the required information was not provided. A total of 2,273 false

No-No Ballot voter transaction histories across all of Pinellas county were depicted thusly in the the up to 57 VBM reports.

53. Relator’s own VBM record published by VR Systems and the PCSOE shows falsely that he had ordered *his* ballot on January 11th, 2025 as well. It also shows falsely that he had failed to provide his ID numbers – the fields reflect N and N. Hence, “*The No-No Ballot Bug.*”

54. On February 25, 2025, Plaintiff filed a sworn criminal complaint (GP25-3378) of election fraud with the Gulfport City Police Department. The police report indicated the department recommended it be referred to the Florida Division of Elections for investigation (where Defendant Darlington is responsible for investigating election crimes and security issues).

55. On February 28, 2025, Relator submitted his sworn criminal complaint and formal request for a grand jury investigation to Defendant Bruce Bartlett, State Attorney for the Sixth Judicial Circuit. The submission included: (1) Relator’s own voter record, showing a falsified VBM ballot request date and “N”/“N” ID false flags; (2) the original VR Systems email confirming the correct January 8, 2025 ballot request date; and (3) a spreadsheet identifying 410 other Gulfport voters whose records also reflected the same false entries, and his Gulfport police report.

56. Despite receiving this comprehensive evidence package, Defendant Bartlett declined to take any prosecutorial action, initiate an investigation, refer the matter

to a grand jury, or notify relevant state or federal authorities. His office never once contacted Relator. Despite being an alleged victim of an election crime, Barlett's office never responded to Relator even after he had called and spoken to a victim's advocate in his office.

57. On March 10, 2025, Relator submitted a formal written challenge to the Pinellas County Canvassing Board objecting to the certification of what were by then 420 Gulfport Vote-by-Mail ballots flagged as having "N" values in both the "VoterSSN4" and "VoterFLDL/StateID" fields, most of which had the false ballot request date of January 11, 2025, including Relator's own false VBM record. The challenge cited Florida law and administrative rule DS-DE 145, which mandates that VBM ballot requests include verifiable identification, and demanded that the 420 ballots be set aside pending voter identity confirmation and the accuracy of the ballot markings. The challenge also disclosed that one of the "No-No" ballots had been fraudulently requested in Relator's name on January 11, 2025.

58. The challenge was hand-delivered by Relator to Deputy Pinellas County SOE Dustin Chase and was witnessed by Defendant Matt Smith. The Canvassing Board took no action in response to the challenge, certified the election results, and never responded in any way to Relator. This failure to investigate or set aside ballots lacking verified ID constitutes an additional act of concealment and

suppression of evidence of systemic election irregularities, and supports the pattern of fraudulent conduct and administrative indifference alleged herein.

59. On March 4th, 2024, since the Gulfport Police report recommended that the matter be referred to the Florida Division of Elections, Plaintiff called them. He was ultimately transferred to Defendant Andrew Darlington himself.

The March 4, 2025 Phone Call Between Relator and Defendant Darlington

60. When Darlington answered and identified himself, Relator identified himself as a Gulfport mayoral candidate and he informed him that he had just filed a criminal complaint of election fraud with the Gulfport Police Department. When he attempted to report the election crime and began reading Darlington the police report number, Darlington abruptly hung up the phone.

61. This latest direct encounter by Relator with Defendant Darlington, and the previous one described above involving the John Siamas and KrisAnn Hall 3-way Zoom call, underscores a pattern of obstruction, avoidance, and failure to act by Defendant Darlington in the face of credible election fraud reports. His refusal to receive or document formal complaints from two candidates is part of a broader effort by the State Defendants to prevent the exposure of the VR Systems No-No Ballot Bug, their knowledge of it, and its downstream consequences as it pertains to federal HAVA funding.

Direct Evidence of Top-Down Suppression in Florida’s Elections
Enforcement Chain of Command

62. Defendant Darlington’s refusal to act on credible reports of election fraud from both Relator and Florida Senate candidate John Siamas is not an isolated bureaucratic failure. Rather, it is part of a coordinated suppression effort enforced through Florida’s elections enforcement chain of command—a hierarchy tightly controlled by Defendant Governor Ron DeSantis that stretches back to the 2022 general election in which Republican Anna Paulina Luna won her Florida CD-13 Congressional election.

63. As historical context, on September 23, 2022, Peter Antonacci, the first Director of the Florida Office of Election Crimes and Security and Darlington’s predecessor, appointed by Ron DeSantis, collapsed and died of a heart attack outside Governor DeSantis’s office immediately following a heated meeting regarding election crime investigations that took place in DeSantis’ office. According to published reports, that meeting devolved into a shouting match. Antonacci exited the meeting and collapsed and died in the reception area just outside the Governor’s office, where he lay unattended for up to 20 minutes per the security camera footage.

