

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

THE UNITED STATES OF AMERICA,

No. 1:25-CV-01481 (CB)

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA and
AL SCHMIDT, in his official capacity as
Secretary of the State of Pennsylvania,

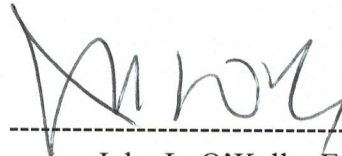
Defendants.

NOTICE OF MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE

PLEASE TAKE NOTICE that the undersigned attorney for proposed Amicus Curiae RealAmerica.Vote (RAV) moves pursuant to Local Rule 7 for an Order granting RAV leave to appear and file the annexed amicus brief with exhibits submitted herewith in the above-captioned action and to participate in any oral argument regarding same.

All parties received timely notice of the filing of the annexed brief via the PACER filing system and counsel affirms that no counsel for any party authored this brief in whole or part and that no person or entity other than amicus curiae made a monetary contribution to fund the preparation and submission of the annexed brief.

Dated: Nassau County, New York
November 24, 2025



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Defendants.

**BRIEF OF AMICUS CURIAE REALAMERICA.VOTE IN
SUPPORT OF THE UNITED STATES OF AMERICA**

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Defendants.

**MEMORANDUM OF LAW SUBMITTED
ON BEHALF OF REALAMERICA.VOTE, *AMICUS CURIAE***

This memorandum of law is submitted on behalf of non-party RealAmerica.Vote (RAV) in support of RAV's motion for leave to appear and argue *amicus curiae*.

RAV is a 501(c)(3) corporation whose mission is to secure legitimate representative government through research, education and litigation. RAV collaborates with groups and individuals, sharing that interest, who have performed studies of Pennsylvania's statewide voter list, written formal reports and white papers documenting election irregularities within that list, circulated petitions demanding reform, instituted public education campaigns regarding documented election irregularities using websites, the media and billboards, verified suspected election irregularities through canvassing, and filed lawsuits attempting to redress the volumes of noncompliant records discovered therein. RAV's intent in filing this brief *amicus curiae* is to bring these documents to the court in support of Plaintiff's demand for the comprehensive Pennsylvania statewide voter list, as *none* of them have been redressed by Defendants.

Only by granting Plaintiff United States’ request is there any hope of answering the countless material questions about the eligibility of registered voters and the authenticity of their recorded votes—questions Defendants have utterly failed to acknowledge or address. Each one must be resolved using the comprehensive records of each improperly recorded voter including Social Security numbers, Driver License numbers, and other personal identifying information (PII) currently in possession of Defendants.

RAV has requested leave to file this Memorandum of Law *amicus curiae* as the Petitioner has not raised these known violations within Pennsylvania’s statewide voter list in support of their request. Certain of these reports and lawsuits are annexed herein as exhibits for the court to review.

Also, only RAV, a *citizen* organization, can speak to the willful deafness and blindness of Defendants to the violations reported within their records by their constituents. Only RAV can beg this court to honor the purpose of dual-government, that “the power surrendered by the people is first divided between two distinct governments...Hence a double security arises to the rights of the people.”¹ Senator Rufus King noted in 1788, during the ratification debates, that if elections were not fair, “the Union might be dismembered and dissolved without a constitutional power to prevent it.”² Because the Constitution “is an act of the people, and not of the states in their political capacities,”³ and Defendants have denied and ignored citizen efforts seeking redress of election violations, there is no one left citizens can turn to but Plaintiff to seek enforcement of their “first, grand right...that of the people having a share in their own

¹ Madison, James. Federalist 51

² Massachusetts Ratifying Convention, Jan. 1788, remarks of Rufus King regarding the necessity of dual authority over federal elections ultimately ratified in Article 1 § 4.

³ Story, Joseph, Commentaries on the Constitution § 463 (1833)

government by their representatives chosen by themselves, and...being ruled by laws, which they themselves approve, not by edicts of men over whom they have no control.”⁴

As set forth below and in our exhibits, Pennsylvania’s statewide voter list is not compliant with the Composition Clause of the US Constitution, federal and state election laws, critical infrastructure requirements, and national security standards while in the custody of Defendants. One of the two governments citizens must rely on for the security of natural rights has failed; this court must allow Plaintiff access to the records it needs to step in and protect the people.

