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JUDY ANN MORRISE
Email: judy.morrise@gmail.com
3665 SW 78th Avenue
Portland, OR 97225
Phone: 971-533-9562

SARA MARIE GENTA
Email: sara.genta@gmail.com
5005 SE Lincoln St.
Portland, OR 97215
Phone: 503-358-4108

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

JUDY ANN MORRISE, an Oregon Elector;
and SARA MARIE GENTA, an
Oregon Elector.

Plaintiffs,

v.

KATHRYN HARRINGTON in her
individual capacity and as Washington
County Commissioner at Large; and
NAFISA FAI in her individual capacity and
as Washington County Commissioner
District 1; and PAM TREECE in her
individual capacity and as Washington
County Commissioner District 2; and ROY
R. ROGERS in his individual capacity and
as Washington County Commissioner
District 3; and JERRY WILLEY in his
individual capacity and as Washington
County Commissioner District 4; and DAN
FORESTER in his individual capacity and as
Washington County Elections Manager

Defendants

Case No.: 22CV37685

PLAINTIFFS MOTION FOR
EMERGANCY PRELIMINARY
INJUNCTION AND COMPLAINT –
ELECTION SYSTEMS



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INJUNCTION AND COMPLAINT –
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General Allegations:

1.

This action seeks a MOTION FOR EMERGANCY PRELIMINARY INJUNCTION of
COMPLAINT – ELECTION SYSTEMS against all election machines, scanners, and tabulators
used in Washington County that are planned for use in this November 8, 2022, election.

Plaintiffs request follows from the complaint motion to further barring their use in all future
elections until a full investigation is performed and completed to answer the unresolved extreme
circumstances surrounding the 2020 election and the glaring lack of EAC accreditation for Pro

PAGE 2 of 38 - PLAINTIFF'S MOTION FOR EMERGANCY PRELIMINARY INJUNCTION
AND COMPLAINT – ELECTION SYSTEMS

1 V&V (Voting System Test Laboratory – VSTL) to test Clear Ballot Group Clear Vote Voting
2 System (Clear Count 2.1 and Clear Design 2.1 in 2020, and ClearVote 2.2 in 2022, and **all** Clear
3 Ballot systems used since February of 2017) and subsequently approved for use by the Oregon
4 Secretary of State in Oregon elections based on the purported accreditation of the VSTL's,
5 further inflicting damages to plaintiffs by violating their protected first amendment right,
6 disenfranchising, marginalizing, and diluting plaintiffs cast votes.
7

8 Defendants allowed uncertified and outdated voting machines from the Clear Ballot
9 Group, INC. to be used and defendants are currently planning to continue to use those same
10 voting systems in Washington County elections even though the systems are not certified by the
11 Election Assistance Commission nor examined and approved by a properly accredited Voting
12 System Testing Laboratory (VSTL), and therefore could not have been approved under OAR
13 165–007–0350 or ORS chapter 246 and specifically 246.550. Defendants knew or should have
14 known their vote systems were out of certification due to their own diligence of performing their
15 fiduciary duties lawfully.
16
17

18 **All exhibits in the Plaintiffs motion for Preliminary Injunction and Complaint Filed**
19 **are also likewise effective for Plaintiffs Motion for Temporary Restraining Order.**

20 A court must “overturn agency actions which do not scrupulously follow the regulations
21 and procedures promulgated by the agency itself.” *Simmons v. Block*, 782 F.2d 1545, 1550 (11th
22 Cir. 1986).
23

24 **Overview:**

25 2.

26 Plaintiffs come before this court with the acquired knowledge that we are still free on
27 paper. The Constitution affords us the right to elect the state or federal officials we want, but due
28

Verified Correct Copy of Original 11/4/2022

1 to the actions of those elected, **our** rights have been deprived and our interests in the elected
2 offices of trust is irreparably damaged. ORS 246.046 states: “The Secretary of State and county
3 clerk **shall diligently seek out any evidence of violation of any election law.**”¹ Plaintiffs bring
4 this Motion for EMERGANCY PRELIMINARY INJUNCTION AND COMPLAINT – of
5 ELECTION SYSTEMS to restore and preserve the integrity of Oregon elections during the
6 election of November 3, 2020, primary election held on May 17, 2022, and **all** elections since
7 February 2017 therein, and the upcoming election set for November 8, 2022. In support of the
8 claims set forth herein, Plaintiffs allege and aver as follows:
9
10

3.

11
12 The County of Washington has violated the Plaintiffs’ by not properly carrying out their
13 fiduciary diligence and duties in election standards in which the Washington County Elections
14 Manager Dan Forester Oversees and Washington County Commissioners (Kathryn Harrington,
15 Nafisa Fai, Pam Treece, Roy R. Rogers, and Jerry Willey) oversee funding, vendor contracts,
16 and spending approval for election equipment purchases and are to also follow state laws and
17 provide equity to all Oregonians.
18

4.

19
20 The Washington County Elections Manager and Commissioners with such high authority
21 position over our elections, daily county functions, and funding oversight have restricted,
22 disenfranchised, marginalized, and underserved plaintiffs with utilizing improperly accredited
23 systems and machines further disenfranchising all counties. One County affects the other which
24 affects the entire state, which in turn affects the country. If one system is not properly certified
25 for use by an accredited voting system test laboratory (VSTL) it therefore negates all other votes
26
27
28

¹ https://oregon.public.law/statutes/ors_246.046

cast. **“fraud vitiate everything”** in *U.S. v. Throckmorton*, 98 U.S. 61 (1878). Therefore, further not allowing a fair and equal voting process.

5.

Plaintiffs have been and remain underserved and underprivileged by the failed actions in Washington County in their elected positions of trust. Plaintiffs seek redress for the abuse and irreparable devastation of their **constitutional** right to vote in an election that is to be performed in an equal and fair manner and **compliant** within all election laws. Plaintiffs seek redress for their vested interest in elected offices of trust and protection from potentially unelected or selected officials from elections performed on uncertified machines per the laws and rules set forth below. Plaintiffs remain unwavering to seek redress for the violations set forth against them and for all vested interest for the people of Oregon.

6.

The methods by which elections at the local, state, and federal levels in Oregon were conducted in 2020, and being conducted in 2022, **cannot** be shown to provide 100% fair elections as guaranteed to **every citizen under the U.S. and Oregon Constitutions**.

7.

Washington County has violated and injured the Plaintiff by not properly ensuring their county is in compliance with Oregon Law and the statutory requirements under the Help America Vote Act (HAVA)² Section 15371(b) Laboratory Accreditation. The procedural requirements of the program are established in the proposed information collection, the EAC Voting System Test Laboratory Accreditation Program Manual³. Under section 1.4: “Although participation in the program is voluntary, adherence to the program’s procedural requirements is

² <https://www.congress.gov/107/plaws/publ252/PLAW-107publ252.pdf>

³ https://www.eac.gov/sites/default/files/eac_assets/1/28/VSTLManual%207%208%2015%20FINAL.pdf

1 **mandatory** for participants”. The State of Oregon voluntarily participated for election
 2 standards, of which Washington County Elections Manager Dan Forester oversees and is to be in
 3 compliance with, in order to provide equity to all Oregonians and Washington County. Also
 4 further failing are the Commissioners (Kathryn Harrington, Nafisa Fai, Pam Treece, Roy R.
 5 Rogers, and Jerry Willey) who have entered into illegal activities by approving funds for
 6 uncertified machine use and equipment.
 7

8 8.

9
 10 U.S. Constitution 14th Amendment - The perspective of this 1959 opinion by
 11 Justice Douglas has now been revolutionized. “Undoubtedly, the right of suffrage is a
 12 fundamental matter in a free and democratic society. Especially since the right to exercise the
 13 franchise in a free and unimpaired manner is preservative of other basic civil and political rights,
 14 **any alleged infringement of the rights of citizens to vote must be carefully and meticulously**
 15 **scrutinized** (Reynolds v. Sims, 377 U.S. 533, 561-62 (1964)).⁴
 16

17
 18 a. If the electronic voting systems are not lawfully certified in compliance with voting
 19 system standards, does it impede the Plaintiff(s)’ lawful vote in elections?

20 b. If the electronic voting systems and their various devices are not lawfully certified,
 21 does it cause the Plaintiff(s) to cast illegal ballots? 52 U.S.C. § 10307(a), Due Process
 22 Clause.
 23

24 c. Since Oregon officials presented uncertified voting systems as certified, did they
 25 abridge the Plaintiff(s)’ protected right to vote?
 26
 27
 28

⁴ <https://www.law.cornell.edu/constitution-conan/amendment-14/section-1/voting-rights-overview#fn8amd14>

1 d. Would it dilute the expressed intent and effectiveness of the Plaintiff(s)' voice if
2 the electronic voting systems and their various devices are vulnerable to hacking,
3 tampering, and algorithmic preprogramming?
4

5 e. If the electronic voting systems are – by design – unreliable mechanisms for
6 accurately collecting, retaining, and communicating the expression of the Plaintiff(s)' vote,
7 is it acceptable to injure the Plaintiff(s)' voice and will under the Constitutional premise of
8 the consent of the governed? Declaration of Independence, Guarantee Clause.
9

10 f. Were Constitutionally protected free and fair elections negatively impacted by
11 Oregon officials' lack of due diligence and failed duties of trust to ensure Clear Ballot was
12 tested by a EAC accredited VSTL in compliance after ProV&V accreditation expired
13 affecting all elections since 2017? ORS 119.062 Duties and Authority of Fiduciary⁵.
14

15 g. If the acting representative servants were unlawfully elected as a result of
16 unreliable, unlawful, vote collection devices are they acting in their official capacity?
17

18 h. Would they not then be impersonating public servants? ORS Chapter 165 Offenses
19 Involving Fraud or Deception. ORS 162. 365 Criminal impersonation of a public servant.
20

21 i. What is the Constitutional remedy for the usurpation of the Plaintiff(s)' role as the
22 underlying governmental authority, and for forcing the Plaintiff(s) to participate in their
23 own servitude through fraudulent policies, systems, and measures? OR CONST. Article
24 XVIII § 4, US CONST. Amend XIII § 1 and US CONST. Amend X.
25

Parties, Jurisdiction and Venue:

26 9.
27
28

⁵ https://oregon.public.law/statutes/ors_119.062

1 Plaintiff Judy Ann Morrise is a legal resident of Washington County, Sara Marie Genta is
2 a legal resident of Multnomah County. Plaintiffs were registered voters in the state of Oregon
3 during the November 3, 2020, elections, who voted and plan to vote in future Oregon elections
4 including the upcoming November 8, 2022, election.
5

6 10.

7 Defendant Dan Forester is the Elections Manger of Washington County who coordinates
8 and conducts all elections in accordance with election law and maintains voter registrations and
9 election statistics.
10

11 11.

12 Defendant Kathryn Harrington is a Washington County Commissioner and part of the
13 governing body who is authorized under ORS 246.530 and ORS 246.012 to adopt, purchase, or
14 otherwise procure voting systems and transact county business.
15

16 12.

17 Defendant Nafisa Fai is a Washington County Commissioner and part of the governing
18 body who is authorized under ORS 246.530 and ORS 246.012 to adopt, purchase, or otherwise
19 procure voting systems and transact county business.
20

21 13.

22 Defendant Pam Treece is a Washington County Commissioner and part of the governing
23 body who is authorized under ORS 246.530 and ORS 246.012 to adopt, purchase, or otherwise
24 procure voting systems and transact county business.
25

26 14.

27 Defendant Roy R. Rogers is a Washington County Commissioner and part of the
28 governing body who is authorized under ORS 246.530 and ORS 246.012 to adopt, purchase, or

otherwise procure voting systems and transact county business.

15.

Defendant Jerry Willey is a Washington County Commissioner and part of the governing body who is authorized under ORS 246.530 and ORS 246.012 to adopt, purchase, or otherwise procure voting systems and transact county business.

16.

Under ORS 14.030 this Court has jurisdiction as affected by place where cause of action or suit arises⁶.

17.

Venue is correct as noted under ORS 14.060 venue of suits against state departments and officials⁷.

Complaint and Facts:

18.

Washington County has irreparably damaged plaintiffs vested sovereign constitutional rights to equal and fair voting representation by failing to meet required legally established laws and fulfill their fiduciary duties of trust as required by oaths they all swore to uphold. Plaintiffs are being denied and disenfranchised by the County's very own fiduciary failure of properly following state laws of OAR 165-007-0350 or ORS chapter 246.

ORS 246.046 states: "The Secretary of State and each county clerk shall diligently seek out any evidence of violation of any election law."

19.

⁶ https://oregon.public.law/statutes/ors_14.030

⁷ https://oregon.public.law/statutes/ors_14.060

Plaintiff Morrise resides in Washington County, plaintiff Morrise's County used the Clear Ballot election voting system which was purportedly tested by voting system test laboratory (VSTL) Pro V&V and used during the 2020 elections and currently in 2022 elections, and all elections therein since February 2017. Plaintiff Morrise is underrepresented, misrepresented, marginalized, and disenfranchised through fraudulent, negligent machine certification and false voting system test laboratory accreditation. Furthermore, Plaintiff Genta is also underserved, disenfranchised, marginalized, and misrepresented by the fraudulent and negligent actions of Washington County's noncertified machine use diluting their voice and diluting their county's vote. There are 14 other counties in the state of Oregon that use the same Clear Ballot Group Clear Vote Voting System⁸ who also relied on VSTL Pro V&V during the 2020 election and upcoming 2022 elections. Clear Ballot Group and Pro V&V represent almost half of the counties in Oregon.

20.

By utilizing voting machines tested by Voting System Test Laboratories (VSTL) with **improper** Election Assistance Commission accreditation at the time of certification and with the potential for the Trapdoor mechanism described in **Exhibit B**⁹, Washington County has deprived its voters of the capability of knowing that their vote was accurately counted and diluting neighboring voting counties and marginalizing all residents therein.

21.

Oregon Elections Division Chapter 165 Rule 165-007-0350¹⁰ Section 1 states: All voting systems submitted for certification pursuant to ORS 246.550 (Examination and approval of

⁸ <https://sos.oregon.gov/elections/Documents/Tally-Systems-By-County.pdf>

⁹ <https://storage.courtlistener.com/recap/gov.uscourts.wied.92717/gov.uscourts.wied.92717.9.13.pdf>

¹⁰ https://oregon.public.law/rules/oar_165-007-0350

equipment by Secretary of State) **must** be certified by the Elections Assistance Commission (EAC) or be examined by a federally accredited Voting Systems Testing Laboratory (VSTL).

a. Section 3 states: A complete Oregon Voting System Certification Application includes:

1. Section 3 (b) states: VSTL Test Report documenting, at a minimum that the voting system meets or exceeds the Voluntary Voting System Guidelines Version 1.0 promulgated by the U.S. Election Assistance Commission....

2. Section 3(c) states: Oregon Test Report, documenting at a minimum that the voting system adheres to the Oregon Voting System Certification Standards contained in Appendix 1, which is incorporated into this rule by reference and also:

(a) Section 3(c)(A) states: Confirms that the voting system presented is the same as the one¹ certified by the Elections Assistance Commission (EAC) or as the one documented in the VSTL test report submitted under (3)(b) of this rule;

22.

ORS 246.550¹¹ Section 1 states: The Secretary of State shall publicly examine all makes of voting machines or vote tally systems submitted to the secretary and determine whether the machines or systems comply with the requirements of ORS 246.560 (Requirements for approval of equipment) and can safely be used by electors.

23.