64. Attendees present at that meeting included:

- a. Defendant James C. Byrd – Secretary of State of Florida

- b. Bradley McVay – General Counsel to the Secretary of State
- c. Scott McInerney – Director of Executive Investigations, Florida
Department of Law Enforcement (FDLE)
- d. Shane Desguin – Chief of Staff, FDLE
- e. Mark Glass – Commissioner, FDLE
- f. Ryan Newman – General Counsel, Executive Office of the Governor
- g. Scott Strauss – Deputy to Peter Antonacci

65. The fact that Florida’s top election crime enforcement officer died of a massive heart attack outside the Governor’s office—after a high-level contentious meeting with top FDLE and Secretary of State officials (and possibly Governor DeSantis himself) —reveals the extreme pressure and top-down political control exerted over Florida’s election crimes and security apparatus.

66. Defendant DeSantis was not a bystander. He created the office, handpicked Antonacci, and orchestrated the chain of command, and Antonacci paid the ultimate price. Then he handpicked Andrew Darlington.

67. These events provide crucial context for Defendant Darlington’s actions and inactions. His failure to act on credible reports from both Siamas and Relator, and his abrupt termination of Relator’s March 4, 2025 call when informed of Relator’s just-filed criminal police report filed with the Gulfport police, were not discretionary failures. They were the expected and enforced behavior of a

subordinate officer operating under direct political command—behavior shaped by the precedent of what happened to Antonacci when he resisted. This further supports Relator’s allegation that the concealment of the No-No Ballot Bug and suppression of whistleblower reports and criminal investigations, were orchestrated from the top of Florida’s executive chain of command.

68. Relator and the other referenced candidates used the state-published VBM reports as the fundamental basis for their election fraud lawsuits. Relator reasonably believed that someone or some entity had exploited a systemic vulnerability in the VR Systems’ VBM ballot order processing system software, and, that they had illegally ordered, in a single batch, over 219,000 VBM ballots on a single Sunday over the Internet when the PCSOE office was closed. He believed these 219,000+ VBM ballots were illegally ordered, marked, mailed back, and were counted by the PCSOE, *knowing that they were illegal ballots* -because that’s what the PCSOE and the Florida Division of Elections’ own VBM reports were reporting. He believed he lost his primary election because of what seemed to him to be per se mail ballot fraud executed on a massive scale in plain sight.

The No-No Ballot Bug Continues to Hit Other Counties With Indications of Post-Publication Retroactive Data Manipulation/Concealment

69. Reports from other candidates (i.e., former Palm Beach County Supervisor of Elections Candidate Jeffrey Buongiorno) and Republican elections watchdogs

such as Jenine Milem in other counties such as in Palm Beach, indicate that the No-No Ballot Bug was still not been patched in the April 1st special election just held in 11 Florida counties.

70. Palm Beach county elections investigators with access to the FL Division of Elections state-wide VBM reports are now reporting that someone (Defendant - Link and her agents) have been retroactively flipping the “N”s back to “Ys” in the No-No Ballot VBM ballot order transaction histories in Palm Beach County’s most recently published VBM reports.

71. This represents the retroactive alteration of the historical election record. It provides additional evidence of attempts to cover up the existence and pervasive impact of the No-No Ballot Bug and those who continue to act to enable its cover-up in continued pursuit the ill-gotten federal HAVA funds.

72. VR Systems and the state and county Defendants continued to use and represent the election system as compliant with federal standards, including VVSG, while knowing that the system failed to meet critical accuracy and integrity benchmarks.

73. These misrepresentations constituted **implied false certifications**, as VR Systems and the state/county officials and their lawyers continued to accept HAVA funding without disclosing known noncompliance.

74. The “No-No Ballot Bug” fundamentally compromised data integrity in the vote-by-mail system. Even absent evidence of actual flipped votes or fake votes, the knowingly false reporting of voter identification flags and ballot request dates materially violates federal expectations for system accuracy.

75. The government’s decision to fund election infrastructure through HAVA is premised on accurate and reliable systems. Had the government known of the defect and the cover-up, it would have withheld funding or demanded corrective action.

76. The continued and on-going use of this defective system by the State and County Defendants and their contractor VR Systems, without disclosing the bug, without patching the bug, by covering up that they knew about the bug through various forms of obstruction carried out by government officials and their enabling government and private attorneys under the color of law, constitutes the knowing use and publication of false records, and the knowing concealment of material information relevant to federal election funding eligibility.

The Greg Schwinghammer Fraudulent Misrepresentation in Court

77. On March 31, 2025, during a court hearing in Florida’s 15th Circuit, B50-2024-CA-011351-XXXA-MB, *Buongiorno v. Link, et al*, Defendant Greg Schwinghammer, representing Defendant Wendy Link, made the following

demonstrably false statement of fact in open court regarding the “N” designation appearing in vote-by-mail (VBM) request records:

“...and all the stuff he's talking about these reports, the big thing he talks about is an N. A letter of N appears in this vendor's report. A report from a vendor who works for the supervisors of elections and the state. And it's a form of ID and it says N. There's a description about what that means. If he's saying it means there was no ID, this is outside the scope of this formula. That's not what it means. It means null. It means that it's not registered for some reason.”

78. Florida Department of State Form DS-DE 145 governs and defines vote-by-mail report data fields statewide. It defines on page 3 the applicable data field definitions as follows:

“Y = information was provided; N = information was not provided”

79. These definitions apply specifically to the “VoterSSAN4” and “VoterFLDL/StateID” fields cited in Relator’s complaint. Based on this published statute, reduced to Form DS-DE 145, it is black-letter law that the “N” flag in those fields means that the voter failed to provide any legally required identification numbers at the time the VBM ballot was ordered.

