

CASE# PND-2021-NAA-0704 AFFIDAVIT

FROM: _____

TO:

Kim Koppelman
Speaker of The House
Chairman of The House Judiciary Committee
Vice Chairman of The House Procedural Committee
513 First Avenue NW
West Fargo, ND 58078-1101
Kkoppelman@nd.gov

Randy Burckhard
President Pro Tempore of The Senate
Chairman of The Government Administration Committee
1837 15th Street SW
Minot, ND 58701-6158
Raburckhard@nd.gov

My local Senator _____

My local Representative _____

My local Representative _____

Notice by Affidavit

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

Notice by Affidavit:

Comes now Affiant, _____, one of the people (as seen in North Dakota's State Constitution and The Constitution of the United States of America), Sui Juris, in this Court of Record, present to you the following evidence and request that you and your agents may bring resolution:

Through the North Dakota Constitution Article XI, Section 4, and the 14th Amendment of the Constitution of the United States of America, you have sworn to protect the people and the Constitution. Both state and federal constitutions further explain that the people have the right to regulate their government. Therefore, when the people choose, there is a guaranteed right to reform, alter or abolish government, which you have thus sworn to support. The State of North Dakota is never defined or determined by the desires or will of the government officers, but by the people. The people gave you the title of trustees and servants and at all times you are to be accountable to the people. It is your legal duty to carry out the wishes of the people who granted you authority to handle the people's business.

Further, the people have power to require a redress of grievances as the government is created to carry out their will. When the government is functioning in a way that goes against the people's will and authority, the people are to correct their behavior and lead them in ways consistent with the Constitution and redress any grievances.

I, as one of the people, require your attention to the unconstitutional actions of: unverified election security, and a failure to respond to the people. These acts are in violation of the North Dakota Constitution, and the Constitution of the United States of America.

Specifically, they are in violation of the North Dakota Constitution;

Article I, Section 1 -- "defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness."

Article I, Section 2 -- "All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require."

Article I, Section 4 -- "Every man may freely write, speak and publish his opinions on all subjects, being responsible for the abuse of that privilege. In all civil and criminal trials for libel the truth may be given in evidence, and shall be a sufficient defense when the matter is published with good motives and for justifiable ends; and the jury shall have the same power of giving a general verdict as in other cases; and in all indictments or informations for libels the jury shall have the right to determine the law and the facts under the direction of the court as in other cases."

Article I, Section 5 -- "The citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the powers of government for the redress of grievances, or for other proper purposes, by petition, address or remonstrance."

Article I, Section 16 -- "Private property shall not be taken or damaged for public use."

Article II, Section 1 -- "The general election of the state shall be held biennially as provided by law. Only a citizen of the United States, who has attained the age of eighteen years and who is a North Dakota resident, shall be a qualified elector. When an elector moves within the state, he shall be entitled to vote in the precinct from which he moves until he establishes voting residence in another precinct. The legislative assembly shall provide by law for the determination of residence for voting eligibility, other than physical presence. No elector shall lose his residency for voting eligibility solely by reason of his absence from the state. The legislative assembly shall provide by law for secrecy in voting, for absentee voting, for administration of elections and for the nomination of candidates."

Article II, Section 3 -- "Only a qualified elector may vote in any general, special, or primary election for a federal, statewide, state legislative, district, county, township, city, or school district office, or for a statewide, district, or political subdivision ballot measure."

The most fundamental right of all citizens is that the government not remove our individual, inalienable, indefeasible rights. Our rights are the bedrock upon which America is founded. We the people provide for the very existence of governance through our joined voices and joint

agreement to taxation with representation. Elections are the quintessential expression of this. My vote is my personal intellectual property and my voice.

Through the exercise of our inalienable rights we are guaranteed the right to freely elect representatives and thereby to influence the direction that we, the body politic, take. It is our ability to effect our voice in the practice of secure elections, as guaranteed by the North Dakota Constitution, Article IV, Section 2, and the Fourteenth Amendment of the Constitution of the United States of America, that assures our right to secure the blessings of liberty. The North Dakota Constitution gives every qualified elector the right to require a statewide election audit.

I, as one of the People, declare that a full forensic audit of every county in the state be completed. My vote is my voice and the essential expression of my freedom.

We must be able to verify that the 1824 Missouri Doctrine "Once free, always free" remains true. It is a right of the people, as laid out in Section 2 of the Fourteenth Amendment that each individual member of the people has the express, inalienable right to a single, whole vote. The possibility that our vote has been reduced to something akin to the 1787 Three-Fifths Compromise must be addressed.