Plaintiffs are aware of the Wasco County Case #22CV36776 and the Federal Case 3:22-CV-1252-MO. Specifically Plaintiffs in those cases have brought the evidence of State and Federal violations to **every** Oregon County Clerk and **every** County's Commissioner-**Exhibit C**.

¹¹ https://oregon.public.law/statutes/ors_246.550

Oregonians have been dismissed or referred to as conspiracy theorists of “The Big Lie” or election deniers when in fact everything is easily researched and followed up with public records request and FOIA’s. On knowledge and belief, the following parties have all been sufficiently notified by mail and follow up emails, but all have **failed to act**.

a. Ms. Stefanie Kirby - Baker County Clerk, Mr. Bruce Nichols Baker County Commissioner, Mr. Bill Harvey - Baker County Commissioner, Mr. Mark E. Bennett - Baker County Commissioner, Mr. James Morales - Benton County Clerk, Ms. Nancy Wyse - Benton County Commissioner, Mr. Pat Malone - Benton County Commissioner, Ms. Xanthippe Augerot - Benton County Commissioner, Ms. Sherry Hall - Clackamas County Clerk, Ms. Tootie Smith - Clackamas County Commissioner, Ms. Sonya Fischer - Clackamas County Commissioner, Mr. Paul Savas - Clackamas County Commissioner, Ms. Martha Schrader - Clackamas County Commissioner, Mr. Mark Shull - Clackamas County Commissioner, Ms. Tracie Krevanko - Clatsop County Clerk, Mr. Mark Kujala - Clatsop County Commissioner, Ms. Lianne Thompson - Clatsop County Commissioner, Mr. John Toyooka - Clatsop County Commissioner, Ms. Pamela Wev - Clatsop County Commissioner, Ms. Courtney Bangs - Clatsop County Commissioner, Ms. Debbie Klug - Columbia County Clerk, Mr. Casey Garrett - Columbia County Commissioner, Mr. Henry Heimuller - Columbia County Commissioner, Ms. Margaret Magruder - Columbia County Commissioner, Ms. Dede Murphy - Coos County Clerk, Mr. Bob Main - Coos County Commissioner, Mr. John Sweet - Coos County Commissioner, Ms. Melissa Cribbins - Coos County Commissioner, Ms. Cheryl Seely - Crook County Clerk, Mr. Brian Barney - Crook County Commissioner, Mr. Jerry Brummer - Crook County Commissioner, Mr. Seth Crawford - Crook County Judge, Ms. Renee Kolen - Curry

County Clerk, Mr. Court Boice - Curry County Commissioner, Mr. Christopher Paasch - Curry County Commissioner, Mr. John Herzog - Curry County Commissioner, Mr. Steve Dennison - Deschutes County Clerk, Ms. Patty Adair - Deschutes County Commissioner, Mr. Phil Chang - Deschutes County Commissioner, Mr. Tony DeBone - Deschutes County Commissioner, Mr. Tim Scott - Director of Elections, Mr. Dan Loomis - Douglas County Clerk, Mr. Tom Kress - Douglas County Commissioner, Mr. Chris Boice - Douglas County Commissioner, Mr. Tim Freeman - Douglas County Commissioner, Ms. Ellen Wagenaar - Gilliam County Clerk, Mr. Pat Shannon - Gilliam County Commissioner, Ms. Sherrie Wilkins - Gilliam County Commissioner, Ms. Elizabeth Farrar Campbell - Gilliam County Judge, Ms. Brenda J. Perry - Grant County Clerk, Mr. Jim Hamsher - Grant County Commissioner, Mr. Sam Palmer - Grant County Commissioner, Mr. Scott Myers - Grant County Judge, Mr. Dag Robinson - Harney County Clerk, Ms. Kristen Shelman - Harney County Commissioner, Ms. Patty Dorroh - Harney County Commissioner, Mr. Pete Runnels - Harney County Judge, Mr. Brian Beebe - Hood River County Clerk, Mr. Mike Oates - Hood River County Commissioner, Ms. Karen Joplin - Hood River County Commissioner, Mr. Arthur Babitz - Hood River County Commissioner, Mr. Bob Benton - Hood River County Commissioner, Les Perkins - Hood River County Commissioner, Ms. Christine Walker - Jackson County Clerk, Mr. Rick Dyer - Jackson County Commissioner, Mr. Dave Dotterer - Jackson County Commissioner, Ms. Colleen Roberts - Jackson County Commissioner, Ms. Kate Zemke - Jefferson County Clerk, Ms. Mae Huston - Jefferson County Commissioner, Mr. Wayne Fording - Jefferson County Commissioner, Mr. Kelly Simmerlink - Jefferson County Commissioner, Ms. Rhiannon Henkels - Josephine County Clerk, Mr. Dan

DeYoung - Josephine County Commissioner, Mr. Herman Baertschiger Jr. - Josephine County Commissioner, Mr. Darin Fowler - Josephine County Commissioner, Ms. Rochelle Long - Klamath County Clerk, Ms. Kelly Minty - Klamath County Commissioner, Mr. Derrick DeGroot - Klamath County Commissioner, Mr. David Henslee - Klamath County Commissioner, Ms. Stacie Geaney - Lake County Clerk, Mr. Barry Shullanberger - Lake County Commissioner, Mr. James Williams - Lake County Commissioner, Mr. Mark Albertson - Lake County Commissioner, Ms. Dena Dawson - Lane County Clerk, Mr. Joe Berney - Lane County Commissioner, Mr. Jay Bozievich - Lane County Commissioner, Ms. Heather Buch - Lane County Commissioner, Mr. Pat Farr - Lane County Commissioner, Ms. Laurie Trieger - Lane County Commissioner, Ms. Dana Jenkins - Lincoln County Clerk, Ms. Claire Hall - Lincoln County Commissioner, Mr. Doug Hunt - Lincoln County Commissioner, Ms. Kaety Jacobson - Lincoln County Commissioner, Mr. Steve Druckenmiller - Linn County Clerk, Mr. Roger Nyquist - Linn County Commissioner, Ms. Sherrie Sprenger - Linn County Commissioner, Mr. Will Tucker - Linn County Commissioner, Ms. Gayle Trotter - Malheur County Clerk, Mr. Ron Jacobs - Malheur County Commissioner, Mr. Don Hodge - Malheur County Commissioner, Mr. Don Joyce - Malheur County Judge, Mr. Bill Burgess - Marion County Clerk, Mr. Kevin Cameron - Marion County Commissioner, Ms. Danielle Bethell - Marion County Commissioner, Mr. Colm Willis - Marion County Commissioner, Ms. Bobbi Childers - Morrow County Clerk, Mr. Don Russell - Morrow County Commissioner, Mr. Jim Doherty - Morrow County Commissioner, Ms. Melissa Lindsay - Morrow County Commissioner, Ms. Deborah Kafoury - Multnomah County Commissioner, Ms. Susheela Jayapal - Multnomah County Commissioner, Ms. Sharon

Meieran - Multnomah County Commissioner, Ms. Lori Stegmann - Multnomah County
Commissioner, Ms. Jessica Vega Pederson - Multnomah County Commissioner, Ms.
Valerie Unger - Polk County Clerk, Mr. Craig Pope - Polk County Commissioner, Mr.
Lyle Mordhorst - Polk County Commissioner, Mr. Jeremy Gordon - Polk County
Commissioner, Ms. Kristi Weis - Sherman County Clerk, Ms. Joan Bird - Sherman
County Commissioner, Mr. Justin Miller - Sherman County Commissioner, Mr. Joe
Dabulskis - Sherman County Judge, Ms. Tassi O'Neil - Tillamook County Clerk, Ms.
Mary Faith Bell - Tillamook County Commissioner, Ms. Erin Skaar - Tillamook County
Commissioner, Mr. David Yamamoto - Tillamook County Commissioner, Mr. Dan Lonai
- Umatilla County Clerk, Mr. George Murdock - Umatilla County Commissioner, Mr.
John Shafer - Umatilla County Commissioner, Mr. Dan Dorran - Umatilla County
Commissioner, Ms. Robin Church - Union County Clerk, Mr. Paul Anderes - Union
County Commissioner, Ms. Donna Beverage - Union County Commissioner, Mr. Matt
Scarfo - Union County Commissioner, Ms. Sandy Lathrop - Wallowa County Clerk, Mr.
Todd Nash - Wallowa County Commissioner, Ms. Susan Roberts - Wallowa County
Commissioner, Mr. John Hillock - Wallowa County Commissioner, Ms. Lisa Gambie -
Wasco County Clerk, Ms. Kathy Schwartz - Wasco County Commissioner, Mr. Steve
Kramer - Wasco County Commissioner, Mr. Scott Hege - Wasco County Commissioner,
Mr. Dan Forester - Washington Co. Elections Manager, Ms. Kathryn Harrington -
Washington County Commissioner, Ms. Nafisa Fai - Washington County Commissioner,
Mr. Roy Rogers - Washington County Commissioner, Ms. Pam Treece - Washington
County Commissioner, Mr. Jerry Willey - Washington County Commissioner, Ms.
Brenda Snow - Wheeler County Clerk, Mr. Clinton Dyer - Wheeler County

Commissioner, Mr. Rick Shaffer - Wheeler County Commissioner, Mr. N. Linn Morley -
 Wheeler County Judge, Ms. Keri Hinton - Yamhill County Clerk, Ms. Lindsay
 Berschauer - Yamhill County Commissioner, Ms. Mary Starrett - Yamhill County
 Commissioner, Mr. Casey Kulla - Yamhill County Commissioner.

24.

Per the (VSTL) Voting System Test Laboratory Program Manual ver. 2.0 effective May
 31, 2015¹²:

- a. **“3.6.1. Certificate of Accreditation.** A Certificate of Accreditation shall be
 issued to each laboratory accredited by vote of the Commissioners. **The certificate shall
 be signed by the Chair of the Commission and state.”**
- b. **“3.6.1.3. The effective date of the certification, which shall not exceed a period
 of two (2) years”** (This is not an indefinite approval, but specific. Shall is an imperative
 command, usually indicating that certain actions are mandatory, and not
 permissive.

Voting System Test Laboratory Program Manual, Version 2.0

3.6.1. Certificate of Accreditation. A Certificate of Accreditation shall be issued to each
 laboratory accredited by vote of the Commissioners. The certificate shall be
signed by the Chair of the Commission and state:

3.6.1.1. The name of the VSTL;

3.6.1.2. The scope of accreditation, by stating the Federal standard or standards
 to which the VSTL is competent to test;

➡ 3.6.1.3. The effective date of the certification, which shall not exceed a period of
 two (2) years; and

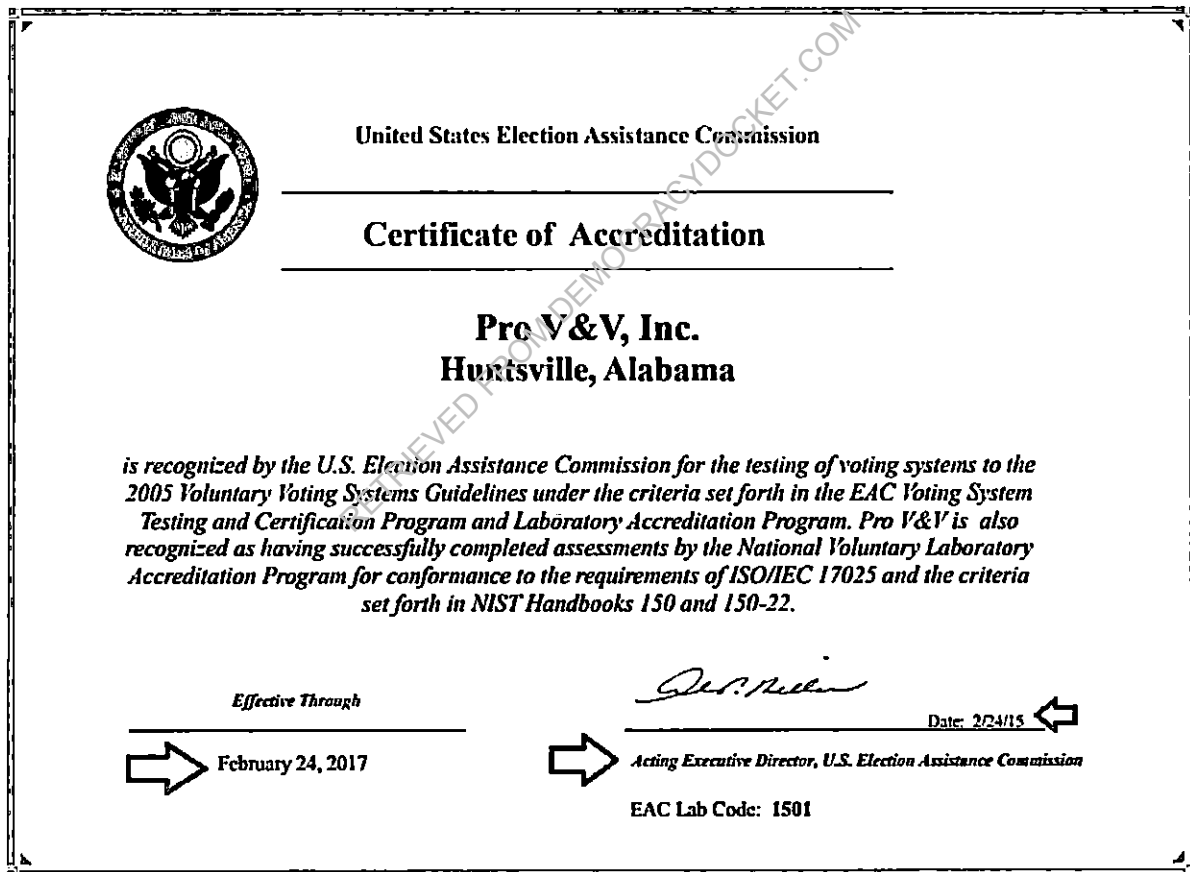
3.6.1.4. The technical standards to which the laboratory was accredited.

¹² https://www.eac.gov/sites/default/files/eac_assets/1/28/VSTLManual%207%208%2015%20FINAL.pdf

c. **“3.8. Expiration and Renewal of Accreditation.** A grant of accreditation is valid for a period **not to exceed two years**. A VSTL’s accreditation **expires** on the date annotated on the Certificate of Accreditation.”

25.

According to the EAC website¹³, the last available EAC accreditation prior to 2021 for VSTL Pro V&V was signed on 2/24/2015¹⁴ and was only effective through February 24, 2017. It was also signed by the Acting Executive Director and **not** by the EAC Chair as **required** per VSTL Program Manual ver. 2.0 effective May 31, 2015, Sec 3.6.1



26.

¹³ <https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl/pro-vv>

¹⁴ https://www.eac.gov/sites/default/files/voting_system_test_lab/files/Pro_VandV_accreditation_certificate_2015.pdf










According to the VSTL Program Manual, the EAC is also **required** to “Post Information on the Website” per section 3.6.2 but none of these documents are listed for this time frame¹⁵. However, the Secretary of State noted in their Certificate of Approval¹⁶ in February of 2020 that Pro V&V is an EAC Certified tester, even though their accreditation was only good through February 2017.

3.6.2. Post Information on Web Site. The Program Director shall make information pertaining to each accredited laboratory available to the public on EAC’s Web site. This information shall include (but is not limited to):

- 3.6.2.1. NIST’s Recommendation Letter;
- 3.6.2.2. The VSTL’s Letter of Agreement;
- 3.6.2.3. The VSTL’s Certification of Conditions and Practices;
- 3.6.2.4. The Commissioner’s Decision on Accreditation; and
- 3.6.2.5. The Certificate of Accreditation.