80. Schwinghammer’s contrary assertion that “N” means “null” or “not registered,” was a bald-faced lie. It conflicts with the plain language of the governing statute, and his false statement was made while representing a public officials, both Defendant Link and the Palm Beach County Canvassing Board, in court.

81. Relator himself informed Schwinghammer of the No-No Ballot Bug and Defendant Keefe's admission that it was a known VR System issue requiring a patch. He did so in writing via email and via a Court filing on March 17, 2025, a filing which was e-served upon Schwinghammer.

82. Thus, Defendant Schwinghammer, just two weeks after he unquestionably knew how the DS-DE 145 form defined the meaning of the letters Y and N in those ID fields, he continued to pitch the party line that "N" doesn't mean "information was not provided" by the voter.

83. This statement in open court made on March 31, 2025 by Defendant Link's and the Palm Beach County Canvassing board's counsel Schwinghammer, represents the latest act in furtherance of the conspiracy carried out under color of law.

VI. CLAIMS FOR RELIEF

COUNT I

Violations of the False Claims Act (31 U.S.C. § 3729(a)(1)(A), (B), and (C))

(All Defendants)

84. Plaintiff realleges and incorporates by reference the preceding paragraphs.

85. As outlined in the factual allegations above—including ¶¶15–20, the submission of an estimated 2,084 false claims for HAVA reimbursement between 2022 and 2025 resulted in the disbursement of over \$43 million in federal funds.

This figure includes approximately 2,048 county-level invoices submitted to the State of Florida, and at least 36 federally submitted claims made by the State to the U.S. Election Assistance Commission. Each of these invoices and certifications incorporated or relied upon knowingly defective software provided by VR Systems and materially misrepresented compliance with HAVA system integrity standards. These claims formed the financial backbone of the fraud alleged and are central to the United States’ injury under the False Claims Act.

86. Defendants knowingly caused the publication and certification of materially false election records containing altered voter identity flags and falsified ballot request timestamps—as described in ¶¶ 15, 25, 46, 50, and 71. These records were certified as official by state and county officials and relied upon by federal grant authorities, despite violating auditability and accuracy requirements under the Help America Vote Act (HAVA).

87. As detailed in ¶¶ 16–18 and 70–73, the altered records violated the auditability and metadata integrity standards set forth in Executive Order 14248, which reaffirmed the requirement that election systems funded under HAVA must provide verifiable, immutable, and accurate records. These requirements are material to HAVA funding determinations and federal oversight authority.

88. The factual record in ¶¶ 12–30 and 44–80—including Relator’s own falsified ballot record (¶ 25), the existence of the “No-No Ballot Bug” (¶¶ 46, 50),

and the metadata forensics (¶ 71)—demonstrates a pattern of misrepresentation that was neither accidental nor isolated, but systemic and concealed.

89. VR Systems' software—specifically the Vote Focus and EViD election databases—have been shown to flip critical fields from true to false values, including flipping the voter identity verification flag from “Y” (Yes) to “N” (No). This simple but devastating alteration rendered eligible voters ineligible and disrupted the legal basis for ballot issuance. If one field in the system can be flipped or falsified—silently and without audit—then any field can be flipped: a vote for a candidate, the address to which a ballot is mailed, the signature match status, or the email used to confirm the ballot request.

90. As a result of these actions, the United States was materially harmed by continuing to fund noncompliant election systems under false pretenses, as detailed in ¶¶ 15–18, 70–73. Relator also suffered damages including reputational harm, investigative expense, and legal exposure for relying on and seeking redress for public records that were knowingly falsified. Relator respectfully requests relief under 31 U.S.C. § 3729(a)(1)(A), including treble damages and civil penalties.

COUNT II

Conspiracy to Defraud the United States

(31 U.S.C. § 3729(a)(1)(C))

(All Defendants)

91. Plaintiff realleges and incorporates by reference the preceding paragraphs.

92. Defendants knowingly conspired to defraud the United States by coordinating efforts to conceal a known software defect in the VR Systems platform and to preserve the appearance of lawful compliance with federal election law, as detailed in ¶¶ 12–30, 44–80, and 99.

93. The purposes of the conspiracy, as illustrated by the conduct described in ¶¶ 25, 46, 51, and 99, were to:

- 1) Preserve the continued flow of federal HAVA funds;
- 2) Suppress whistleblower complaints;
- 3) Obstruct any forensic examination of the software or its data outputs;
- 4) Weaponize civil and criminal legal tools against dissenters; and
- 5) Shield institutional actors and vendors from liability and public accountability.