Accordingly, I as one of the people, direct that you must immediately do all things necessary to bring about a public, live-streamed, full and complete forensic audit, available to poll watchers, candidates or candidate representatives of any party to witness, which analyses:

All paper ballots (from the 2020 General Election and the pre-election system test ballots):

Kinematic forensic analysis (utilizing high speed, high definition, digital forensic police cameras, and optical character recognition) of paper ballots
Digital forensic analysis of ballot images both computer and human created, and any and all image codes,
Forensic analysis of the paper and the print system utilized

All possible ballots:

How many versions of ballots there were
How many of each version could be counted
How many of each version were counted
How the digital images of each affected the operation of the election equipment
Whether there was any forensic variation within each ballot version
Whether the handling of ballots altered the effect of the ballots' interaction with any election equipment

The tabulator tapes:

Kinematic forensic analysis of the tabulator tapes
A forensic analysis of their correlation to the equipment used, the software and the paper ballots

All equipment and software utilized before during and after the 2020 General Election:

IACIS CFCE certified computer forensic analysts to find, extract, analyze and document all electronically stored information found on the counting/tabulator machines, pollbook machines, disability abled machines, routers, thumb drives, SOS laptops, and any other equipment not listed

Forensic and kinematic analysis of all equipment used

The networks:

Full forensic network, and packet analysis of all connectivity

Credible, verifiable, true elections are the cornerstone of the democratic republic's indispensable political foundation woven throughout our constitutions. If you as trustees and servants of the people fail to act to direct these actions it is tantamount to repealing North Dakota Constitution Article 1 sections 2, 5, 9, 20 and 21 without the mandated vote of the people of the state.

Further it invalidates Article 1 section 23 which grants the people of North Dakota protection under the 9th and 10th Amendments to the US Constitution.

Please take note, a successful North Dakota Election Audit must seek to provide:

Verification that every ballot is legal and authentic

Verification that there are no illegal or inauthentic ballots

Verification that every legal, authentic ballot was correctly counted

Verification that the machines have had no changes that would decertify them

Verification that SOS claims regarding machines are true

Verification that machines have not communicated with any entity other than SOS employees, voters and SOS thumb drives

Verification that the machines are not hackable, in any manner either currently or in the future.

If any point is not verified, this fact and the exact reasons for it must be included in the full and complete, public release of audit results.

Elections in the United States of America and the State of North Dakota are promised by the government to be fair, free and transparent. One illegal vote is too many. One failure to follow election law is too many. One mathematical impossibility is too many. One discrepancy or shred of doubt is a crack in our foundation. Unfortunately, our foundation is now riddled with election based cracks.

Without trustworthy elections and unsullied representation, there is neither protection, nor security, nor benefit to the people of North Dakota in our government. Without free, fair, and transparent elections, there is neither the possibility for the people to express their will nor the opportunity to change their leaders, approve policies, address wrongs, or protest limitation of their natural rights which cannot be made void. Without true elected representation, we the people cannot support government authority. In the interest of the security and continuity of the State of North Dakota you, as trustees and servants of the people, must act.

This notice by affidavit is a Court of Record of the actions, abilities, and authorities of the State of North Dakota. Further, this is a legal declaration from the affiant, as one the people of North Dakota, regarding your duty as a representative of the people, under oath to protect the people and the Constitution of North Dakota. As servants and trustees of the people, it is your legal duty and hopefully your honor, to serve the people in this way.

If you, as a government official, believe that any of these claims are untrue, please respond within five days with the constitutional provisions, sworn under penalty of perjury, by affidavit, point by point, showing where you have the constitutional authority to ignore the rights of the people. If you do not respond within five days, you agree by acquiescence that you are knowingly interfering with the rights of one of the people you swore to protect and that this notice shall stand as evidence that you are acting against the people's constitutional interests and that no court shall have the power to again adjudicate these matters and all the Courts of Record shall accept this notice as truth and law. Any attempt to trample the people's rights after this notice will be considered a trespass with full knowledge and intent.

I hereby declare, certify and state, pursuant to the penalties of perjury, under the laws of the United States of America, and by the provisions of 28 U.S. Code § 1746 that all of the above and foregoing representations are true and correct to the best of my knowledge, information and belief.

Autograph of Affiant:

Executed in _____, North Dakota on

_____, 2021.

State of NORTH DAKOTA:

County of _____

On the _____ day of _____ in the year _____, before me,

the undersigned notary public, personally appeared _____,
personally known to me or proved to me on the basis of satisfactory evidence to be the
individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their
signature(s) on the instrument, the individual(s), or the person upon behalf of which the
individual(s) acted, executed the instrument.

_____ Notary Public