Related Documents

2015 Certificate expired in 2017 per the Document and Program Rules. No further Accreditation Certificate was issued until 2021 leaving a gap in accreditation between 2017 & 2021

- 7/22/21 - VSTL Certificates and Accreditation 
- 3/10/21 - Pro V&V Letter of Agreement 
- 3/10/21 - Pro V&V Certification of Conditions and Practices 
- 2/1/2021 - Pro V&V Certificate of Accreditation 
- 01/27/2021 - Pro V&V Accreditation Renewal Memo 
- 02/24/2015 - Certificate of Accreditation 
- 08/02/2015 - Pro V&V Letter of Agreement 
- 08/02/2012 - NIST Recommendation Letter - Pro V&V 
- 08/02/2012 - Pro V&V Certification of Conditions and Practices 

27.

The (VSTL) program manual **requires** accredited laboratories to submit a renewal application package to the EAC Program Director, consistent with the procedures of Section 3.4,

¹⁵ <https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl/pro-vv>

¹⁶ <https://sos.oregon.gov/elections/Documents/vote-systems/Clear-Ballot-2-1-Certification.pdf>

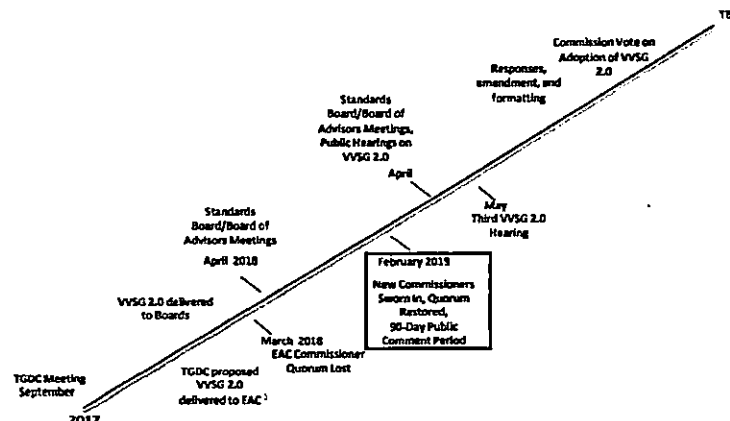
no earlier than 60 days before the accreditation expiration date, and no later than 30 days before their accreditation expire. Plaintiffs cannot confirm that Pro V&V and SLI Compliance submitted applications prior to the expiration date in 2017 and 2020 respectively. Which proposes the question if the SOS or Clerk **diligently verified** all procedures were followed beyond blind trust of others before or above them to ensure all documentation was lawfully accurate?

3.8. Expiration and Renewal of Accreditation. A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending. VSTLs in good standing shall also retain their accreditation should circumstances leave the EAC without a quorum to conduct the vote required under Section 3.5.5.

a. The EAC, or SOS, or Elections Manager, or defense Council may attempt to claim they lacked a quorum, and that the VSTL's remained in good standing while purportedly the "lack of quorum" prevented accreditations, but Plaintiffs have found multiple sources that show they did in fact have one in place starting in Feb 2019¹⁷ (see slide 41) which is well before the November 2020 election thus allowing for sufficient reaccreditation processes.

¹⁷ https://www.eac.gov/sites/default/files/event_document/files/BrianNewbyEACUpdatesSBPresentation.pdf

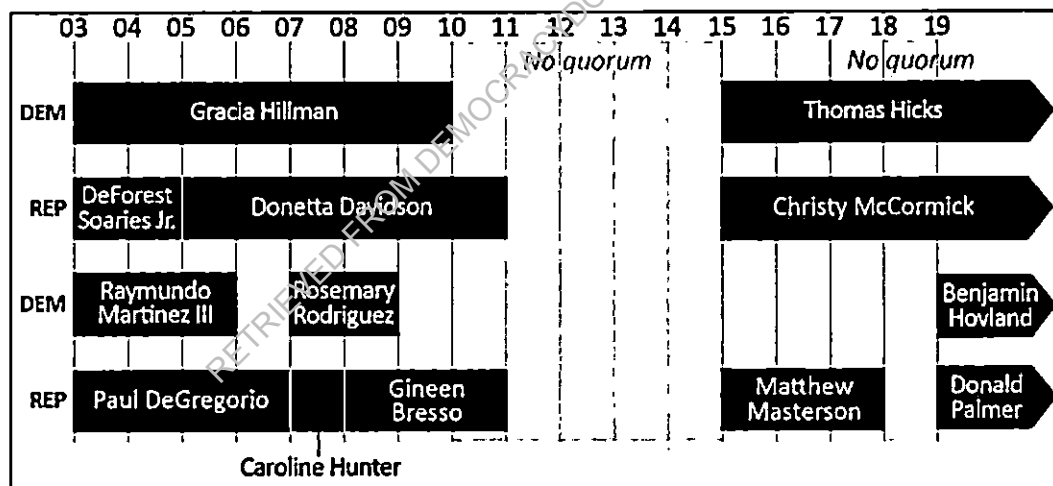
VVSG 2.0--How We Got Here



b. News – Commissioners Hovland, Palmer sworn in to restore quorum at EAC¹⁸.

c. See also Figure 2. Tenures of EAC Commissioners¹⁹ (page 19).

Figure 2. Tenures of EAC Commissioners



Source: CRS, based on data from the EAC and Congress.gov.

28.

Given the lack of documentation on the EAC website, documentation requested from the EAC and SOS, it is not confirmed that Pro V&V was accredited to test ClearVote 2.1 in

¹⁸ <https://www.eac.gov/news/2019/02/06/commissioners-hovland-palmer-sworn-restore-quorum-eac>

¹⁹ <https://crsreports.congress.gov/product/pdf/R/R45770>

2020 and ultimately approved by the SOS for use in the 2020 and ClearVote 2.2 for 2022 Elections in Oregon.

Alleged various reasons for the missing documentation, all of which DO NOT follow the VSTL Program Manual as require by HAVA (a Congressionally passed act).

- a. Due to an administrative Error²⁰..
- b. Due to Covid²¹ and VSTL's accreditations cannot be revoked²² ...
- c. Due to lack of quorum...verbal comments by clerks who say they spoke to EAC representatives.

29.

If the VSTL's did not submit their renewal application packages within the guidelines to the EAC and the Program Director, the EAC was remiss in their duties in acknowledging the expiration of accreditation. FOIA requests have been submitted to the EAC and National Institute of Standards and Technology (NIST) but as of this filing, no responsive records have been supplied, with an estimated EAC time of fulfillment of October 31, 2022.

30.

Pro V&V and SLI Compliance may not have submitted a timely renewal application package, thus allowing their accreditation to expire. If true, then after expiration, they also tested and issued test reports that were the basis for **fraudulent** EAC Certification and

²⁰

https://www.eac.gov/sites/default/files/voting_system_test_lab/files/VSTL%20Certificates%20and%20Accreditation.pdf#:~:text=Due%20to%20administrative%20error%20during%202017-2019%2C%20the%20EAC,and%20Certification%20program%20is%20robust%20and%20in%20place.

²¹

https://www.eac.gov/sites/default/files/voting_system_test_lab/files/Pro_VandV_Accreditation_Renewal_delay memo012721.pdf

²²

https://www.eac.gov/sites/default/files/voting_system_test_lab/files/Pro%20V%26V%20Accreditation%20Certificate.pdf

1 Oregon SOS Approval of Voting systems, further harming plaintiffs, Washington County
2 residents and the States voting population by using the Clear Ballot system along with other
3 Clear Ballot counties have knowingly inflicted the same damage.
4

5 Plaintiffs further supply the courts with the official Georgia complaint with their elections
6 division noting the same lack of accreditation findings and even more alarming information that
7 the EAC may have falsified Pro V&V Documents-**Exhibit D**. Furthermore, many citizens in
8 Texas have filed similar suits statewide based on the VSTL accreditation evidence they have
9 uncovered²³ see foot note for TX demonstration.
10

11 31.

12
13 Per the document published on the OREGON SECRETARY OF STATE website²⁴
14 regarding voting systems used in Oregon Counties, only three Vendors are approved in Oregon
15 (ES&S, Clear Ballot, and Hart).
16

17 32.

18
19 Clear Ballot is allegedly approved for Coos, Crook, Curry, Deschutes, Douglas, Harney,
20 Hood River, Jackson, Josephine, Klamath, Lane, Linn, Multnomah, Wasco, and Washington
21 Counties
22

23 33.

24
25
26
27
28 ²³ <https://novotingmachines.com/>

²⁴ <https://sos.oregon.gov/elections/Documents/Tally-Systems-By-County.pdf>

Specifically, Plaintiffs know that ClearVote 2.1 was used in Washington County in 2020 elections and ClearVote 2.2 for 2022 elections. According the EAC Website, the EAC did NOT certify ClearVote 2.1 or 2.2, so it had to be examined by a federally accredited VSTL²⁵.

34.

According to the SOS of Oregon Website, ClearVote 2.1 was tested by Pro V & V²⁶ and approved by the SOS for use in 2020 and the ClearVote 2.2 system in 2022, how could this be when their VSTL accreditation is only **effective** through February 2017?

35.

According to the "CERTIFICATE OF APPROVAL"-**Exhibit F** Clear Ballot Group, Clear Vote Voting System (Clear Count 2.1 and Clear Design 2.1) was certified for sale, lease, or use in all elections in Oregon. This document published by Elections Director Stephen N. Trout on February 18, 2020 noted:

- a. Specifically, they have submitted ClearCount version 2.1 and ClearDesign version 2.1 along with their test lab report by EAC Certified tester Pro V&V.

36.

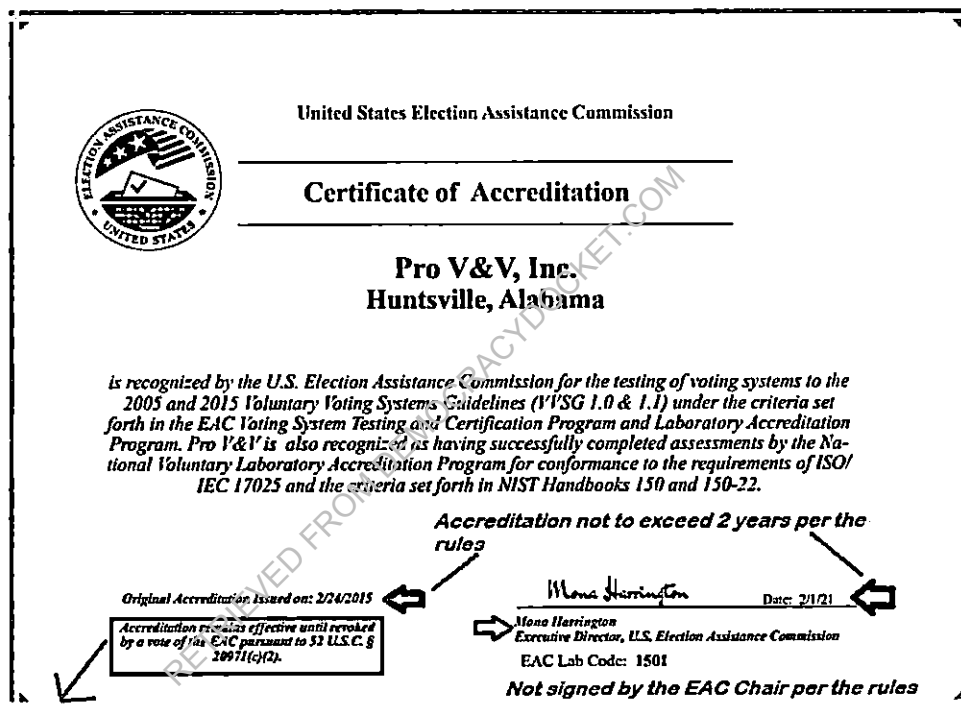
The EAC Website shows a blanketed year accreditation for Pro V&V from 2/24/15 to 2/1/21 which **breaks** the accreditation rules as noted in the EAC rules above. This document is also **not** signed by the EAC Chair.

²⁵ <https://www.eac.gov/voting-equipment/certified-voting-systems>

²⁶ <https://sos.oregon.gov/elections/Documents/vote-systems/CBG-ClearVote-2-1-Test%20Report-00-FINAL.pdf>

a. Further stating, the bottom left corner references the accreditation is effective until revoked by the vote of the EAC pursuant to 52 USC Section 20971(c)(2)²⁷.

1. Which poses the question, how can you revoke an expired accreditation if the accreditation does not exist, or is previously expired? Accreditation and revocation are two **entirely separate topics and procedures** in the program manual.



(2) Approval by Commission required for revocation
The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

37.

See-Exhibit G from the Wasco County Case #22CV36776, FOIA request to the EAC for all VSTL's Certificates surrounding accreditation, EAC Meeting minutes on discussed VSTL accreditation, and all accreditation renewal applications, and supplemental information provided

27

https://www.eac.gov/sites/default/files/voting_system_test_lab/files/Pro%20V%26V%20Accreditation%20Certificate.pdf

by the VSTL's. The estimated complete response was October 31, 2022, which has sense been delayed again now until March 2023. Plaintiffs cannot fathom why such delay is happening with supplying the lawful documents if they purportedly exist? EAC is obfuscating by extending their completed response time, this action is capricious.

Oregon's 2020 Election Director, Stephen Trout was fired for disclosing security concerns²⁸.

a. According to OPB.org: A memo Trout sent last week to secretary of state candidates provides more context to his dismissal. In the damning letter to Secretary of State-elect Shermia Fagan and her opponent, state Sen. Kim Thatcher, Trout laid out a litany of challenges faced by the elections division²⁹.

b. Oregon County Clerks are "very concerned" about the Voter Registration system³⁰.

38.

Clear Ballot also utilizes commercial off the shelf (COTS) equipment as part of their approved election systems. According to the Cybersecurity and Infrastructure Security Agency (CISA)³¹, security failures can have severe consequences whether they are rooted in COTS or custom code. This, coupled with the ubiquity and opacity of COTS software, makes it a critical

²⁸ <https://www.statesmanjournal.com/story/news/politics/2020/11/09/oregon-elections-director-stephen-trout-fired-after-he-details-problems/6227959002/>

²⁹ <https://www.opb.org/article/2020/11/09/oregon-elections-director-resigns-after-penning-a-blistering-memo/>

³⁰ <https://www.washingtontimes.com/news/2020/nov/10/oregon-county-clerks-back-fired-elections-director/>

³¹ <https://www.cisa.gov/uscert/bsi/articles/best-practices/legacy-systems/security-considerations-in-managing-cots-software>

1 and difficult problem that an organization ignores at its own extreme peril, however convenient
2 that is to do.

- 3
- 4 a. COTS Software Presents an Attractive Point of Attack
- 5 b. COTS Products are Well Known and Widely Available
- 6 c. It Is Difficult to Verify the Security of COTS Products
- 7 d. COTS Software Vendors Have Very Limited Liability
- 8 e. COTS Software is Generic
- 9

10 39.

11
12 With machine verification at question this means every election held since the minimum
13 of 2017 is undecided, meaning our current officials would be violating and impersonating a
14 public servant ORS 162.815. Also, under the conduct of elections ORS 254.568 certificate of
15 election required before taking oath of office, which brings to question the reasoning where those
16 forged?
17

18 40.