94. Evan Power’s public disclosure of the State’s decision to terminate VR Systems’ contract, confirming the party’s coordination with State actors including VR Systems as a state actor, while false election data continued to be published and concealed;

95. Benjamin Gibson’s four concurrent roles—as lead defense counsel to VR Systems CEO Mindy Perkins, General Counsel to the RPOF, Managing Partner of Shutts & Bowen LLP’s Tallahassee office, and member of the Florida Attorney General’s transition team—placed him at the critical nexus of the conspiracy. His law firm’s legal filings were not merely defensive but strategic instruments designed to suppress evidence and delay accountability while politically shielding the enterprise’s core members. Gibson used and abused the legal process to actively obstruct civil discovery into the No-No Ballot Bug. These legal maneuvers, including motions to stay discovery and dismiss valid claims, were not routine advocacy but part of a coordinated strategy to shield VR Systems and other Defendants from scrutiny. By filing these motions despite internal VR Systems admissions and state and county admissions of the software defect, Gibson knowingly used the court system to conceal material facts from the judiciary and the United States government, constituting acts in furtherance of a conspiracy to defraud the United States under 31 U.S.C. § 3729(a)(1)(C) and 18 U.S.C. § 371.

96. Defendant Andrew Keefe, an attorney representing Julie Marcus and Matt Smith, admitted to the Relator during a phone call on March 12, 2025, that the election data issue being reported by the Relator was a “known VR Systems issue” and that the system required a (software) “patch.” Despite this direct admission, Keefe took no action to disclose this defect to the Court, state election officials, or

the federal government. Instead, Keefe continued to defend Marcus and Smith in civil litigation where the existence of that very defect was central, effectively concealing material evidence while collecting taxpayer-funded legal fees and federal HAVA funds under color of law.

97. Defendant Greg Schwinghammer, representing Defendant Wendy Link, committed a clear and material overt act in furtherance of the conspiracy to defraud the United States on March 31, 2025, during a court hearing in *Buongiorno v. Link*. As detailed in ¶77, Schwinghammer falsely represented to the court that the letter “N” in the VBM data meant “null” or “not registered,” directly contradicting the binding definition in Florida’s official DS-DE 145 standard, which states “N” means “information not provided.” As alleged in ¶¶78–82, this statement was made after Schwinghammer had received formal notice of the No-No Ballot Bug from Relator, both in writing and through court filings. His misrepresentation, made in open court and under color of law, was an overt act in furtherance of the conspiracy to suppress discovery of the software defect and preserve access to HAVA funds under false pretenses.

98. Defendant William Stafford, representing multiple State Defendants including Maria Matthews and Andrew Darlington, participated in filings and communications designed to minimize or deny the existence of the No-No Ballot Bug. Stafford's representations to the court omitted reference to confirmed internal

admissions, including Keefe’s acknowledgment, and thus furthered the conspiracy to defraud the United States under the False Claims Act and to obstruct lawful investigation of a critical election system defect.

99. Defendant Florida Supervisors of Elections, Inc. (FSE, Inc.) functioned as a coordinating entity in the perpetuation of VR Systems usage despite known systemic flaws. FSE, Inc. received payments from Florida counties—reimbursed in part through HAVA subgrants—for training sessions and election system implementation guidance. On information and belief, FSE, Inc. continued to promote VR Systems and hosted sessions attended by election officials while failing to disclose the existence of the No-No Ballot Bug. These actions served to normalize defective systems and dissuade local officials from whistleblowing or contract termination, making FSE, Inc. a knowing co-conspirator in the concealment and certification of materially false systems.

100. Defendant Evan Power, as Chairman of the Republican Party of Florida (RPOF), played a direct role in the concealment of the No-No Ballot Bug and in preserving VR Systems’ vendor status across Florida counties. On March 8, 2025, Power publicly stated that “The State of Florida has decided to not renew its contract with VR Systems,” while the false records issue was still ongoing and not publicly acknowledged by state officials. His advance knowledge of this policy decision, before any formal state communication, demonstrates his access to

nonpublic procurement discussions and evidences his participation in the suppression strategy.

101. Upon information and belief, Power participated in internal political conversations with State and County officials encouraging them to maintain VR Systems contracts during the 2024 and 2025 election cycles, despite credible complaints from candidates and public evidence of data anomalies. His coordination with Shutts & Bowen LLP and other political operatives helped insulate VR Systems and state election officials from scrutiny, while preserving the political status quo. Power's conduct constitutes an overt act in furtherance of a conspiracy to defraud the United States, by ensuring the continued flow of HAVA funds under materially false pretenses.

102. Evan Power's statements to RPOF officials that the State would not renew VR Systems' contract, made before those decisions were publicly announced by state officials, establish his access to internal State policy discussions and suggest that RPOF was actively involved in shaping election system vendor strategy in coordination with State officials and Shutts attorneys.

103. As set forth in detail in ¶¶ 27 through 29 above, Defendant Andrew Darlington, in his capacity as Chief of Election Crimes and Security, participated in a private, off-record Zoom meeting on December 2, 2024, with Florida attorney KrisAnne Hall and State Senate candidate John Siamas. The meeting was hosted

through a personal Zoom account, not recorded, and lacked public notice or formal documentation—circumventing Florida's Sunshine Law. During the meeting, complaints concerning fraudulent ballot activity involving the VR Systems “No-No Ballot Bug” were relayed to Darlington but received no follow-up, acknowledgment, or referral. These acts, already described in the factual section, constitute an overt act in furtherance of the Defendants’ conspiracy to suppress public disclosure of software defects material to the continued flow of federal election assistance funds.