Background/Chronology

Pennsylvania’s statewide voter list is the official list of “legally registered voters”⁵ and voter participation history for the Commonwealth regarding all federal elections. This database is part of critical national security infrastructure, and therefore subject to federal data integrity and security standards established by the Federal Information Security Modernization Act of 2014 (FISMA).

Among the numerous, well-documented election irregularities discovered within the Pennsylvania statewide voter list that were dismissed, ignored, attacked and/or suppressed by the Defendants from April 21, 2021 to the present are:

- Analysis of the Official Voter History Files from the SURE System reveals that Pennsylvania received and counted more than 121,000 ballots that cannot be

⁴ “Letter to the Inhabitants of Quebec,” October 1774. Retrieved on October 18, 2025 from <https://www.americanhistorycentral.com/entries/first-continental-congress-letter-to-the-inhabitants-of-the-province-of-quebec/>

⁵ Help America Vote Act, 52 U.S.C. § 21083(a)(1)(A)

attributed to a voter, in the 2020 general election. Reconciliation of the number of voters with the number of ballots cast is required at every precinct polling place (25 Pa. § 3031.13). (**Ex. 1**)

- As of October 17, 2022, a shocking 249,000 unverified mail ballots for the 2022 general election had been sent to applicants who provided invalid identification or no identification at all at the time of registration, placing an impossible burden of real-time mass-verification of voters on local polling site inspectors and workers. (**Ex. 2**)
- Various NGOs have been given access to the backend of the Pennsylvania online voter registration system via API, meaning they have been given unfettered access to read, write and edit critical national security data without statutory authority. The API is an interface through which an external web application can view, write, edit and submit voter registration data. One of the organizations offers download of their registration app, which feeds directly into the Pennsylvania statewide database, on the Google Play store. These practices have not been assessed within a requisite Risk Management Framework (RMF), nor has the unperformed RMF been reviewed by the Cybersecurity Information Security Agency (CISA), resulting in a Level 4 “Severe”⁶, “Total Loss of Control” cyber incident⁷ of the SURE system, in violation of national critical infrastructure information security⁸ controls as described within

⁶ https://www.cisa.gov/sites/default/files/2023-01/cisa_national_cyber_incident_scoring_system_s508c.pdf

⁷ 44 U.S.C. § 3552(b)(2)(A) “The term “incident” means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information or an information system.”

⁸ 44 U.S.C. §3552(b)(3)(A) “The term “information security” means protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity.”

the Federal Information Security Modernization Act of 2014 (FISMA, 44 U.S.C. § 3551, *et seq.*). (**Ex. 3**)

- As many as 35% of homes canvassed after the 2020 general election reported having votes counted from their address that were attributed to voters the resident was not familiar with. (**Ex. 4**)
- While serving then-candidate Ruth Moton, an authorized poll watcher was refused her statutory right to view the numbered list of voters on behalf of Moton, on the day of the 2022 general election. A judge of elections in Delaware County consulted with an election official who insisted the list be hidden from the poll watcher. (**Ex. 5**)
- A lawsuit filed in 2024 by Moton and other plaintiffs against Defendant Schmidt (**Ex. 6**) alleged serious registration and voting violations in the 2022 general election, as extracted from the Pennsylvania statewide voter list, including:
 - i. 2,001 votes counted from registrations whose date of birth was inexplicably edited;
 - ii. 138,291 votes counted from registration records that were inexplicably deleted within the 22-month election record retention period required by NVRA;
 - iii. 28,791 votes counted from registrants whose dates of registration and birth are less than 17 years apart, the statutory minimum age of registration in Pennsylvania;
 - iv. 234,726 votes counted from voters registered on January 1st between the years of 1801 and 2022, which are obviously false dates.