19
20 Plaintiffs are being forcefully compelled to participate in crimes against them. We are
21 voters and it's our right to vote but our voice is being diluted with each passing election we are
22 subjected to fraudulent election machines and ignored by verifying on all levels that our vote and
23 our voice which is represented through voting is being represented properly and not
24 marginalized.
25

26 Conclusion

27 41.

28

Commissioners and Clerks across this state and Washington County have disregarded and ignored Oregonian's presented evidence and their pleas for proper election compliance, causing citizens to doubt their elected officials' competence, due diligence and sworn oath of loyalty to carry out their positions of trust according to Oregon laws and the Constitution further creating uncertainty.

Washington County should have absolutely verified that all election laws and protocols were in compliance before signing a contract with Clear Ballot Group Software Licenses and Services in March of 2017 and continuing use of their product after February 2017 when ProV &V accreditation expired. Failure to do so, asserting blind trust has further put the county and Oregon taxpayers at risk. Washington County has blindly trusted EVERYTHING at all levels. Furthermore, they have ignored those who employ them, the taxpayer, and failed to act on the clear evidence presented to them.

A Clerk, Elections Manager or Commissioner cannot claim ignorance when they are dealing with such critical infrastructure. There cannot be blind trust of "The SOS office told me machines and software where ok". Have officials in Oregon sought the step-by-step proof needed for compliance to protect its citizens? Plaintiffs trusted representation has failed.

The failure of Washington County and Elections Managers fiduciary diligence in a position of trust must verify, and research, and act, on evidence presented. All areas of failed election certification verification and protocols are indisputable in this complaint. Defendants ignoring the plaintiffs' evidence and pleas for protection from unaccredited machines and software is grossly egregious.

1 If this Court were to adapt or entertain the mere common National arguments on standing
2 across this country, it would endorse a scenario of where the legislature enactment was
3 meaningless and Defendants' actions in violation of the Oregon and United States Constitution
4 and Oregon Laws have no recourse - no Oregon voter can or could challenge because the harm
5 of such violations would be "generalized" to all Oregon voters.
6

7
8 Furthermore, Plaintiffs are aware of the recent Delaware Supreme Court ruling that the
9 courts cannot accept that a citizen does not have a remedy in a voting act. See recent Supreme
10 Court decision in Delaware (C.A. No. 2022-0641- NAC & C.A. No. 2022-0644-NAC)
11

12 "The balance of hardships and public interest favor injunctive relief. There is no hardship
13 to Defendant, other than preventing him from engaging in unlawful activity. Therefore, the
14 balance clearly weights in the plaintiffs' favor." Dish Network v. Bauder, Case No: 6:14-cv-
15 1443-Orl-31DAB, at *15 (M.D. Fla. Mar. 12, 2015). Same for all such cases filed in Oregon.
16 There is no hardship to defendants, factually a Preliminary Injunction Order does offer
17 immediate protection to Plaintiffs, Oregonians, and Defendants from participating in unlawful
18 activities.
19

20
21 To qualify for injury in fact, the asserted harm must be "concrete and particularized and
22 ...actual or imminent, not conjectural or hypothetical." Morris v. Spectra Energy P'rs (DE) GP,
23 LP, 246 A.3d 121, 129 (Del. 2021) (internal quotation marks omitted); see Dover Hist. Soc'y,
24 838 A.2d at 1110 ("Standing is a threshold question that must be answered . . . affirmatively to
25 ensure that the litigation . . . is a 'case or controversy' that is appropriate for the exercise of the
26 court's judicial powers."); see also Gerber v. EPE Hldgs., LLC, 2013 WL 209658, at *12 (Del.
27 Ch. Jan. 18, 2013) ("If there is no standing, there is no justiciable substantive controversy."). For
28

an injury to be particularized, “it must affect the plaintiff in a personal and individual way.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339 (2016) (internal quotation marks omitted). For injury to be concrete, it “must be ‘de facto’; that is, it must actually exist.” *Id.* at 340. A ‘risk of real harm’ may qualify as concrete. *Id.* at 341–42; see, e.g., *Save the Courthouse Comm. v. Lynn*, 408 F. Supp. 1323, 1332 (S.D.N.Y. 1975) (Even if “a benefit hardly can be quantified,” a “loss of it [still may] support a finding of standing.”); accord *Dover Hist. Soc’y*, 838 A.2d at 1112; see also *Valley Forge Christian Coll. v. Ams. United for Separation of Church & State, Inc.*, 454 U.S. 464, 472 (1982) (To establish injury in fact, the plaintiff must “show that he personally suffered some actual or threatened injury as a result of the putatively illegal conduct of the defendant.” (emphasis added) (internal quotation marks omitted)).

Remedies

43.

Plaintiffs are entitled to a Preliminary Injunction order prohibiting the defendants from violating state election laws and plaintiffs’ civil rights in the aforementioned ways. Plaintiffs are entitled to recover their reasonable attorney fees, costs and disbursements from defendants because plaintiffs are seeking to vindicate important stator and constitutional rights applying to all citizens and not vindicating individualized and different interests or any pecuniary or other special interests of their own except those which are shared with the public at large, other residence, citizens or electors. *Deras v. Myers*, 272 Or 47, 535 P2d 541 (1975); *Armatta v. Kitzhaber*, 327 Or 250, 959 P2d 49 (1998); *Lehman v. Bradbury*, 334 Or 579, 583, 54 P3d 591 (2002); *Swett v. Bradbury*, 335 Or 378, 67 P3d 391 (2003); and *Dennehy v. City of Gresham*, 314 Or 600, 602 (1992); or *DeYoung v. Brown*, 368 Or 64. Prevailing plaintiffs are also entitled to reasonable attorney fees, costs and disbursements when a violation of the U.S. constitution

and civil rights has occurred. 48 USC § 1988. Plaintiffs are entitled to reasonable attorney fees and as an equitable remedy as allowed by law. *Deras v. Myers*, 272 Or 47.

FIRST CLAIM OF RELIEF

44.

Plaintiffs re-allege and hereby incorporate the allegations in paragraphs 1 through 41 as if fully alleged herein.

45.

Plaintiffs are electors and reside in Oregon who were entitled to vote in all 2020 elections and May 2022 primary election and the November 2022 election.

46.

As alleged above and fully incorporated herein, Defendants deliberately and materially violated multiple provisions of Oregon election law and positions of trust in connection with the 2020 elections and 2022 elections including but not limited to:

Count 1

- a.) Preventing or attempting to prevent the correct operation of any voting machining or vote tally system (ORS 260.645)

Count 2

b.) Preventing and failure to act, to report election fraud, and failed fiduciary conduct surrounding election violations. ORS 161.085 Culpability³² - Definitions with respect to culpability.

(3) "Omission" means a failure to perform an act the performance of which is required by law.

(5) "To act" means either to perform an act or to omit to perform an act.

Count 3

c.) Failure to prevent the commission of the crime and fails to make an effort the person is legally required to make ORS 161.155 Criminal liability for conduct of another³³.

Count 4

d.) Failure to act on evidence presented by Plaintiffs ORS 246.046 "The Secretary of State and county clerk **shall diligently seek out any evidence of violation of any election law.**"³⁴

Count 5

e.) By continuing self-preservation and disregard for plaintiffs' constitutional rights and claim of evidence of their election property by dismissing election law violations ORS 164.085 Theft by Deception³⁵. Respectively ORS Chapter 165 Offenses Involving Fraud or Deception³⁶.

Count 6

³² https://oregon.public.law/statutes/ors_161.085

³³ https://oregon.public.law/statutes/ors_161.155

³⁴ https://oregon.public.law/statutes/ors_246.046

³⁵ https://oregon.public.law/statutes/ors_164.085

³⁶ https://oregon.public.law/statutes/ors_chapter_165

1 f.) Using unlawful election equipment and software. Oregon Elections Division Chapter 165
2 Rule 165-007-0350³⁷ Section 1 states: All voting systems submitted for certification pursuant to
3 ORS 246.550 (Examination and approval of equipment by Secretary of State) must be certified
4 by the Elections Assistance Commission (EAC) or be examined by a federally accredited voting
5 systems testing laboratory (VSTL)”.

7
8 47.

9 Defendants committed multiple mistakes, fraud, and misrepresentations of the machines
10 used in Washington County by illegal certifications by an unaccredited VSTL. Another election,
11 the 2022 general election will take place in November 2022 where in ballots again will be cast,
12 ballots will be handled and tallied in violation of state law, unlawful machine certifications will
13 be ignored, and protections placed against unlawful machine tabulators will fail to be
14 implemented. Unless this court orders defendants to comply with state law the plaintiff votes and
15 voting rights will continue to be violated and tallied on unlawful machines. Plaintiffs do not
16 consent to machine tabulators used to count or change their intended voice.

17
18 **SECOND CLAIM FOR RELIEF**

19
20 (Declaratory Judgement-28.010)

21 48.

22 Plaintiffs reallege and hereby incorporate the allegations in paragraph 1 through 45 as if
23 fully alleged herein.

24
25 49.

26
27
28

³⁷ https://oregon.public.law/rules/oar_165-007-0350

1 Plaintiffs are entitled to a declaration that Defendants practices and actions alleged
2 herein, including but not limited to paragraphs 44 (a)-(f) were in violation of state law and
3 therefore should be permanently enjoined.
4

5 **THIRD CLAIM FOR RELIEF**

6 (VIOLATIONS OF ORS 246.046, Election Division Chapter

7 165 Rule 165-007-0350 and ORS 246.550)

8 50.

9 Plaintiffs reallege and hereby incorporate the allegations in paragraph 1 through 47 as if
10 fully alleged herein.
11

12 Defendants should be enjoined from further violations and even though the secretary of
13 state and other election officials such as Defendants should be compelled by court order to
14 follow the law.
15

16 **FOURTH CLAIM FOR RELIEF**

17 (Appeal of County Clerks; ORS 246.910)

18 Plaintiffs reallege and hereby incorporate the allegations in paragraph 1 through 48 as if
19 fully alleged herein.
20

21 51.

22 Plaintiffs have been adversely affected by the acts and **failures to act** by defendants.
23 Despite complaints, and objections the defendants persisted in their violations and refused to
24 correct the illegal activities alleged above including but not limited to those itemized in
25 paragraph 44.
26

27 52.
28

1 Plaintiffs are entitled to declaratory ruling reversing the decision of the defendants to
2 conduct an illegal election in violation of state law, state administrative rules, state rules, and the
3 constitutional guarantees of due process and equal protection under the law. Additionally,
4 Plaintiffs pray for and order that defendants must comply with the aforementioned election laws,
5 administrative rules, in the conduct of all future elections.
6

7 **FIFTH CLAIM FOR RELIEF**

8 (42 USC § 1983-Violation of Due Process Rights)

9 53.

10 Plaintiffs reallege and hereby incorporate the allegations in paragraph 1 through 50 as if
11 fully alleged herein.
12

13 54.

14 Defendants' denial of plaintiffs voting rights, as well as statutory rights as described
15 above ensuring a free, lawful and fair election, deprived Plaintiffs of their civil rights guaranteed
16 by the 14th amendment of the United States Constitution.
17

18 55.

19 Plaintiffs are entitled to recover their reasonable attorney fees, costs and disbursements
20 pursuant to 42 U.S.C § 1983 and 1988.
21

22 **SIXTH CLAIM FOR RELIEF**

23 (42 USC § 198- Equal Protection)

24 Plaintiffs reallege and hereby incorporate the allegations in paragraph 1 through 54 as if
25 fully alleged herein.
26

27 56.
28

Defendants' denial of plaintiffs voting rights, as well as statutory rights as described above ensuring a free, lawful and fair election, deprived Plaintiffs of their Rights to a verifiable, lawful and transparent vote count, that the right to vote consists of not only casting a ballot, but having the vote counted accurately, as it was cast and not counted on unlawful election machines and software.

Oregon Constitution Article II section 1 states all elections shall be free and equal. Article 1 section 20 equality of privileges and immunities of citizens. The operation of the laws shall never be suspended, except by the Authority of the Legislative Assembly.

Article 1 section 33 enumeration of rights not exclusive. This enumeration of rights, and privileges shall not be construed to impair or deny others retained by the people.

WHEREFORE, plaintiffs pray for a judgment as follows:

1) On plaintiffs first claim for relief:

a) A judgment setting aside declaring the election machines and software used in the 2020 elections and 2022 election are not compliant to the law and election mandates under HAVA and the EAC in violation of Oregon election laws.

2) On plaintiffs second through sixth claims for relief, Declaratory judgment ruling upon and enjoining defendants from each of the illegal practices.

3) On all plaintiffs' claims for relief, a permanent injunction enjoining the practices of defendants determined by this court to have been conducted in violation of law.

4) On all Plaintiffs claims of relief that this court deem Washington County election machines, printers, and tabulators be excluded from use in the November 8, 2022 election, and further barring the use of election machines in the future due to the extreme glaring and unresolved

1 circumstances surrounding the 2020 election, and 2022 election, and VSTL accreditations
2 since 2017 therefore affecting all elections henceforth.

- 3 5) On all Plaintiffs claims of relief that the court compel Washington County to return to
4 nothing short of hand counted paper ballots (ORS 254.485 (1) to restore the confidence of the
5 people of Washington County, our state, and our elected representatives.
6
7 6) On all of plaintiffs' claims for relief, and award of plaintiff's reasonable attorney fees and
8 costs and disbursements incurred herein;
9
10 7) For such other or further relief as the court deems just and equitable.

11 Respectfully submitted this 3rd Day of November 2022.


12 /s/ Judy Ann Morrise
13 3665 SW 78th Avenue
14 Portland, OR 97225

15 /s/ Sara Marie Genta
16 5005 SE Lincoln St
17 Portland, Oregon 97215
18
19
20
21
22
23
24
25
26
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28

Verified Correct Copy of Original 11/4/2022.

ACKNOWLEDGEMENT

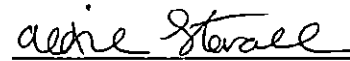
I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.


Judy Ann Morrise

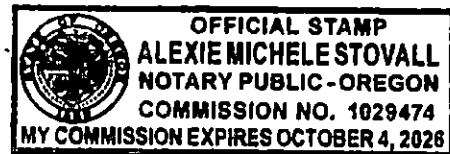
STATE OF OREGON)
) SS.
COUNTY OF WASHINGTON)

On this 3rd day of November before me personally appeared Judy Ann Morrise, who being by me duly sworn did say that she is the Petitioner named in the above-captioned action an acknowledged to me that the allegations contained therein are true according to her best knowledge and belief.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.


Notary Public

October 4th, 2026
My commission Expires



Verified Correct Copy of Original 11/4/2022

ACKNOWLEDGEMENT

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

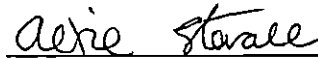


Sara Marie Genta

STATE OF OREGON)
) SS.
COUNTY OF MULTNOMAH)

On this 3rd day of November before me personally appeared Sara Marie Genta who being by me duly sworn did say that she is the Petitioner named in the above-captioned action and acknowledged to me that the allegations contained therein are true according to her best knowledge and belief.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.