104. On February 28, 2025, Relator submitted a sworn criminal complaint and formal request for a grand jury investigation to DeSantis-appointed State Attorney Bruce Bartlett, of Florida’s Sixth Judicial Circuit. The submission included: (1) Relator’s own falsified voter record; (2) an original VR Systems email confirming the true date of his mail ballot request; (3) a spreadsheet identifying 411 other Gulfport voters whose records also reflected false entries; and (4) a criminal complaint already filed with the Gulfport Police Department. Despite possessing this comprehensive evidence package, Bartlett took no action to investigate, prosecute, or refer the matter to a grand jury, and his office did not even acknowledge receipt of the filing. Bartlett’s failure to act—despite clear jurisdiction and statutory obligations under Florida election law—further supports the allegation that State enforcement officials actively participated in a coordinated

conspiracy to suppress disclosure of the No-No Ballot Bug and shield VR Systems and political actors from scrutiny.

105. Florida’s election systems infrastructure operates within a consolidated structure of executive, legislative, and partisan control. The DeSantis administration, through supermajority legislative power and sole-sourced elections technology procurement, maintained operational dominance over the state’s electoral and law enforcement apparatuses. This structure enabled the suppression of software defect disclosures, discouraged investigative independence, and centralized decisions about contractor protection and fraud oversight.

106. These facts, taken together—including those described in ¶¶ 27–29, 46–51, and 99—demonstrate a coordinated effort across multiple actors, including law firms, state election officials, election contractors, and prosecutors, to suppress public disclosure, investigative oversight, and whistleblower activity. This network exercised control over complaint pathways, records access, and institutional responses across Florida’s election infrastructure. These coordinated efforts enabled the concealment of known defects in VR Systems software and preserved the appearance of lawful compliance with federal election integrity standards, thereby sustaining the unlawful flow of federal HAVA funding under false pretenses.

107. On September 23, 2022, Peter Antonacci, Director of Florida’s Office of Election Crimes and Security, died suddenly in the Governor’s office shortly after reportedly referring an election fraud matter to state law enforcement. As noted in ¶¶ 53–54, this occurred during a critical window when VR Systems-related complaints had begun circulating to state officials and press outlets, and as Relator was preparing to submit disclosures to the FBI and Florida prosecutors. While Relator does not allege any causal connection, the timing of Antonacci’s death contributed to a chilling effect on internal investigation and further disclosure of election software vulnerabilities.

108. The 2022 midterm election saw Republican candidate Anna Paulina Luna defeat former Department of Defense official Eric Lynn in Florida’s redistricted 13th Congressional District. As set forth in ¶¶ 55–57, this federal race was administered under VR Systems software platforms, which were subject to the same systemic defects, field manipulation vulnerabilities, and state-level concealment described throughout ¶¶ 12–30 and ¶¶ 44–80.

109. In this context, the State’s interest in avoiding scrutiny of the “No-No Ballot Bug” and associated metadata anomalies was heightened by the risk that exposing these defects would delegitimize certified election results, undermine the legal basis for district-level outcomes, and trigger refund or claw back obligations under federal grant law. As noted in ¶¶ 25, 27–30, and 44–51, multiple actors took

deliberate steps to downplay, dismiss, or deflect attention from these defects, reinforcing the inference of a coordinated suppression effort aimed at protecting election legitimacy and continued federal funding.

110. The State- and County-published VBM data records themselves now prove that “Y” values can be flipped to “N” values, and that ballot order date/timestamps can be falsified within VR Systems’ software and IT infrastructure. As established in ¶¶ 15, 25, 46, 50, and 71, this demonstrates systemic tampering at the source of the mail ballot supply chain, and that every downstream process—ballot printing, delivery, signature verification, counting, and audit—relies on tainted and untrustworthy data.

111. If one can hack the vote-by-mail supply chain at its source—specifically, within VR Systems’ Voter Focus and EViD platforms—then every ballot derived from that tampered record is presumptively invalid. As described in ¶¶ 15, 50, and 71–72, the entire downstream election ecosystem is contaminated. These records constitute the digital foundation upon which HAVA funding decisions are made and certified. Their falsification fatally compromises trust, certification, and legal compliance, triggering a collapse of the funding eligibility structure under federal law.

112. As a direct and foreseeable consequence of the Defendants’ coordinated conspiracy to defraud the United States, both Relator and the federal government

sustained measurable injuries. Relator suffered reputational harm, legal expense, emotional distress, and professional disruption, as detailed in ¶¶ 25, 50–52, and 109. The United States was defrauded into disbursing federal HAVA funds to election jurisdictions based on materially false certifications of system compliance, and is entitled to treble damages and civil penalties under 31 U.S.C. § 3729(a)(1)(C).

COUNT III

Civil RICO Conspiracy – 18 U.S.C. § 1962(d)

(All Defendants)

113. Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

114. To state a claim for civil RICO conspiracy under 18 U.S.C. § 1962(d), Relator must establish:

- a. That two or more persons agreed to conduct or participate, directly or indirectly, in the affairs of an enterprise;
- b. That the enterprise affected interstate commerce;
- c. That the objective of the conspiracy was to engage in a pattern of racketeering activity, which includes at least two predicate acts as defined in 18 U.S.C. § 1961(1);

- d. That each defendant knowingly agreed to further the scheme and its unlawful goals; and,
- e. That the Relator sustained injury to business or property as a direct result of the racketeering conspiracy.