- v. 32% of all registrations lacked data required to properly assess eligibility under state law,⁹ and/or contained invalid or false data,¹⁰ at the time the 2022 general election was certified as true and accurate.
- vi. 20% of the votes counted in the Pennsylvania 2022 general election, certified as true and accurate, lacked data required to properly assess eligibility under state law, and/or contained invalid or false data. Justin Levitt, the top attorney in the US Department of Justice Voting Rights Division under Biden, says, “by definition, the only votes to be counted are those for which no reasonable decision maker would have a substantial question about the voter’s eligibility... A tiny slip of the finger during data entry, changing a birth year from 1987 to 1997, makes a twenty-five year old look fifteen—and ineligible to vote. A big mistake, such as leaving the date of birth entirely blank, yields a similar question about eligibility.”¹¹

Not one of these legal violations was disputed by the Defendants on their merits, effectively conceding all of them. Now Defendants seek to evade not merely citizens validating Defendants’ work product, but the United States itself.

Argument

I. DEFENDANTS ARE OFFICERS OF CONGRESS WHEN THEY ADMINISTER CONGRESSIONAL ELECTIONS, AND CANNOT WITHHOLD FEDERAL RECORDS FROM FEDERAL SCRUTINY

⁹ 52 U.S.C. § 10101(a)(2)(B) “No person acting under color of law shall deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, *if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election.*” (emphasis added)

¹⁰ See footnotes 7 & 8, *supra*.

¹¹ Levitt, Justin, Resolving Election Error: The Dynamic Assessment of Materiality (February 19, 2012). 54 William & Mary Law Review 83 (2012), Loyola-LA Legal Studies Paper No. 2011-27, Available at SSRN: <https://ssrn.com/abstract=1477663> or <http://dx.doi.org/10.2139/ssrn.1477663>

The ratification debates were impassioned regarding how to elect Congress. The framework of the new government having been designed for “ambition to counter ambition,”¹² states were wary of encroachments on their sovereignty. While it was agreed that states would run the elections, Madison added they must be, “subject to the control of the general government, in order to enable it to produce uniformity, and prevent its own dissolution.”¹³

That was the end of the matter until the Reconstruction Era. The cost of attempted dissolution in the Civil War was enormous, and devastating; preventing future disloyalty via election misconduct became federally enforceable. Detailed passages of law left no question about the federal accountability of election officers in registering voters:

“It shall be the duty of the supervisors of election...to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a representative or delegate in Congress, and to challenge any person offering to register...and verify the same; and...to personally inspect and scrutinize such registry, and for purposes of identification to affix their or his signature to each and every page of the official list, and of each and every copy of any such list of registered voters, at such times, when any such name may or shall be received, entered, or registered, and in such manner as will, in their or his judgment, detect or expose the improper or wrongful removal therefrom, or addition thereto, of any name or names.”¹⁴

A case from Indiana settled any remaining doubt about whether state election officials operated independent of federal scrutiny. Election officials had conspired to steal a local race which shared the ballot with a congressional election. Conceding their guilt, the officials tried to avoid federal charges by arguing that they had committed no crime against Congress. The Supreme Court disagreed, stating:

¹² Hamilton, Alexander or Madison, James. (1788). *Federalist No. 51: The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments*. Washington, D.C.: Library of Congress. Retrieved February 17, 2025 from <https://guides.loc.gov/federalist-papers/text-51-60>.

¹³ Elliot, Jonathan, ed. *The Debates in the Several State Conventions on the Adoption of the Federal Constitution as Recommended by the General Convention at Philadelphia in 1787*. . . . 5 vols. 2d ed. 1888. Reprint. New York: Burt Franklin, n.d.

¹⁴ Second Enforcement Act (1871), Statutes at Large, ch. 22, 17 stat. 13 § 20.

"It is, perhaps, since the decision in *Ex Parte Clarke*, 100 U. S. 399, past debate that **Congress has the power under the Constitution to adopt the laws of the several states respecting the mode of electing members of Congress**, and, as resulting from that power, the right to prescribe punishment for infractions of the laws so adopted. This Court has held more than once that Congress...has adopted these laws, and, with them, the officers created under them, **making them for the purposes of the election of representatives in Congress its officers.**" *In re Coy*, 127 U.S. 731 (1888) (emphasis added)

The election officials went to federal prison, and the election laws of each state were recognized as adopted by Congress, enforceable in federal court. The current edition of the Department of Justice publication, *Federal Prosecution of Election Offenses*, says, "Coy is still good law."¹⁵ Defendants maintain the statewide voter list on behalf of the federal government.¹⁶

The Court in *U.S. v. Classic*, 313 U.S. 299 (1941) confirmed that state election officials have a constitutional obligation to ensure that elections are conducted honestly and lawfully. In *Anderson v. United States*, 417 U.S. 211, 227 (1974), the Court found that election law infractions erode public confidence and violate federal law, necessitating stringent enforcement.