Notary Public

October 4th 2026

My commission Expires



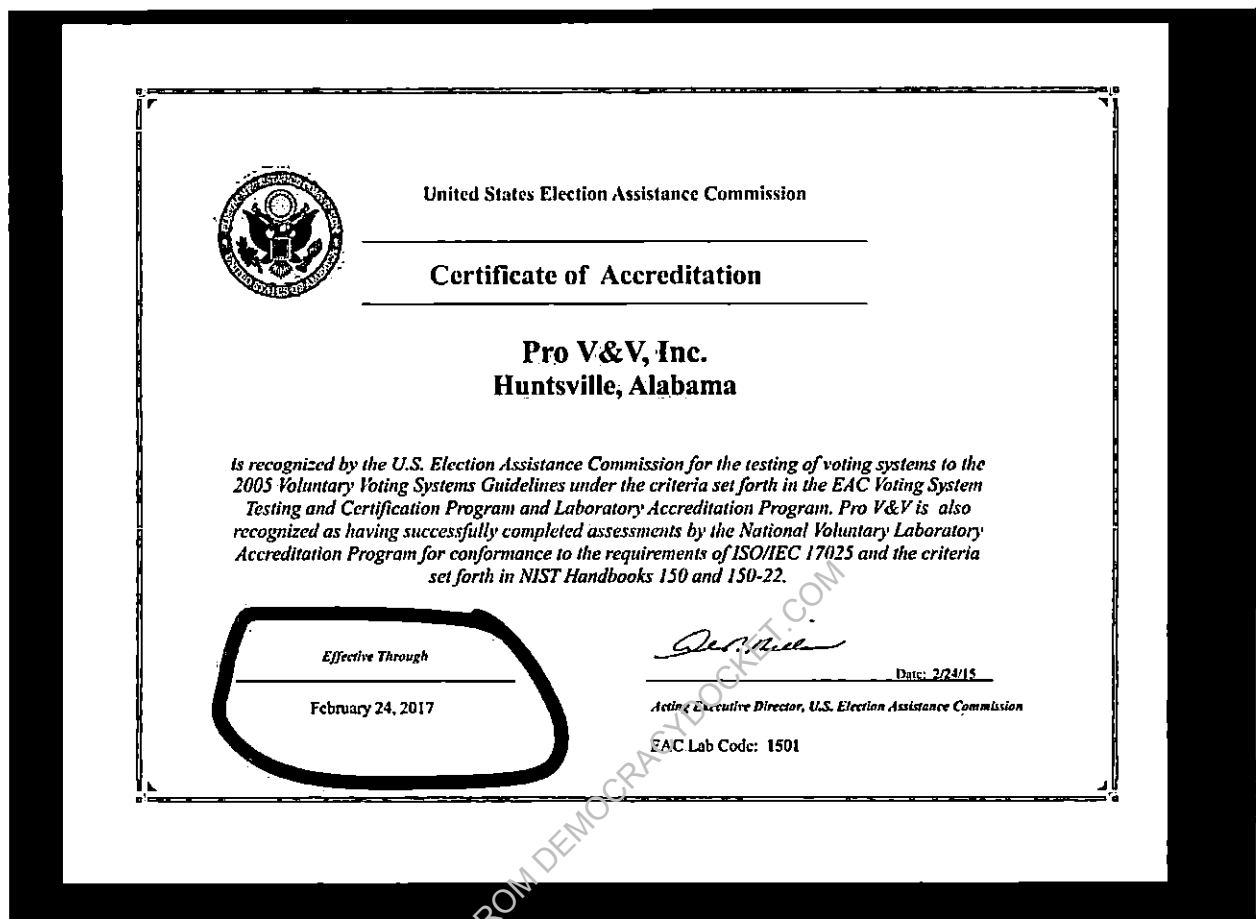
Declaration of [REDACTED]

Pursuant to 28 U.S.C Section 1746, I, [REDACTED], make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I have been a private contractor with experience gathering and analyzing foreign intelligence and acted as a LOCALIZER during the deployment of projects and operations both OCONUS and CONUS. I am a trained Cryptolinguist, hold a completed degree in Molecular and Cellular Physiology and have FORMAL training in other sciences such as Computational Linguistics, Game Theory, Algorithmic Aspects of Machine Learning, Predictive Analytics among others.
3. I have operational experience in sources and methods of implementing operations during elections both CONUS and OCONUS
4. I am an amateur network tracer and cryptographer and have over two decades of mathematical modeling and pattern analysis.
5. In my position from 1999-2014 I was responsible for delegating implementation via other contractors sub-contracting with US or 9 EYES agencies identifying connectivity, networking and subcontractors that would manage the micro operations.
6. My information is my personal knowledge and ability to detect relationships between the companies and validate that with the cryptographic knowledge I know and attest to as well as evidence of these relationships.
7. In addition, I am WELL versed due to my assignments during my time as a private contractor of how elections OCONUS (for countries I have had an assignment at) and CONUS (well versed in HAVA ACT) and more.
8. On or about October 2017 I had reached out to the US Senate Majority Leader with an affidavit claiming that our elections in 2017 may be null and void due to lack of EAC certifications. In fact Sen. Wyden sent a letter to Jack Cobb on 31 OCT 2017 advising discreetly pointing out the importance of being CERTIFIED EAC had issued a certificate to

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Pro V & V and that expired on Feb 24, 2017. No other certification has been located.



9. Section 231(b) of the Help America Vote Act (HAVA) of 2002 (42 U.S.C. §15371(b)) requires that the EAC provide for the accreditation and revocation of accreditation of independent, non-federal laboratories qualified to test voting systems to Federal standards. Generally, the EAC considers for accreditation those laboratories evaluated and recommended by the National Institute of Standards and Technology (NIST) pursuant to HAVA Section 231(b)(1). However, consistent with HAVA Section 231(b)(2)(B), the Commission may also vote to accredit laboratories outside of those recommended by NIST upon publication of an explanation of the reason for any such accreditation.

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United States Department of Commerce
National Institute of Standards and Technology

NVLAP[®]

Certificate of Accreditation to ISO/IEC 17025:2017

NVLAP LAB CODE: 200978-0

Pro V&V
Huntsville, AL

*is accredited by the National Voluntary Laboratory Accreditation Program for specific services,
listed on the Scope of Accreditation, for:*

Voting System Testing

*This laboratory is accredited in accordance with the recognized International Standard ISO/IEC 17025:2017.
This accreditation demonstrates technical competence for a defined scope and the operation of a laboratory quality
management system (refer to joint ISO-ILAC-IAF Communiqué dated January 2009).*

2020-03-26 through 2021-03-31
Effective Dates




For the National Voluntary Laboratory Accreditation Program

10.

11. VSTL's are VERY important because equipment vulnerabilities allow for deployment of algorithms and scripts to intercept, alter and adjust voting tallies.
12. There are only TWO accredited VSTLs (VOTING SYSTEM TEST LABORATORIES). In order to meet its statutory requirements under HAVA §15371(b), the EAC has developed the EAC's Voting System Test Laboratory Accreditation Program. The procedural requirements of the program are established in the proposed information collection, the EAC Voting System Test Laboratory Accreditation Program Manual. Although participation in the program is voluntary, adherence to the program's procedural requirements is mandatory for participants. The procedural requirements of this Manual will supersede any prior laboratory accreditation requirements issued by the EAC. This manual shall be read in conjunction with the EAC's Voting System Testing and Certification Program Manual (OMB 3265-0019).

U.S. Election Assistance Commission



MICHIGAN

State Participation:	Requires Testing by an Independent Testing Authority. MI requires that voting systems are certified by an independent testing authority accredited by NASED and the board of state canvassers.
Applicable Statute(s):	"An electronic voting system shall not be used in an election unless it is approved by the board of state canvassers ... and unless it meets 1 of the following conditions: (a) Is certified by an independent testing authority accredited by the national association of state election directors and by the board of state canvassers. (b) In the absence of an accredited independent testing authority, is certified by the manufacturer of the voting system as meeting or exceeding the performance and test standards referenced in subdivision (a) in a manner prescribed by the board of state canvassers." <u>MICH. COMP. LAWS ANN § 168.795a (2009).</u>
Applicable Regulation(s):	MI does not have a regulation regarding the federal certification process.
State Certification Process:	The Secretary of State accepts requests from persons/corporations wishing to have their voting system examined. The requester must pay the Secretary of State an application fee of \$1,500.00, file a report listing all of the states in which the voting system has been approved and any reports that these states have made regarding the performance of the voting system. The Board of State Canvassers conducts a field test involving Michigan electors and election officials in simulated election day conditions. The Board of State Canvassers shall approve the voting system if it meets all of the state requirements. <u>MICH. COMP. LAWS ANN § 168.795a (2009).</u>
Fielded Voting Systems:	<i>[After the EAC completes and issues the 2008 Election Administration and Voting Survey, information about fielded voting systems will be added to this document. In the meantime, readers may find information on the voting systems at the following website (if available)]:</i> <u>http://www.michigan.gov/sos/0,1607,7-127-1633_8716_45458--,00.html</u>

U.S. Election Assistance Commission



WISCONSIN

State Participation:	Requires Testing by a Federally Accredited Laboratory. WI requires that its voting systems receive approval from an independent testing authority accredited by NASED verifying that the voting systems meet all of the recommended FEC standards.
Applicable Statute(s):	"No ballot, voting device, automatic tabulating equipment or relating equipment and materials to be used in an electronic voting system may be utilized in this state unless it is approved by the board [of election commissioners]." <u>WIS. STAT. ANN. § 5.91</u> (West 2009).
Applicable Regulation(s):	"An application for approval of an electronic voting system shall be accompanied by all of the following ... [r]eports from an independent testing authority accredited by the national association of state election directors (NASED) demonstrating that the voting system conforms to all the standards recommended by the federal elections commission." <u>WIS. ADMIN. CODE GAB § 7.01</u> (2009).
State Certification Process:	The Board of Election Commissioners accepts applications for the approval of electronic voting systems. Once the application is completed, the vendor must set up the voting system for three mock elections using: (1) offices, (2) referenda questions and (3) candidates. A panel of local election officials can assist the Board in the review of the voting system. The Board conducts the test using a mock election for the partisan primary, general election, and nonpartisan election. The Board may also require that the voting system be used in an actual election as a condition of the approval. <u>WIS. ADMIN. CODE GAB §§ 7.01, 7.02</u> (2009).
Fielded Voting Systems:	[After the EAC completes and issues the 2008 Election Administration and Voting Survey, information about fielded voting systems will be added to this document. In the meantime, readers may find information on the voting systems at the following website (if available)]. http://elections.state.wi.us/section.asp?linkid=643&locid=47 .

U.S. Election Assistance Commission



GEORGIA

State Participation:	Requires Federal Certification. GA requires that its voting systems are tested to EAC standards by EAC accredited labs and certified by the EAC.
Applicable Statute(s):	"Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any voting machine may request the Secretary of State to examine the machine. Any ten or more electors of this state may, at any time, request the Secretary of State to reexamine any voting machine previously examined and approved by him or her. Before any such examination or reexamination, the person, persons, or organization requesting such examination or reexamination shall pay to the Secretary of State the reasonable expenses of such examination; provided, however, that in the case of a request by ten or more electors the examination fee shall be \$ 250.00. The Secretary of State may, at any time, in his or her discretion, reexamine any voting machine." <u>GA CODE ANN. § 21-2-324 (2008).</u>
Applicable Regulation(s):	"Prior to submitting a voting system for certification by the State of Georgia, the proposed voting system's hardware, firmware, and software must have been issued Qualification Certificates from the EAC. These EAC Qualification Certificates must indicate that the proposed voting system has successfully completed the EAC Qualification testing administered by EAC approved ITAs. If for any reason, this level of testing is not available, the Qualification tests shall be conducted by an agency designated by the Secretary of State. In either event, the Qualification tests shall comply with the specifications of the <i>Voting Systems Standards</i> published by the EAC." <u>GA. COMP. R. & RES. 590-8-1-.01 (2009).</u>
State Certification Process:	After the voting system has passed EAC Qualification testing, the vendor of the voting system submits a letter to the Office of the Secretary of State requesting certification for the voting system along with a technical data package to the certification agent. An evaluation proposal is created by the certification agent after a preliminary view of the Technical Data Package and sent to the vendor. Any additional EAC ITA testing identified in the evaluation proposal is arranged by the vendor and the certification agent will perform all other tests identified in the evaluation proposal. The certification agent submits a report of their findings to the Secretary of State. Based on these findings the Secretary of State will make a final determination on whether to certify the voting system. <u>GA. COMP. R. & RES. 590-8-1-.01 (2009).</u>
Fielded Voting Systems:	<i>[After the EAC completes and issues the 2008 Election Administration and Voting Survey, information about fielded voting systems will be added to this document. In the meantime, readers may find information on the voting systems at the following website (if available)].</i> <u>http://www.sos.georgia.gov/Elections/</u>

U.S. Election Assistance Commission



PENNSYLVANIA

<i>State Participation:</i>	Requires Testing by a Federally Accredited Laboratory. PA requires that its voting systems are approved by a federally recognized independent testing laboratory as meeting federal voting system standards.
<i>Applicable Statute(s):</i>	"Any person or corporation owning, manufacturing or selling, or being interested in the manufacture or sale of, any electronic voting system, may request the Secretary of the Commonwealth to examine such system if the voting system has been examined and approved by a federally recognized independent testing authority and if it meets any voting system performance and test standards established by the Federal Government." <u>25 PA. CONS. STAT. ANN. Code §. 3031.5</u> (West 2008).
<i>Applicable Regulation(s):</i>	PA does not have a regulation regarding the federal certification process.
<i>State Certification Process:</i>	The Secretary of State examines voting systems, upon request, once the voting systems have received approval by a federally recognized independent testing authority. The person(s) requesting the examination of the voting system are responsible for the cost of the examination. After the examination, the Secretary of State issues a report stating whether or not the voting systems are safe and compliant with state and federal requirements. If the voting systems are deemed safe and compliant by the Secretary of State then the systems may be adopted and approved for use in elections by each county through a majority vote of its qualified electors. <u>25 PA. CONS. STAT. ANN. Code §§ 3031.5, 3031.2</u> (West 2008).
<i>Fielded Voting Systems:</i>	[After the EAC completes and issues the 2008 Election Administration and Voting Survey, information about fielded voting systems will be added to this document. In the meantime, readers may find information on the voting systems at the following website (if available)]. http://www.votespa.com/HowtoVote/tabid/74/language/en-US/Default.aspx

U.S. Election Assistance Commission



ARIZONA

State Participation:	Requires Testing by a Federally Accredited Laboratory: AZ requires that its voting systems are HAVA compliant and approved by a laboratory that is accredited pursuant to HAVA.
Applicable Statute(s):	"On completion of acquisition of machines or devices that comply with HAVA, machines or devices used at any election for federal, state or county offices may only be certified for use in this state and may only be used in this state if they comply with HAVA and if those machines or devices have been tested and approved by a laboratory that is accredited pursuant to HAVA." <u>ARIZ. REV. STAT. § 16-442(B)</u> (2008).
Applicable Regulation(s):	AZ does not have a regulation regarding the federal certification process.
State Certification Process:	The Secretary of State appoints a committee of three people that test different voting systems. This committee is required to submit their recommendations to the Secretary of State who then makes the final decision on which voting system(s) to adopt. <u>ARIZ. REV. STAT. § 16-442(A) and (C)</u> (2008).
Fielded Voting Systems:	<i>[After the EAC completes and issues the 2008 Election Administration and Voting Survey, information about fielded voting systems will be added to this document. In the meantime, readers may find information on the voting systems at the following website (if available)].</i> http://www.azsos.gov/election/equipment/default.htm

17.

18. **Pro V& V and SLI Gaming** both lack evidence of EAC Accreditation as per the Voting System Testing and Certification Manual.