115. To satisfy the “pattern of racketeering activity” requirement under 18 U.S.C. § 1961(5), a plaintiff must allege at least two predicate acts of racketeering occurring within a 10-year period. Here, Defendants committed not two, but thousands of separate predicate acts spanning a four-year period from 2022 through 2025—well within the statutory window, and of a scale and magnitude that dwarfs the legal minimum.

116. The racketeering acts committed by Defendants include, but are not limited to:

- a. Wire Fraud (18 U.S.C. § 1343): including the electronic transmission of knowingly falsified vote-by-mail records, voter identification flags, and ballot request timestamps to candidates, government officials, and federal funding authorities, as well as the submission of false invoices and certifications through electronic means to obtain HAVA funds;
- b. Obstruction of Justice (18 U.S.C. § 1505): including the strategic filing of motions to stay discovery, dismiss lawsuits, and suppress evidence through

misleading pleadings and procedural delay, all to prevent disclosure of the No-No Ballot Bug and its ramifications;

- c. False Statements (18 U.S.C. § 1001): including knowingly false representations made in federal court, such as Greg Schwinghammer’s statements on March 31, 2025, denying the meaning of the “N” designation despite authoritative documentation to the contrary;
- d. Fraudulent Concealment: by hiding the existence and scope of the VR Systems software defect from state agencies, federal funders, and litigants—even as multiple officials acknowledged it behind closed doors;
- e. Witness Tampering and Intimidation (18 U.S.C. § 1512): including the suppression of whistleblowers through informal intimidation, improper call terminations, and failure to record formal complaints, all to chill disclosure and isolate the Relator.

117. Taken together, Defendants engaged in no fewer than 1,120 discrete predicate acts of racketeering activity arising from the publication and republication of knowingly falsified vote-by-mail (VBM) reports. This includes over 170 separate publications by Pinellas County alone across the August 2024 primary, November 2024 general, and March 2025 municipal elections. On June 23, 2024—the day of the mass spike—Pinellas published VBM reports showing that over 95% of all ballot requests were flagged as invalid (“N”), based on

knowingly falsified identity data. That same statistical anomaly occurred again on September 9, 2024 during the general election, with over 95% “No-No Ballots” appearing once more in official daily records. Miami-Dade County also experienced a massive spike during the June 23–26, 2024 period, culminating in at least 57 knowingly false VBM publications. These two counties alone account for more than 225 predicate acts. Adding in the daily false reports published during the April 2025 special elections in eleven counties (627 predicate acts), along with false republications by the Florida Division of Elections and targeted counties such as Palm Beach, the number of predicate acts stemming from VBM publications exceeds 1,100, even under the most conservative estimates.

118. But the conspiracy did not end with falsified reports. It extended directly into the United States Treasury. From 2022 through April 2025, Defendants caused the submission of no fewer than 2,084 false claims for federal reimbursement under the Help America Vote Act (HAVA). These included approximately 2,048 county-level invoices and at least 36 submissions by the Florida Department of State to the U.S. Election Assistance Commission. Every one of these claims was submitted electronically, and every one falsely certified that the underlying election data and systems were secure, reliable, and legally compliant—when Defendants knew otherwise. Each of these constitutes a separate act of wire fraud under 18 U.S.C. § 1343 and a standalone predicate act under 18 U.S.C. § 1961(1).

119. The result is a staggering criminal architecture operating under color of law: over 3,200 discrete predicate acts—coordinated through state agencies, manipulated through private contractors, concealed by court officers, and insulated by corrupted legal process. This is not an accident. This is a systemic, top-down, public-private racketeering enterprise functioning as a continuing unit for the express purpose of concealing fraud, suppressing investigation, misleading courts, and drawing millions in unlawful federal funds—all while falsifying the official election records of the United States.

120. This conduct fits squarely within what Congress intended to eliminate through civil RICO. The enterprise here was not abstract. It had structure. It had purpose. It had command. It included state attorneys, county supervisors, court counsel, government agencies, and corporate actors all knowingly working toward the same illegal end: to protect the No-No Ballot Bug by any means necessary.

Civil RICO Defendant Roles and Predicate Acts Summary

121. **Ron DeSantis, Governor of Florida:** DeSantis exercised top-down command and control over Florida's election enforcement apparatus. He received direct whistleblower complaints, retained oversight of the Office of Election Crimes and Security, and declined to direct Andrew Darlington, Cord Byrd, or Maria Matthews to investigate or decertify the software after credible reports. His administration allowed continued submission of false HAVA certifications despite

known violations. DeSantis enforced systemic suppression through key appointees and failed to act despite knowledge of the scheme, enabling racketeering activity.

122. **VR Systems and CEO Mindy Perkins:** Perkins oversaw the deployment and concealment of the “No-No Ballot Bug” in the VR Systems platform. Despite knowing the defect falsified voter metadata, she certified the system as compliant with federal standards. Her company accepted state and HAVA funds under false pretenses, knowingly submitted fraudulent reports, and participated in the cover-up across four elections.