The statewide voter list Plaintiffs request from Defendants is *already the property of Plaintiffs*; to claim otherwise is to make all federal power, and the concept of Natural Rights itself, subject to the whim of a single election official who may have a political axe to grind. We are here reminded of Hamilton's sage observation, "If men were angels, no government would be necessary."¹⁷

II. BOTH PARTIES ARE SUBJECT TO THE GUARANTEE CLAUSE; BOTH PARTIES MUST BE SATISFIED THAT PENNSYLVANIA'S STATEWIDE VOTER LIST IS SECURED AGAINST INVASION,

¹⁵ *Federal Prosecution of Election Offenses*, Eighth Edition (2017). Washington, D.C.: Department of Justice, Public Integrity Division. Retrieved on February 17, 2025 from <https://www.justice.gov/criminal/file/1029066/dl>

¹⁶ 52 U.S.C. § 21083(a)(1)(A)(viii)

¹⁷ Hamilton, Alexander or Madison, James. (1788). *Federalist No. 51: The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments*. Washington, D.C.: Library of Congress. Retrieved February 17, 2025 from <https://guides.loc.gov/federalist-papers/text-51-60>.

**AND FULFILLS THE PROMISE OF REPUBLICAN
GOVERNMENT IN EVERY STATE AND TO EVERY CITIZEN**

Article 4 § 4 grants that, “The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion.” Madison addressed this in Federalist 43, “The only restriction imposed on (States) is, that they shall not exchange republican for anti-republican Constitutions.” His added concern about election misconduct was raised in the 14th Amendment debates nearly 100 years later, “by this amendment a remedy might be given directly for a case supposed by Madison, where treason might change a State government from a republican to a despotic government, and thereby deny suffrage to the people.”¹⁸ When Defendants withhold federal election records from federal oversight, they deny suffrage to all in demanding that Pennsylvania and the nation take their word for it. And yet, “the right of suffrage is very justly regarded as a fundamental article of republican government.”¹⁹ Defendants are federalized and answerable to the Guarantee Clause, as is Plaintiff. The Guarantee Clause is not optional. While Plaintiff strives to uphold the promise, Defendants defy it, but champion themselves as defenders against federal “overreach.”

When protection against invasion was promised, no Framer conceived of electronic databases storing voter registration lists, protected as critical national security infrastructure. Cyber breaches, electronic voting systems and synthetic identity theft were so far in the future as to be unimaginable. And yet, today the Pennsylvania statewide voter list is a digital record inside of what is required to be an impenetrable cybersecurity fortress defending national sovereignty, because it controls access to Congress. Among the attached supplements to this *amicus curiae* is

¹⁸ *Oregon v Mitchell*, 400 U.S. 112 (1970).

¹⁹ Madison, James. (1788). *Federalist No. 52: The House of Representatives*. Washington, D.C.: Library of Congress. Retrieved February 17, 2025 from <https://guides.loc.gov/federalist-papers/text-51-60>.

a white paper describing a national security breach of the database via direct API access through an app available in the Google Play store for download. In other words, Defendants have allowed uncontrolled read, write and edit access to the very list they refuse to provide to Plaintiffs, constituting a Total Loss of Control *digital invasion*²⁰ that directly imperils the Guarantee of republican government in Pennsylvania. Plaintiff seeks access to Pennsylvania's comprehensive statewide voter list in order to scrutinize it and right this egregious wrong; Defendants' purpose in obstructing Plaintiff's access can only be surmised.