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19. **Pro V& V** is owned and Operated by Jack Cobb. Real name is Ryan Jackson Cobb. The company ProV&V was founded and run by Jack Cobb who formerly worked under the entity of Wyle Laboratories which is an AEROSPACE DEFENSE CONTRACTING ENTITY. The address information on the EAC, NIST and other entities for Pro V& V are different than that of what is on ProV&V website. The EAC and NIST (ISO CERT) issuers all have another address.

The screenshot shows a web browser window with the URL <https://eac.legacy.aec-admin.com>. The page is titled "Accredited Labs" and shows 2 results found. The first result is for Pro V&V, located at 700 Boulevard South, Suite 102, Huntsville, AL 35802. The second result is for SLI Compliance, a Division of Gaming Laboratories International, LLC, located at 4720 Independence Street, Wheat Ridge, CO 80033. The page also features a "Frequently Asked Questions" sidebar and a "DO YOU HAVE QUESTIONS?" section with a "Contact Us" button.

SEARCH **CLEAR**

Accredited Labs

2 results found.
Page 1 of 1

Pro V&V
700 Boulevard South
Suite 102
Huntsville, AL 35802
Status: Accredited
Program Manager: Jack Cobb, President
Phone: 256-713-1111
[Learn More](#)

SLI Compliance, a Division of Gaming Laboratories International, LLC
4720 Independence Street
Wheat Ridge, CO 80033
Status: Accredited
Program Manager: Traci Mapps, Director of Operations
Phone: 303-422-1566
[Learn More](#)

Frequently Asked Questions
Manuals and Forms
Test and Certification Blogs

DO YOU HAVE QUESTIONS?
Send your questions to us at [challenging@wyle.com](#) or click the button below to contact us.
Contact Us
[Click here to contact us](#)

REGISTER TO VOTE!
Use the National Mail Voter Registration form to register to vote, update your registration information with a new name or address, or register with a political party.
Note: If you wish to vote absentee and are a uniformed service member or family member or a citizen living outside the U.S., contact the Federal Voting Assistance Program to register to vote.
Register Today

The screenshot shows a web browser window with the URL www.provandy.com. The page is titled "Pro V&V" and contains a contact form. The form fields are: "Your Name (required)", "Your Email (required)", "Subject", and "Your Message". There is a "Send" button at the bottom right of the form. The contact information for Pro V&V is displayed on the right side of the page.

Pro V&V
6705 Odyssey Drive NW
Suite C
Huntsville, AL 35806
Office: 256-713-1111
Fax: 256-713-1112

Your Name (required)

Your Email (required)

Subject

Your Message

Send

Theme by [Tasneem](#)

20. VSTLs are the most important component of the election machines as they examine the use of COTS (Commercial Off-The-Shelf)
21. "Wyle became involved with the testing of electronic voting systems in the early 1990's and has tested over 150 separate voting systems. Wyle was the first company to obtain accreditation by the National Association of State Election Directors (NASED). Wyle is accredited by the Election Assistance Commission (EAC) as a Voting System Testing Laboratory (VSTL). Our scope of accreditation as a VSTL encompasses all aspects of the hardware and software of a voting machine. Wyle also received NVLAP accreditation to ISO/IEC 17025:2005 from NIST." Testimony of Jack Cobb 2009
22. COTS are preferred by many because they have been tried and tested in the open market and are most economic and readily available. COTS are also the SOURCE of vulnerability therefore VSTLs are VERY important. COTS components by voting system machine manufacturers can be used as a "Black Box" and changes to their specs and hardware make up change continuously. Some changes can be simple upgrades to make them more efficient in operation, cost efficient for production, end of life (EOL) and even complete reworks to meet new standards. The key issue in this is that MOST of the COTS used by Election Machine Vendors like Dominion, ES&S, Hart Intercivic, Smartmatic and others is that such manufacturing for COTS have been outsourced to China which if implemented in our Election Machines make us vulnerable to BLACK BOX antics and backdoors due to hardware changes that can go undetected. This is why VSTL's are VERY important.
23. The proprietary voting system software is done so and created with cost efficiency in mind and therefore relies on 3rd party software that is AVAILABLE and HOUSED on the HARDWARE. This is a vulnerability. Exporting system reporting using software like Crystal Reports, or PDF software allows for vulnerabilities with their constant updates.
24. As per the COTS hardware components that are fixed, and origin may be cloaked under proprietary information a major vulnerability exists since once again third-party support software is dynamic and requires FREQUENT updates. The hardware components of the computer components, and election machines that are COTS may have slight updates that can be overlooked as they may be like those designed that support the other third -party software. COTS origin is important and the US Intelligence Community report in 2018 verifies that.
25. The Trump Administration made it clear that there is an absence of a major U.S. alternative to foreign suppliers of networking equipment. This highlights the growing dominance of

Chinese manufacturers like Huawei that are the world's LARGEST supplier of telecom and other equipment that endangers national security.

26. China, is not the only nation involved in COTS provided to election machines or the networking but so is Germany via a LAOS founded Chinese linked cloud service company that works with SCYTL named Akamai Technologies that have offices in China and are linked to the server that Dominion Software.

28 046 Madrid

Asian offices

Akamai Technologies - India

111, Brigade Court
Koramangala Industrial Area
Bangalore 560 095, India

Telephone: 91-80-575-99222
Fax: 91-80-575-99209
Regional Manager: Stuart Spiteri

Akamai Technologies - China

Suite 1560, 15th Floor
NCI Tower
12A Jianguomenwai Avenue
Chaoyang District,
Beijing 100022
China

Telephone: 86-10-8523-3097
Fax: 86-10-8523-3091
Regional Manager: Stuart Spiteri

Akamai Japan K.K.

The Executive Centre Japan K.K.
15F Tokyo Ginko Kyokai building
1-3-1 Marunouchi, Chiyoda-ku, Tokyo 100-0005

Telephone: 81-3-3216-7200 (Centre)
81-3-3216-7300 (Akamai direct)
Fax: 81-3-3216-7390 (Centre)
Regional Manager: Stuart Spiteri

Akamai Technologies - Singapore

Akamai, Regus Centre, 36-01 UOB Plaza 1
80 Raffles Place
Singapore 048624
[E] Driving directions

Telephone: +65 6248 4614
Fax: +65 6248-4501
Regional Manager: Stuart Spiteri

Akamai Technologies - Australia and New Zealand

201 Sussex St
Tower 2, Level 20
Sydney, NSW 2000, Australia
info@au.akamai.com

Telephone: 61 2 9006 1325
Fax: 61 2 9475 0343
Regional Manager: Stuart Spiteri

ptt.gov resolves to 4.30.228.74. According to our data this IP address belongs to Level 3 Communications and is located in Alexandria, Virginia, United States. Please have a look at the information provided below for further details.

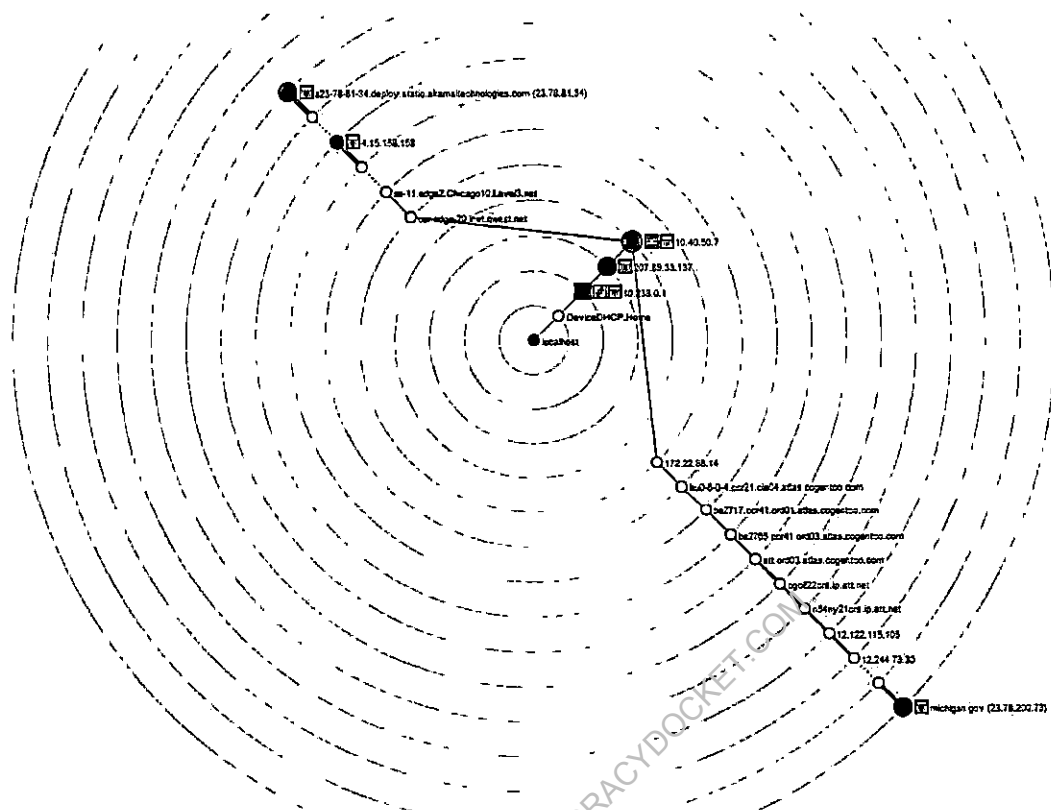
4.30.228.74

ISP/Organization	Level 3 Communications
Location	Alexandria 22304, Virginia (VA), United States (US)
Latitude	38.8115 / 38°48'41" N
Longitude	-77.1285 / 77°7'42" W
Timezone	America/New_York
Local Time	Thu, 12 Jul 2018 19:27:40 -0400

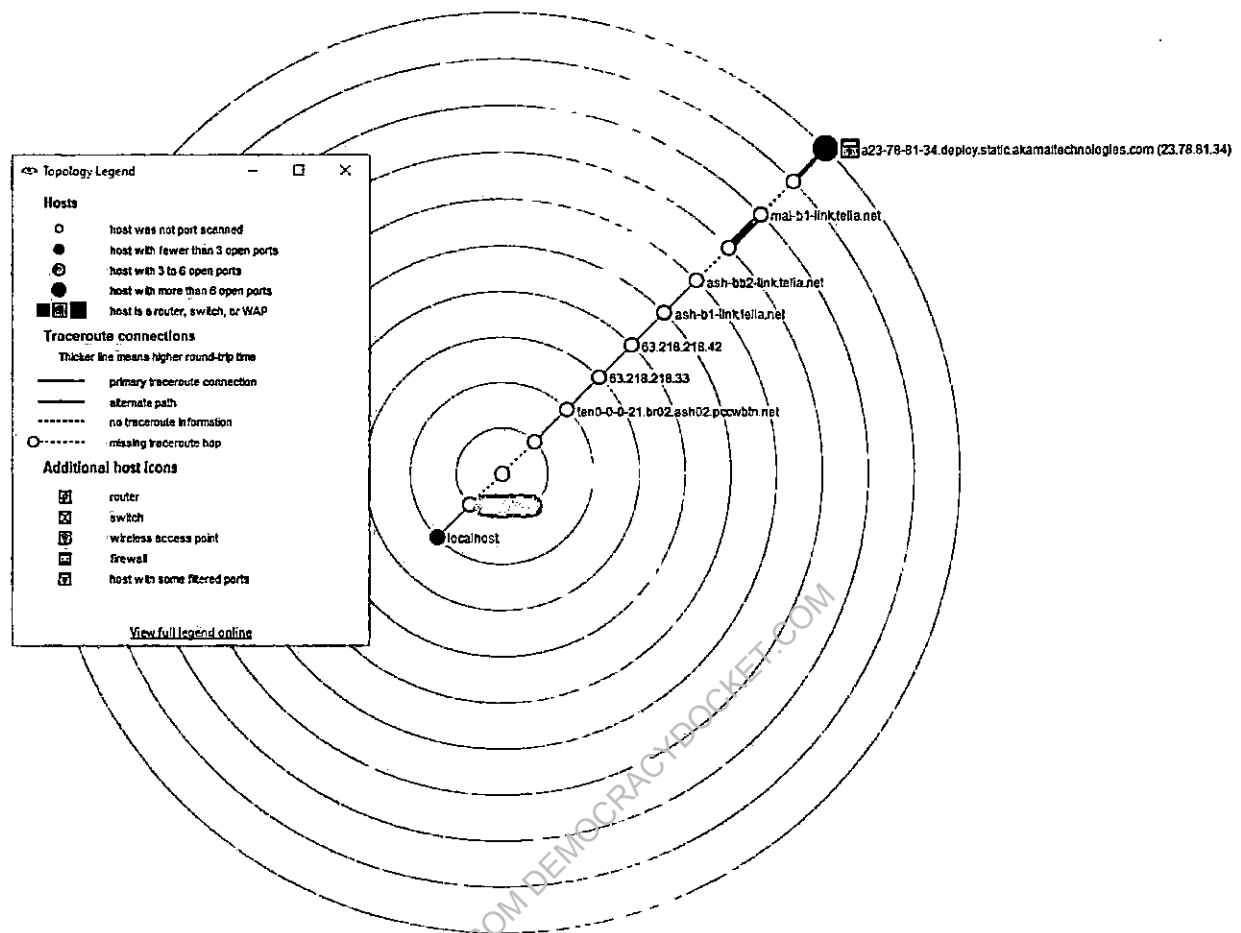


27.

28. L3 Level Communications is federal contractor that is partially owned by foreign lobbyist George Soros. An article that AP ran in 2010 – spoke out about the controversy of this that has been removed. (LINK) “As for the company’s other political connections, it also appears that none other than George Soros, the billionaire funder of the country’s liberal political infrastructure, owns 11,300 shares of OSI Systems Inc., the company that owns Rapiscan. Not surprisingly, OSI’s stock has appreciated considerably over the course of the year. Soros certainly is a savvy investor.” Washington Examiner re-write.



29.




30.

31. **L-3 Communication Systems-East** designs, develops, produces and integrates communication systems and support equipment for space, air, ground, and naval applications, including C4I systems and products; integrated Navy communication systems; integrated space communications and RF payloads; recording systems; secure communications, and information security systems. In addition, their site claims that MARCOM is an integrated communications system and The Marcom® is the foundation of the Navy's newest digital integrated voice / data switching system for affordable command and control equipment supporting communications and radio room automation. The MarCom® uses the latest COTS digital technology and open systems standards to offer the command and control user a low cost, user friendly, solution to the complex voice, video and data communications needs of present and future joint / allied missions. Built in reliability, rugged construction, and fail-safe circuits ensure your call and messages will go through. Evidently a HUGE vulnerability.

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32. Michigan's government site is thumped off Akamai Technologies servers which are housed on **TELIA AB** a foreign server located in Germany.
33. Scytl, who is contracted with AP that receives the results tallied BY Scytl on behalf of Dominion – During the elections the AP reporting site had a disclaimer.
AP – powered by SCYTL.