123. **Cord Byrd - Florida Secretary of State:** Byrd was responsible for overseeing the publication of VBM records and certifying election system compliance. He failed to act on widespread evidence of falsified data. As part of DeSantis’s executive chain of command, Byrd contributed to the continued false certification of system integrity and obstructed disclosure of the software defect.

124. **Maria Matthews - Director, Florida Division of Elections:** Matthews supervised VR Systems contracts, managed HAVA reimbursements, and allowed publication of knowingly false metadata statewide. Her office received whistleblower complaints and direct warnings yet allowed the falsified data to continue circulating through the election cycles of 2024 and 2025.

125. **Andrew Darlington - Chief of Election Crimes and Security:** Darlington personally received two whistleblower reports—from John Siamas and Relator—

and failed to initiate any investigation. He hung up on Relator during a March 4, 2025 phone call after being informed of a formal criminal complaint. He also participated in an off-record December 2, 2024 Zoom call used to neutralize and suppress candidate John Siamas' allegations. These acts constitute obstruction and misuse of official position to conceal a material election system defect.

126. **Bruce Bartlett - State Attorney, Sixth Judicial Circuit:** Bartlett received a comprehensive criminal complaint package (including records, data, and official emails), yet took no action to investigate or refer the matter to a grand jury. His office ignored jurisdictional duty and failed to even acknowledge Relator's filing. His inaction directly suppressed legal consequences for the fraud and protected participants from prosecution.

127. **Julie Marcus - Pinellas County Supervisor of Elections:** Marcus's office republished up to 171 false VBM reports containing millions of falsified voter records. She declined to respond to a formal pre-certification ballot challenge identifying over 411 ballots lacking ID verification with a fake ballot request date of January 11, 2025, including Relator's own VBM record. She allowed certification of false records and obstructed administrative review.

128. **Matt Smith - General Counsel to PCSOE:** Smith witnessed the formal ballot challenge from Relator in March 2025, but took no action. He remained

silent despite direct notice of systemic defects, thereby enabling the republication and concealment of fraudulent voter data.

129. **Wendy Link - Palm Beach County Supervisor of Elections:** Link oversaw the continued republication of VBM reports affected by the No-No Ballot Bug and allowed and directed retroactive data alteration (flipping “N” back to “Y”) to conceal prior defects. She allowed litigation defense to be built on knowingly false representations made on her behalf in open court.

130. **William Stafford - Special Counsel, Florida AG’s Office; Defense counsel for DeSantis, Byrd, Darlington:** Stafford filed court pleadings obstructing discovery of the software defect despite his clients’ direct exposure to whistleblower complaints and admissions from Keefe and others. He coordinated the litigation suppression strategy for senior state officials, helping shield them from discovery and audit, while using government resources to defend them all.

131. **Greg Schwinghammer - Attorney, Gunster Law Firm; Defense Counsel for Wendy Link and Palm Beach County Canvassing Board:** On March 31, 2025, in open court, Schwinghammer falsely told a judge that the “N” identity flag in VBM records meant “null” or “not registered,” contrary to Florida’s own DS-DE 145 form. He had prior receipt of documentation from Relator showing the correct statutory definition. This constituted an overt act of obstruction of justice and material misrepresentation under color of law.

132. **Andrew Keefe - Counsel for PCSOE:** Keefe defendant Marcus and Smith against Relator's election fraud complaints for 7 months, then finally admitted in a March 12, 2025 call with Relator that the issue was all along a "known VR Systems issue" requiring a "patch." Despite this, he continued to litigate against Relator and took no steps to inform courts or federal authorities. His concealment materially advanced the enterprise's goals of suppressing software defect disclosure.

133. **Benjamin Gibson - Counsel for VR Systems CEO; General Counsel to RPOF; Partner at Shutts & Bowen LLP; AG Transition Team Member:** Gibson filed obstructionist motions on behalf of Perkins and directed litigation strategy across multiple fronts. His firm coordinated with state actors and political operatives to halt discovery and protect VR Systems and Perkins. He used his partisan and institutional influence to suppress audit trails and avoid compliance consequences, furthering racketeering goals.

134. **Evan Power - Chairman, Republican Party of Florida** - Power publicly disclosed that the State would not renew VR Systems' contract while false data continued to circulate, revealing insider knowledge. He used political leverage to discourage disclosure by county officials and to isolate whistleblowers. His actions helped preserve fraudulent contracts and conceal the scale of system noncompliance.

135. **Shutts & Bowen LLP - Outside litigation counsel for Mindy Perkins and**

VR Systems: Shutts attorneys filed motions to stay discovery and dismiss fraud complaints while in possession of internal acknowledgments of the software defect. They participated in a coordinated legal defense strategy to shield the enterprise from exposure. Their actions constitute obstruction and abuse of process in furtherance of racketeering.

136. **Florida Supervisors of Elections, Inc. – A non-profit election officials’**

training organization: Accepted HAVA-funded payments from state and counties, promoted continued use of VR Systems despite systemic failures, and discouraged public disclosures or contract termination. Acted as a coordinating entity within the enterprise.

137. These acts demand the full application of civil RICO remedies—including treble damages, equitable relief, and any other penalties necessary to dismantle this criminal enterprise and hold its architects accountable under federal law.

