

ELECTRONICALLY FILED  
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CLERK OF THE SEDGWICK COUNTY DISTRICT COURT  
CASE NUMBER: 2022-CV-001607-OT

2. Completely separate from the Value Them Both Hand-recount efforts, according to firsthand information from **Rebecca Bassart**, the Cherokee County, Kansas Clerk, a hand-recount of a randomly selected race in the 2022 August 2<sup>nd</sup> Primary Election, was a Cherokee County Commission Race in which the hand-recount revealed that the exact number of votes reported for Candidate-A, were wrongly attributed to Candidate-B, and again, the exact number of votes reported for Candidate-B, were wrongly attributed to Candidate-A, ...a complete switch of the true election results.
3. The Cherokee County vote-switching problem was first uncovered approximately a full week after the Primary Election, on or about August 9<sup>th</sup>. The malicious virus was traced to a *"state-approved"* and *"state-inspected"*, thumb-drive, no different than all of the hundreds of election system thumb-drives used throughout the state of Kansas during the 2022 August 2<sup>nd</sup> Primary Election. Thumb-drives are typically used throughout Kansas to transfer data, from electronic voting machines, to the vote-tabulator.
4. When the virus was uncovered by a randomly chosen hand-count, instead of immediately sounding the alarm, and ordering the appropriate complete and immediate targeted re-inspection of all Kansas election system thumb-drives, and every voting machine and tabulator which a thumb-drive had come in contact with, a horrible cowardly decision was made to suppress and hide the facts, and instead, to call the undetected highly sophisticated vote-swapping virus, *"a thumb-drive malfunction"* even though it is impossible for a thumb-drive, in and of its own accord, to switch vote totals from one race to another.

5. The so-called "*Cherokee County Thumb-drive malfunction*" was said to have been of local concern only, ...limited to Cherokee County. However, there is no data or evidence whatsoever in existence, anywhere to be found, to support this claim of limited viral propagation.
6. In fact, the State of Kansas was unable to detect this sophisticated malicious virus, even during their inspection of this very same thumb-drive prior to the Primary Election on August 2<sup>nd</sup>, even while it is now proven to have been infected with the virus at the time of the Kansas State inspection and certification of that thumb-drive.
7. If the State of Kansas could not detect this malicious virus, and in fact unwittingly certified the infected subject thumb-drive while it was carrying the virus, how than can the Kansas Secretary of State now reasonably claim to know the original source of the virus, and every branch of the actual chain-of-infections that brought this highly sophisticated malicious virus to its point of discovery in Cherokee County?
8. How do we know, that replicas of the virus are not in some, or in most, or in every County in Kansas? Without knowing the original source of the virus, and fully knowing every branch of the actual chain-of-infections, no one knows the answer to that critically important question.
9. Now, fully proven to have the ability to swap Kansas election system vote totals in a competing race covertly, simple logic dictates that only properly and professionally hand-counted races, that were part of the August 2<sup>nd</sup> Primary, have a known, or knowable result.

10. Moving away from Cherokee County, on Friday, August 19<sup>th</sup>, in a privately funded Value Them Both Hand-recount effort in Sedgwick County, the same malicious virus, or one like it, may have raised its ugly head again. Vote totals were not matching up, and the problem was so bad, that the recount had to be stopped. Recount observers were sent home at about 11:am on Friday, August 19<sup>th</sup>, and they expected to resume the recount effort on Monday, August 22<sup>nd</sup>.
11. However, on Saturday, August 20, by total coincidence, a recount observer, who came to the nearby Farmer's Market to buy fruit and vegetable produce, discovered that the Sedgwick County Election Commissioner, **Angela Caudillo**, and some of her employees, were illegally and unethically working among the ballots, in the recount area with no observers present.
12. This clearly being criminal behavior, and a violation of the Kansas Open Meeting Act, (KOMA), the Sedgwick County Recount Observer Supervisor, **Jennifer McCoy**, called the Sedgwick County Sheriff to make a report. The Report was made on Sunday Morning, August 21.
13. From a scientific viewpoint, and with the information that we currently have, the true extent of the vote-switching problem is completely unknown.
14. Because of the fact that the sophisticated malicious virus successfully made it through, and past, all of the Kansas Election System security measures, and was undetected until about a week after the election, every electronic machine and thumb-drive in the Kansas Election System is suspect until proven otherwise.