III. DEFENDANTS HAVE DENIED, IGNORED, EXCUSED AND ATTACKED MASSIVE *PRIMA FACIE* VIOLATIONS OF LAW EVIDENCED WITHIN PENNSYLVANIA'S STATEWIDE VOTER LIST, LEAVING PLAINTIFFS AS THE ONLY REMAINING BULWARK AGAINST TYRANNY FOR PENNSYLVANIA'S 13 MILLION CITIZENS

It is an unfortunate truism of government that "enlightened statesmen will not always be at the helm."²¹ In order to secure the rights of the people, the federal government must simultaneously protect, and protect against, the States. "There were two separate and independent governments established over our Union, one for local purposes over each State by the people of the State, the other for national purposes over all the States by the people of the United States. The whole power of the people, on the representative principle, is divided between them."²² In our unique system of ordered liberty, citizens belong equally to America itself as they do to any State, and have the right to be protected by the federal government should their state government err.

²⁰ See footnotes 7 & 8, *supra*.

²¹ Madison, James. (1788). *Federalist No. 10: The Same Subject Continued: The Union as a Safeguard Against Domestic Faction and Insurrection*. Washington, D.C.: Library of Congress. Retrieved February 17, 2025 from <https://guides.loc.gov/federalist-papers/text-1-10>

²² Monroe, James. (1822). *Views of the President of the United States on the Subject of Internal Improvements*. Retrieved February 17, 2025 from <https://press-pubs.uchicago.edu/founders/documents/preambles20.html>.

As demonstrated by Defendants' current and prior behavior, such is the case before this court. It is for this reason that RAV, a citizen organization, has a vested interest in seeing Plaintiff's necessary and proper request for the comprehensive voter registration records in Pennsylvania's statewide voter list granted. Defendants refuse to acknowledge or repair their failures in maintaining a legally compliant list of qualified, verified citizen voters on behalf of U.S. Congress, the people of Pennsylvania, and the country. "Should the people of any state by any means be deprived of the right of suffrage, it was judged proper that it should be remedied by the general government."²³ Defendants' records are not compliant with the Composition Clause, the principle therein of government by consent, and the reality that certification of an election grants the power of life and death to governors. Defendants' obstructionist refusal to provide federal election records to federal law enforcement demonstrates their intention to continue illegal election practices they have been advised of since 2021, usurping the right of the people to choose their representatives.

If Defendants are not ordered by this court to provide the requested federal election records to Plaintiff, ordered liberty will become a quaint memory. Courts nationwide have consistently ruled that citizens lack standing to petition for a fairly counted vote, precisely what prevented any of the egregious violations presented in the Moton et al lawsuit (**Ex. 6**) from being reviewed on the merits. In an insurmountable catch-22, arguments that votes are being diluted by fraud are always flawed: a single voter or candidate may be able to prove an injury, which is sad but in the past; if everyone's votes were diluted, then the violation was "uniform." Apparently, if everyone is murdered, no one is really dead, leaving Plaintiff as the only party left in the nation with the right to enjoin election administrators in defense of fair elections.

²³ See footnote 18, *supra*.

CONCLUSION

The evidence is clear: Pennsylvania's denial of comprehensive federal access to its cyber-breached, error-ridden, noncompliant voter roll has created an impermissible barrier to federal oversight, and directly contravenes the constitutional framework governing election integrity. The Commonwealth of Pennsylvania demands that citizens, and Plaintiff United States of America, accept their absolute godly authority in a faith-based election process, not a transparent or accountable one. Congress has federalized Defendant Schmidt, adopted Pennsylvania's election laws as its own, and authorized Plaintiff to uphold them. Pennsylvania's statewide voter list is a federal record. The Composition, Elections and Guarantee Clauses leave no room for state policies that conflict with federal requirements, and federal courts have consistently upheld the fundamental principle that states administer elections as a matter of federal law to preserve the integrity of democratic participation.

For the foregoing reasons, this Court should find that the Commonwealth of Pennsylvania is in violation of the Composition Clause, the VRA, NVRA, HAVA, the Elections and Guarantee Clauses, critical infrastructure requirements and national security standards, and order Defendants to provide Plaintiff access to the complete statewide voter registration list, and any further federal election records it may request.

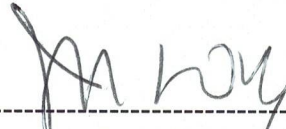
Dated November 24, 2025
Orange County, New York

Respectfully submitted,



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