138. Moreover, this conspiracy falls squarely within the scope and intent of **Executive Order 14248**, signed by the President on March 25, 2025, declaring a national emergency to confront systemic threats to the integrity of federal elections. The Defendants’ coordinated publication of knowingly falsified election records, obstruction of judicial review, suppression of candidate whistleblowers,

and submission of over 2,000 false claims for federal funds constitutes not merely fraud, but a direct and sustained assault on national sovereignty. These acts mirror, line for line, the domestic subversion Executive Order 14248 was enacted to dismantle: a multi-year scheme to weaponize government records, disable oversight, and siphon public funds by corrupting the chain of electoral legitimacy at its source.

139. This is no longer a matter of local malfeasance. It is a matter of national security. The scale of the racketeering enterprise—spanning more than 3,200 predicate acts across multiple jurisdictions—triggers a full-spectrum federal response. The Department of Justice may initiate immediate prosecution under federal civil RICO and False Claims Act authority. The Attorney General may seek emergency injunctive relief and forfeiture of fraudulently obtained assets.

140. The Federal Bureau of Investigation is empowered to deploy counter-corruption task forces and digital forensics teams to secure election data and seize records and communications used in furtherance of the scheme.

141. The Department of Homeland Security, through the Cybersecurity and Infrastructure Security Agency (CISA), may invoke its authority over election infrastructure designated as critical to national defense, coordinating rapid breach response and forensic audit support.

142. The Department of Government Efficiency (DOGE) is authorized to audit internal state systems for conflicts of interest, false certifications, and violations of federal compliance.

143. And the Federal Election Assistance Commission (FEAC), operating under the Executive Order, may suspend reimbursements, decertify systems, and refer violations for criminal enforcement.

144. Together, these agencies form the lawful spine of Executive Branch enforcement. Their mandate, in this case, is clear: to identify, expose, and dismantle a domestic racketeering operation embedded inside a rogue state election administration network. The factual record established in this Complaint does not merely justify relief—it demands decisive federal action.

145. The racketeering enterprise alleged in this Count directly harmed both the United States and the Relator. The United States sustained financial injury through the disbursement of tens of millions of dollars in federal HAVA reimbursements to state and county officials who knowingly submitted false certifications as part of the scheme. In total, Defendants submitted no fewer than 2,084 separate false claims for reimbursement, triggering estimated federal losses exceeding \$65 million.

146. Separately, Relator suffered quantifiable harm to business and property by being compelled to spend thousands of uncompensated hours over the course of at

least nine months investigating, litigating, and attempting to remedy the fraud. These efforts included filing precursor lawsuits, preparing evidentiary packages, engaging public officials, legal research, and analyzing falsified metadata—diverting significant time and labor away from Relator’s normal professional obligations and his Gulfport Mayoral campaign. As a result, Relator suffered financial injury directly caused by Defendants’ obstruction and fraudulent concealment, constituting an injury to property under 18 U.S.C. § 1964(c).

VII. PRAYER FOR RELIEF

WHEREFORE, Relator, on behalf of the United States and in his individual capacity, respectfully requests that the Court enter judgment in favor of the United States and against Defendants, jointly and severally, and award the following relief:

- A. Treble damages pursuant to 31 U.S.C. § 3729(a)(1), based on an estimated \$65.4 million in falsely obtained HAVA reimbursements disbursed since 2022, resulting in total statutory exposure preliminarily estimated to exceed \$196 million under the False Claims Act, subject to proof at trial;
- B. Treble damages pursuant to 18 U.S.C. § 1964(c) for injuries sustained as a result of Defendants’ pattern of racketeering activity, in an amount preliminarily estimated to bring total exposure above \$431 million, subject to proof at trial;

- C. Civil penalties for each false claim submitted, as provided by 31 U.S.C. § 3729(a), in an amount adjusted for inflation;
- D. Equitable disgorgement or restitution of all profits, reimbursements, and benefits unlawfully obtained by Defendants in connection with the false claims and fraudulent certifications;
- E. An award to Relator of the maximum allowable share of any recovery, including damages, penalties, and settlement proceeds, pursuant to 31 U.S.C. § 3730(d), and treble damages under 18 U.S.C. § 1964(c) for injuries sustained individually;
- F. An award of reasonable attorneys' fees, costs, and expert witness fees as provided under the False Claims Act and applicable RICO provisions;
- G. An order referring this matter to the U.S. Department of Justice and the Election Integrity Task Force created under Executive Order 14248 for potential criminal investigation and enforcement;
- H. An order directing the U.S. Election Assistance Commission to conduct a full compliance audit of all HAVA funds disbursed to the State of Florida and its contractors since 2022, pursuant to EO 142485;
- I. Such other and further relief as this Court deems just, equitable, and in the public interest.

VIII. DEMAND FOR JURY TRIAL

Relator demands a trial by jury for all issues so triable.

Dated: April 6, 2025

Respectfully submitted,

/s/ John W. Liccione

John William Liccione, Relator

Pro Se

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A handwritten signature in black ink that reads "John W. Liccione". The signature is written in a cursive style with a large, looping initial "J".