Advertisements	Basic Tracking Info
	Domain: Michigan.gov <small>[Website Lookup - Domain Country - Domain To IP]</small>
	IP Address: 23.78.81.34 <small>[IP Blacklist Check]</small>
	Reverse DNS: 34.81.78.23.in-addr.arpa
	Hostname: a23-78-81-34.deploy.static.akamaitechnologies.com
	a12-67.akam.net >> 184.26.160.67 a11-66.akam.net >> 84.53.139.66 a1-35.akam.net >> 193.108.91.35
	Nameservers: a5-66.akam.net >> 95.100.168.66 a18-64.akam.net >> 95.101.36.64 a24-65.akam.net >> 2.16.130.65
	Location For an IP: Michigan.gov
	Continent: North America (NA) Country: United States  (US) Capital: Washington State: Unknown City: Unknown Location: Unknown ISP: Akamai Technologies Organization: Akamai Technologies AS Number: AS1299 Telia Company AB something went wrong! something went wrong!
Geolocation on IP Map	Time Zone: America/North_Dakota/Center Local Time: 13:48:46 Timezone: -21600 GMT offset: Sunrise / Sunset: 07:27 / 17:12
	Extra Information for an IP: Michigan.gov
	Continent: 46.07305 / -100.546 Lat/Lon: Country: 38 / -98 Lat/Lon: City Lat/Lon: (37.751) / (-97.822) IP Language: English

34. “Scytl was selected by the Federal Voting Assistance Program of the U.S. Department of Defense to provide a secure online ballot delivery and onscreen marking systems under a program to support overseas military and civilian voters for the 2010 election cycle and beyond. Scytl was awarded 9 of the 20 States that agreed to participate in the program (New York, Washington, Missouri, Nebraska, Kansas, New Mexico, South Carolina, Mississippi and Indiana), making it the provider with the highest number of participating States.” PDF
35. According to DOMINION : 1.4.1 Software and Firmware The software and firmware employed by Dominion D-Suite 5.5-A consists of 2 types, custom and commercial off the shelf (COTS). COTS applications were verified to be pristine or were subjected to source code review for analysis of any modifications and verification of meeting the pertinent standards.
36. The concern is the HARDWARE and the NON – ACCREDITED VSTLs as by their own admittance use COTS.
37. The purpose of VSTL’s being accredited and their importance in ensuring that there is no foreign interference/ bad actors accessing the tally data via backdoors in equipment software. The core software used by ALL SCYTL related Election Machine/Software manufacturers ensures “anonymity” .
38. Algorithms within the area of this “shuffling” to maintain anonymity allows for setting values to achieve a desired goal under the guise of “encryption” in the trap-door.
39. The actual use of trapdoor commitments in Bayer-Groth proofs demonstrate the implications for the verifiability factor. This means that no one can SEE what is going on during the process of the “shuffling” therefore even if you deploy an algorithms or manual scripts to fractionalize or distribute pooled votes to achieve the outcome you wish – you cannot prove they are doing it! See STUDY : “The use of trapdoor commitments in Bayer-Groth proofs and the implications for the verifiability of the Scytl-SwissPost Internet voting system”
40. **Key Terms**
41. **UNIVERSAL VERIFIABILITY:** Votes cast are the votes counted and integrity of the vote is verifiable (the vote was tallied for the candidate selected) . **SCYTL FAILS UNIVERSAL VERIFIABILITY** because no mathematical proofs can determine if any votes have been manipulated.
42. **INDIVIDUAL VERIFIABILITY:** Voter cannot verify if their ballot got correctly counted. Like, if they cast a vote for ABC they want to verify it was ABC. That notion clearly discounts the need for anonymity in the first place.

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43. To understand what I observed during the 2020 I will walk you through the process of one ballot cast by a voter.
44. STEP 1 |Config Data | All non e-voting data is sent to ScytI (offshore) for configuration of data. All e-voting is sent to CONFIGURATION OF DATA then back to the e-voting machine and then to the next phase called CLEANSING. **CONCERNS:** Here we see an “OR PROOF” as coined by mathematicians – an “or proof” is that votes that have been pre-tallied parked in the system and the algorithm then goes back to set the outcome it is set for and seeks to make adjustments if there is a partial pivot present causing it to fail demanding manual changes such as block allocation and narrowing of parameters or self-adjusts to ensure the predetermined outcome is achieved.
45. STEP 2|CLEANSING | The Process is when all the votes come in from the software run by Dominion and get “cleansed” and put into 2 categories: invalid votes and valid votes.
46. STEP 3|Shuffling /Mixing | This step is the most nefarious and exactly where the issues arise and carry over into the decryption phase. Simply put, the software takes all the votes, literally mixes them a and then re-encrypts them. This is where if ONE had the commitment key- TRAPDOOR KEY – one would be able to see the parameters of the algorithm deployed as the votes go into this mixing phase, and how algorithm redistributes the votes.
47. This published PAPER FROM University College London depicts how this shuffle works. In essence, when this mixing/shuffling occurs, then one doesn’t have the ability to know that vote coming out on the other end is actually their vote; therefore, ZERO integrity of the votes when mixed.

RETRIEVED FROM DEMOCRACYDOCKET.COM

48.

Background - ElGamal encryption

- Setup: Group \mathcal{G} of prime order q with generator g
- Public key: $pk = y = g^x$
- Encryption: $\mathcal{E}_{pk}(m; r) = (g^r, y^r m)$
- Decryption: $\mathcal{D}_x(u, v) = vu^{-x}$
- Homomorphic:

$$\mathcal{E}_{pk}(m; r) \times \mathcal{E}_{pk}(M; R) = \mathcal{E}_{pk}(mM; r + R)$$

- Re-encryption:

$$\mathcal{E}_{pk}(m; r) \times \mathcal{E}_{pk}(1; R) = \mathcal{E}_{pk}(m; r + R)$$



49. When this mixing/shuffling occurs, then one doesn't have the ability to know that vote coming out on the other end is actually their vote; therefore, ZERO integrity of the votes.
50. When the votes are sent to Scyt1 via Dominion Software EMS (Election Management System) the Trap Door is accessed by Scyt1 or TRAP DOOR keys (Commitment Parameters).



52. The encrypted data is shifted into Scyt1's platform in the form of ciphertexts – this means it is encrypted and a key based on commitments is needed to read the data. The ballot data can only be read if the person has a key that is set on commitments.
53. A false sense of security is provided to both parties that votes are not being “REPLACED” during the mixing phase. Basically, Scyt1 re-encrypts the ballot data that comes in from Dominion (or any other voting software company) as ciphertexts. Scyt1 is supposed to prove that votes A, B, C are indeed X, Y, Z under their new re-encryption when sending back the votes that are tallied coding them respectively. This is done by Scyt1 and the Election Software company that agrees to certain

“Generators” and therefore together build “commitments.”

```
public CommitmentParams(final ZpSubgroup group, final int n) {
    group = group;
    h = GroupTools.getRandomElement(group);
    commitmentlength = n;
    g = GroupTools.getVectorRandomElement(group,
    this.commitmentlength);
}
```

```
// from getRandomElement(group)
```

```
Exponent randomExponent = ExponentTools.getRandomExponent(group.getQ());
return group.getGenerator().exponentiate(randomExponent);
```

54. Scytl and Dominion have an agreement – only the two would know the parameters. This means that access is able to occur through backdoors in hardware if the parameters of the commitments are known in order to alter the range of the algorithm deployed to satisfy the outcome sought in the case of algorithm failure.
55. Trapdoor is a cryptotech term that describes a state of a program that knows the commitment parameters and therefore is able change the value of the commitments however it likes. In other words, Scytl or anyone that knows the commitment parameters can take all the votes and give them to any one they want. If they have a total of 1000 votes an algorithm can distribute them among all races as it deems necessary to achieve the goals it wants. (Case Study: Estonia)

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Commitment_{CRYPT} = CM_c

Sage sets commitment - simple math

$$CM_c(\vec{z}, r) = H \cdot G^r = 1 \cdot G^r$$

$$CM_c(\vec{z}, r) = H \cdot \sum_{i=1}^n (\alpha_i \cdot z_i) e_i \prod_{i=1}^n H^{z_i e_i}$$

$$CM_c(\vec{z}, r) = CM_c(\vec{z}, r')$$

$$r' = r + \sum_{i=1}^n e_i (a_i - z_i)$$

56.

57. Within the trapdoor this is how the algorithm behaves to move the goal posts in elections without being detected by this proof. During the mixing phase this is the algorithm you would use to

"reallocate" votes via an algorithm to achieve the goal set.

??

Original Candidates: C_1 : John C_2 : Matt C_3 : Kelly

$$C_1' = \text{Epk}(1; p_1) C_1 = \text{Epk}(M_1, p_1 + p'_1)$$

$$C_2' = \text{Epk}(1; p_2) C_3 = \text{Epk}(M_2, p_2 + p'_3) \quad \leftarrow \text{changing vote}$$

$$C_3' = \text{Epk}(1; p_3) C_3 = \text{Epk}(M_3, p_3 + p'_3)$$

Giving vote to C_3 rather than C_2 .

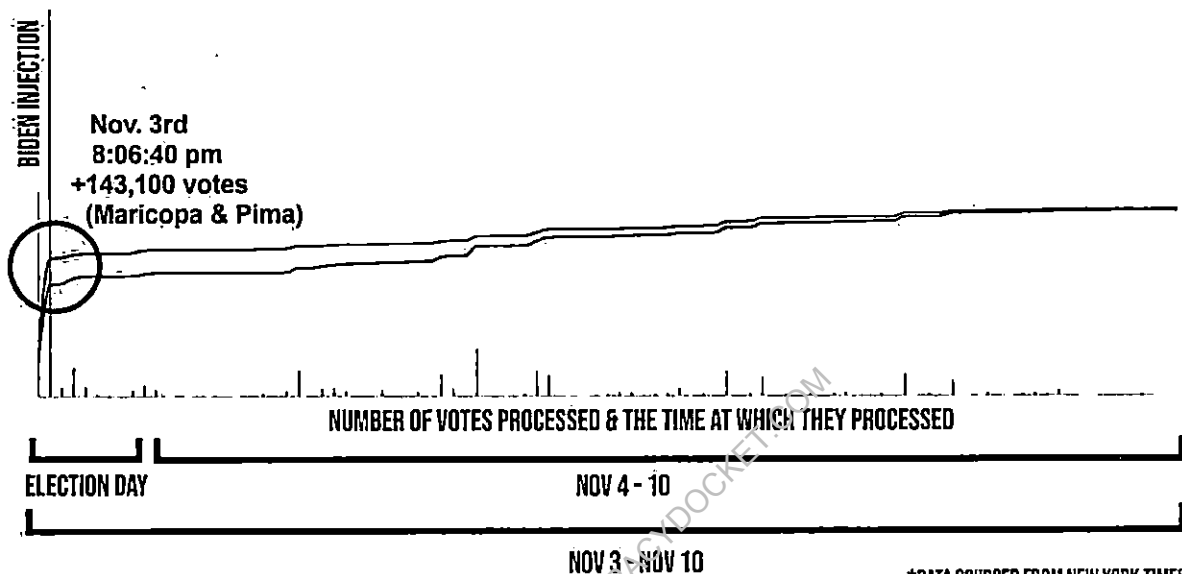
58. STEP 4|Decryption would be the decryption phase and temporary parking of vote tallies before reporting. In this final phase before public release the tallies are released from encrypted format into plain text. As previously explained, those that know the trapdoor can easily change any votes that the randomness is applied and used to generate the tally vote ciphertext. Thus in this case, Scyt1 who is the mixer can collude with their vote company clients or an agency (-----) to change votes and get away with it. This is because the receiver doesn't have the decryption key so they rely solely on Scyt1 to be **honest** or free from any foreign actors within their backdoor or the Election Company (like Dominion) that can have access to the key.
59. In fact, a study from the University of Bristol made claim that interference can be seen when there is a GREAT DELAY in reporting and finalizing numbers University of Bristol : [How not to Prove Yourself: Pitfalls of the Fiat-Shamir Heuristic and Applications to Helios](#)
60. "Zero-knowledge proofs of knowledge allow a prover to convince a verifier that she holds information satisfying some desirable properties without revealing anything else." David Bernhard, Olivier Pereira, and Bogdan Warinschi.

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61. Hence, you can't prove anyone manipulated anything. The TRAP DOOR KEY HOLDERS can offer you enough to verify to you what you need to see without revealing anything and once again indicating the inability to detect manipulation. **ZERO PROOF of INTEGRITY OF THE VOTE.**
62. Therefore, if decryption is challenged, the administrator or software company that knows the trap door key can provide you proof that would be able to pass verification (blind). This was proven to be factually true in the case study by The University of Melbourne in March. White Hat Hackers purposely altered votes by knowing the parameters set in the commitments and there was no way to prove they did it – or any way to prove they didn't.
63. IT'S THE PERFECT THREE CARD MONTY. That's just how perfect it is. They fake a proof of ciphertexts with KNOWN "RANDOMNESS". This rolls back to the integrity of the VOTE. The vote is not safe using these machines not only because of the method used for ballot "cleansing" to maintain anonymity but the EXPOSURE to foreign interference and possible domestic bad actors.
64. In many circumstances, manipulation of the algorithm is NOT possible in an undetectable fashion. This is because it is one point heavy. Observing the elections in 2020 confirm the deployment of an algorithm due to the BEHAVIOR which is indicative of an algorithm in play that had no pivoting parameters applied.
65. The behavior of the algorithm is that one point (B) is the greatest point within the allocated set. It is the greatest number within the A B points given. Point A would be the smallest. Any points outside the A B points are not necessarily factored in yet can still be applied.
66. The points outside the parameters can be utilized to a certain degree such as in block allocation.
67. The algorithm geographically changed the parameters of the algorithm to force blue votes and ostracize red.
68. Post block allocation of votes the two points of the algorithm were narrowed ensuring a BIDEN win hence the observation of NO Trump Votes and some BIDEN votes for a period of time.

ARIZONA

"FIXING" THE VOTE

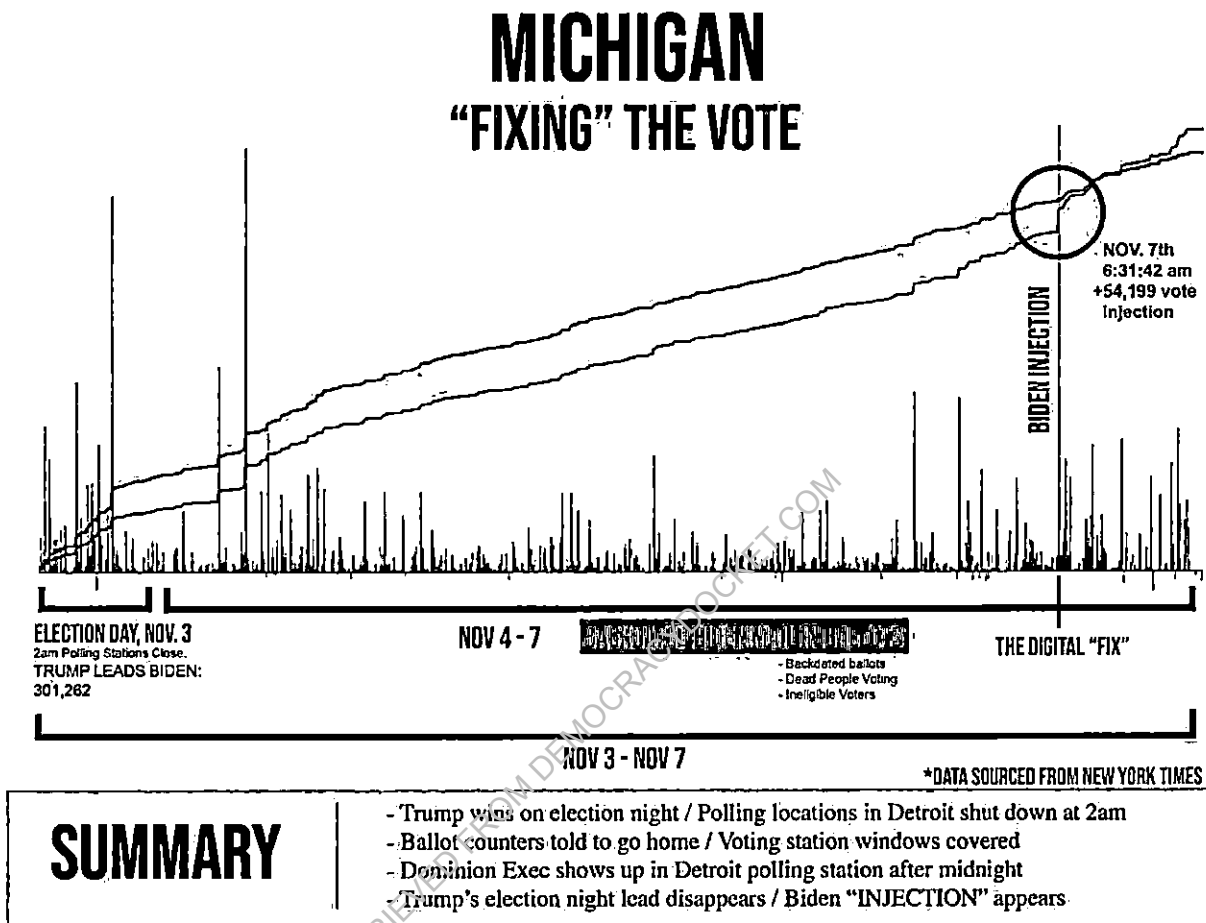


SUMMARY

- Mathematical evidence of the seeding "injection" of votes at the beginning
- A spike means that a large number of votes were injected into the totals
- A normal vote pattern would look like a natural progression – smooth without extreme jumps

69.