15. In that a malicious virus can spread, entirely unknown to the computer operators, and then hide or delete itself, an examination of all Kansas election system electronics, at this late date, may prove to be as ineffective as the initial security measures taken by the Kansas Secretary of State, which inspected and approved the known-to-be-infected thumb-drive in the first place, while the thumb-drive was carrying the virus.
16. Ballots that are marked by the machine, may or may not, be marked in a way that is consistent with the electronic data sent to the tabulator. Therefore, ONLY Kansas Counties where the ballots are hand-marked by the voter themselves, before being tabulated are a safe resource for a ballot hand-recount.
17. In the face of a malicious virus that has gotten inside of a system, any use of any electronic machine statewide, even to aid in a hand-recount effort, must be completely avoided.
18. In Kansas Counties, that use electronic voting systems, but where no marked paper ballots exist, these races must be re-voted, in order to have any confidence in the vote total of all statewide races, and of the countywide and local races of those counties.
19. If a re-vote is necessary, it would preferably be on paper, marked by human hands, and then counted and tabulated by hand.
20. In light of the indisputable fact that a malicious virus of unknown origin, has made its way past all of the current Kansas Election System security measures, and in light of the fact that no one in Kansas knows for sure, which Kansas Counties are affected by this highly sophisticated malicious virus, and which are not, and,

21. In light of the fact that the virus' evil work was uncovered 'ONLY by a well-done hand-recount of paper ballots...

Therefore, ...in the interest of election integrity, the Plaintiff prays that The Court will require the Kansas Secretary of State, **Scott Schwab**, to do a legitimate and legal hand-recount of every race in Kansas that was part of the August 2<sup>nd</sup> Primary Election, and do so in a way that is open to public scrutiny, consistent with KOMA.

Furthermore, the Plaintiff prays that The Court will require the Kansas Secretary of State, **Scott Schwab**, to promptly repair and improve all existing electronic election system security measures in the entire Kansas Electronic Voting system, or, failing that, to the satisfaction of The Court, to plan a Kansas General Election using only hand-marked paper ballots, that are hand-counted in each precinct across the state of Kansas.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark S. Gietzen', is written over a horizontal line. A diagonal watermark reading 'RETRIEVED FROM DEMOCRACYDOCKET.COM' is visible across the signature.

Mark S. Gietzen, Plaintiff (Pro Se)

## NOTICE OF HEARING

The above PETITION FOR A TOTAL PRIMARY ELECTION HAND-COUNT, AND A REVOTE WHERE NECESSARY is set for a hearing on \_\_\_\_\_, the \_\_\_\_ day of August, 2022, at \_\_\_\_\_ AM, in Courtroom \_\_\_\_\_, on the \_\_\_\_ Floor of the Sedgwick County Courthouse, 525 North Main Street, Wichita, Kansas.



Mark S. Gietzen, Plaintiff (Pro Se)

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**Self-Represented Litigant Certification Form**

By signing this form, I certify that, to the best of my knowledge, information, and belief, and based on my reasonable review of the document's contents, the attached filing complies with the certification requirements in the Temporary Rule for Filing in a District Court by a Self-Represented Litigant as follows:

(a) I have signed the attached filing and provided my name, address, email address (if available), telephone number, and fax number (if available); and

(b) The attached filing contains no personally identifiable information (PII) or meets an exception in the Temporary Rule for Filing in a District Court by a Self-Represented Litigant because the filing (check box that applies):

☒ contains no PII (if this box is checked, do not check any other boxes); or

☐ requests that this document be sealed under the Temporary Rule for Filing in a District Court by a Self-Represented Litigant for the following reason (check box that applies):

☐ a pre-existing order was entered by the court on \_\_\_\_\_ that seals this document;

☐ this document asks the court to issue an order that seals the following document: [include general description of document contents without including PII.]  
\_\_\_\_\_ ; or

☐ this document asks the court to seal the following document already filed in the case: [describe the document already on file so that the clerk can identify it without using PII]  
\_\_\_\_\_.

Date:

2022-Aug-23

Signature:

Mark S. Gietzen

Name of Party:

MARK S. GIETZEN