70. Gaussian Elimination without pivoting explains how the algorithm would behave and the election results and data from Michigan confirm FAILURE of algorithm.



71. The "Digital Fix" observed with an increased spike in VOTES for Joe Biden can be determined as evidence of a pivot. Normally it would be assumed that the algorithm had a Complete Pivot. Wilkinson's demonstrated the guarantee as :

$$\frac{\|U\|_{\infty}}{\|A\|_{\infty}} \leq n^{\frac{1}{2} \log(n)}$$

72.

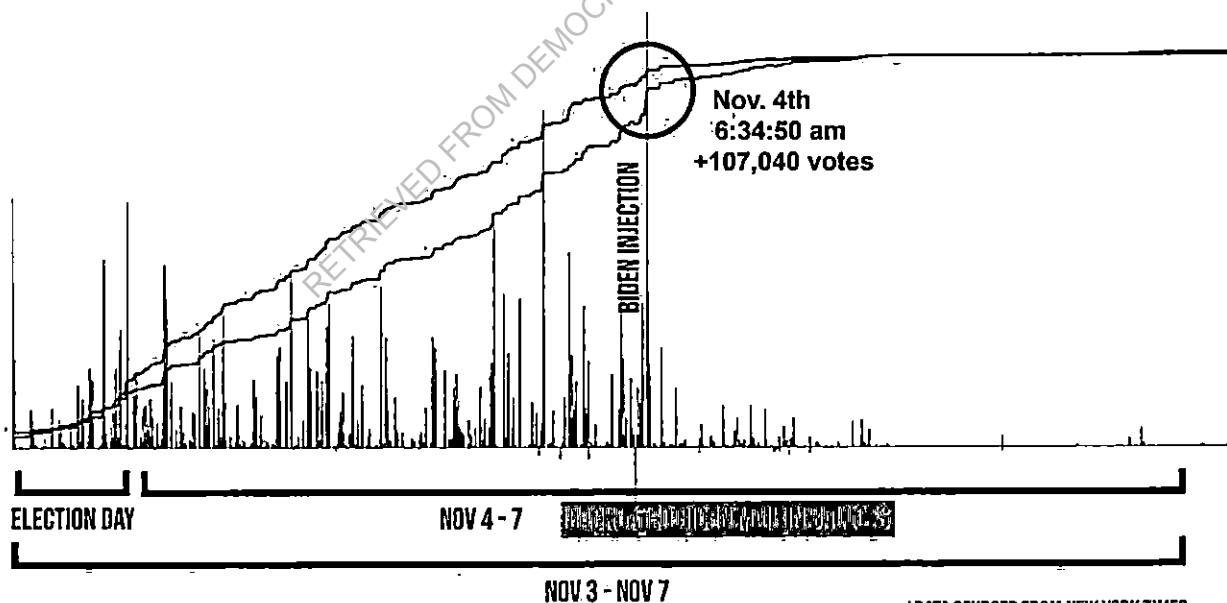
73. Such a conjecture allows the growth factor the ability to be upper bound by values closer to n . Therefore, complete pivoting can't be observed because there would be too many floating points. Nor can partial as the partial pivoting would overwhelm after the "injection" of votes. Therefore, external factors were used which is evident from the "DIGITAL FIX"
74. Observing the elections, after a review of Michigan's data a spike of 54,199 votes to Biden. Because it is pushing and pulling and keeping a short distance between the 2 candidates; but then a spike, which is how an algorithm presents; - and this spike means there was a pause and an insert was made, where they insert an algorithm. Block spikes in votes for JOE BIDEN were NOT paper

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ballots being fed or THUMB DRIVES. The algorithm block adjusted itself and the PEOPLE were creating the evidence to BACK UP the block allocation.

75. I have witnessed the same behavior of the election software in countries outside of the United States and within the United States. In -----, the elections conducted behaved in the same manner by allocating BLOCK votes to the candidate "chosen" to win.
76. Observing the data of the contested states (and others) the algorithm deployed is identical to that which was deployed in 2012 providing Barack Hussein Obama a block allocation to win the 2012 Presidential Elections.
77. The algorithm looks to have been set to give Joe Biden a 52% win even with an initial 50K+ vote block allocation was provided initially as tallying began (as in case of Arizona too). In the am of November 4, 2020 the algorithm stopped working, therefore another "block allocation" to remedy the failure of the algorithm. This was done manually as ALL the SYSTEMS shut down NATIONWIDE to avoid detection.

GEORGIA "FIXING" THE VOTE



SUMMARY

- The spike on the morning of Nov. 4 resulted in a net increase of 107,040 to Biden's total
- A spike means that a large number of votes were injected into the totals
- A normal vote pattern would look like a natural progression - smooth without

- 78.
79. In Georgia during the 2016 Presidential Elections a failed attempt to deploy the scripts to block allocate votes from a centralized location where the "trap-door" key lay an attempt by someone using

80. In the state of Wisconsin, we observed a considerable BLOCK vote allocation by the algorithm at the SAME TIME it happened across the nation. All systems shut down at around the same time.

2 million votes

1.5m

1m

Republican votes

Democratic votes

An estimated 381k more votes have not yet been counted

Brown and Kenosha counties are still counting.

82. In Wisconsin there are also irregularities in respect to BALLOT requests. (names AND address
Hidden for privacy)

83.

84.

- April 21, 2014



f



90.

91. Right before the ----- elections it was alleged that CyberBerkut a pro-Russia group infiltrated --- central election computers and deleted key files. These actions supposedly rendered the vote-tallying system inoperable.
92. In fact, the KEY FILES were the Commitment keys to allow Scytl to tally the votes rather than the election machines. The group had disclosed emails and other documents proving that their election was rigged and that they tried to avoid a fixed election.
93. The elections were held on May 25, 2014 but in the early AM hours the election results were BLOCKED and the final tally was DELAYED flipping the election in favor of -----.
94. The claim was that there was a DDoS attack by Russians when in actual fact it was a mitigation of the algorithm to inject block votes as we observed was done for Joe Biden because the KEYS were unable to be deployed. In the case of -----, the trap-door key was "altered"/deleted/ rendered ineffective. In the case of the US elections, representatives of Dominion/ ES&S/ Smartmatic/ Hart Intercivic would have to manually deploy them since if the entry points into the systems seemed to have failed.
95. The vote tallying of all states NATIONWIDE stalled and hung for days – as in the case of Alaska that has about 300K registered voters but was stuck at 56% reporting for almost a week.
96. This "hanging" indicates a failed deployment of the scripts to block allocate remotely from one location as observed in ----- on May 26, 2014.
97. This would justify the presence of the election machine software representatives making physical appearances in the states where the election results are currently being contested.
98. A Dominion Executive appeared at the polling center in Detroit after midnight.
99. Considering that the hardware of the machines has NOT been examined in Michigan since 2017 by Pro V& V according to Michigan's own reporting. COTS are an avenue that hackers and bad actors seek to penetrate in order to control operations. Their software updates are the reason vulnerabilities to foreign interference in all operations exist.
100. The importance of VSTLs in underrated to protect up from foreign interference by way of open access via COTS software. Pro V& V who's EAC certification EXPIRED on 24 FEB 2017 was contracted with the state of WISCONSIN.
101. In the United States each state is tasked to conduct and IV& V (Independent Verification and Validation) to provide assurance of the integrity of the votes.
102. If the "accredited" non-federal entities have NOT received EAC accreditation this is a failure of the states to uphold their own states standards that are federally regulated.
103. In addition, if the entities had NIST certificates they are NOT sufficing according the HAVA ACT 2002 as the role of NIST is clear.
104. Curiously, both companies PRO V&V and SLI GAMING received NIST certifications OUTSIDE the 24 month scope.

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105. PRO V& V received a NIST certification on 26MAR2020 for ONE YEAR. Normally the NIST certification is good for two years to align with that of EAC certification that is good for two years.



106.

107. The last PRO V& V EAC accreditation certificate (Item 8) of this declaration expired in February 2017 which means that the IV & V conducted by Michigan claiming that they were accredited is false.

108. The significance of VSTLs being accredited and examining the HARDWARE is key. COTS software updates are the avenues of entry.

109. As per DOMINION'S own petition, the modems they use are COTS therefore failure to have an accredited VSTL examine the hardware for points of entry by their software is key.

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*Compact Flash Cards	***SanDisk Ultra: SDCFHS-004G SDCFHS-008G RiData: CFC-14A RDF8G-233XMCB2-1 RDF16G-233XMCB2-1 RDF32G-233XMCB2-1 SanDisk Extreme: SDCFX-016G SDCFX-032G SanDisk: SDFAA-008G		Memory device for ICP and ICE tabulators.
*Modems	Verizon USB Modem Pantech UMW190NCD USB Modem MultiTech MT9234MU CellGo Cellular Modem E-Device 3GPUSUS AT&T USB Modem MultiTech GSM MTD-H5 Fax Modem US Robotics 56K V.92.		Analog and wireless modems for transmitting unofficial election night results.

110.

111. For example and update of Verizon USB Modem Pantech undergoes multiple software updates a year for it's hardware. That is most likely the point of entry into the systems.

112. During the 2014 elections in ---- it was the modems that gave access to the systems where the commitment keys were deleted.

113. SLI Gaming is the other VSTL "accredited" by the EAC BUT there is no record of their accreditation. In fact, SLI was NIST ISO Certified 27 days before the election which means that PA IV&V was conducted without NIST cert for SLI being valid.

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- 114.
115. In fact SLI was NIST ISO Certified for less than 90 days.
116. I can personally attest that high-level officials of the Obama/Biden administration and large private contracting firms met with a software company called GEMS which is ultimately the software ALL election machines run now running under the flag of DOMINION.
117. GEMS was manifested from SOE software purchased by SCYTL developers and US Federally Funded persons to develop it.
118. The only way GEMS can be deployed across ALL machines is IF all counties across the nation are housed under the same server networks.
119. GEMS was tasked in 2009 to a contractor in Tampa, FL.
120. GEMS was also fine-tuned in Latvia, Belarus, Serbia and Spain to be localized for EU deployment as observed during the Swissport election debacle.
121. John McCain's campaign assisted in FUNDING the development of GEMS web monitoring via WEB Services with 3EDC and Dynology.

Image# 13941014755

**SCHEDULE B-P
ITEMIZED DISBURSEMENTS**Use separate schedule(s)
for each category of the
Detailed Summary PageFOR LINE NUMBER:
(check only one)

PAGE 7358 / 8595

<input checked="" type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	<input type="checkbox"/> 27a
<input type="checkbox"/> 27b	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29

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NAME OF COMMITTEE (In Full)

JOHN MCCAIN 2008, INC.

Full Name (Last, First, Middle Initial)

A. 3EDC LLC

Mailing Address 211 NORTH UNION ST STE 200

City
ALEXANDRIAState
VAZip Code
22314Purpose of Disbursement
WEB SERVICE

Candidate Name:

Category/
Type

Office Sought:

☐ House
☐ Senate
☐ President

Disbursement For: 2008

☒ Primary ☐ General
☐ Other (specify) ▼

State:

District:

Date of Disbursement

MM	DD	YY
03	17	2008

Transaction ID : SB23.10515

Amount of Each Disbursement this Period

399916.09

Full Name (Last, First, Middle Initial)

B. A FARE EXTRAORDINAIRE

Mailing Address 2035 MARSHALL

City
HOUSTONState
TXZip Code
77098Purpose of Disbursement
FACILITY RENTAL/CATERING

Candidate Name:

Category/
Type

Office Sought:

☐ House
☐ Senate
☐ President

Disbursement For: 2008

☒ Primary ☐ General
☐ Other (specify) ▼

State:

District:

Date of Disbursement

MM	DD	YY
03	17	2008

Transaction ID : SB23.10049

Amount of Each Disbursement this Period

23697.69

Full Name (Last, First, Middle Initial)

C. ADMINISTAFF

Mailing Address PO BOX 203332

City
HOUSTONState
TXZip Code
77216Purpose of Disbursement
INSURANCE

Candidate Name:

Category/
Type

Office Sought:

☐ House
☐ Senate
☐ President

Disbursement For: 2008

☒ Primary ☐ General
☐ Other (specify) ▼

State:

District:

Date of Disbursement

MM	DD	YY
03	05	2008

Transaction ID : SB23.10117

Amount of Each Disbursement this Period

483.68

Subtotal Of Receipts This Page (optional)

424097.46

Total This Period (last page this line number only)

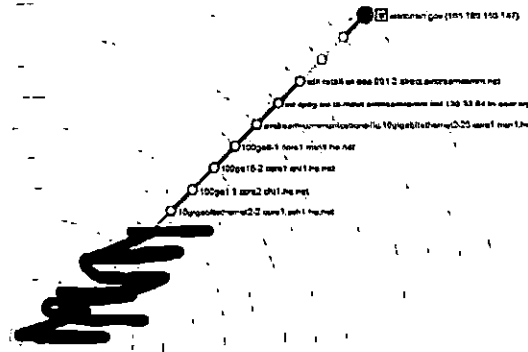
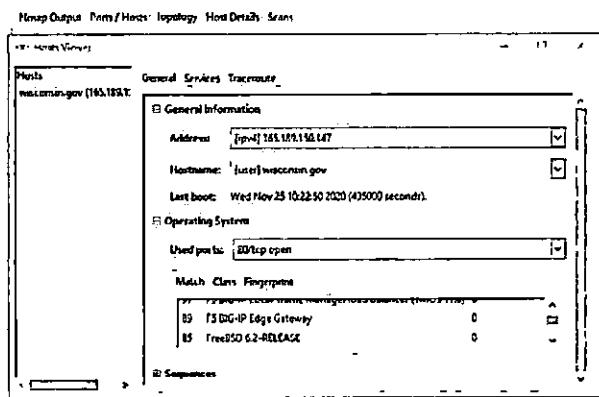
122.

123.

124. AKAMAI Technologies services SCYTL.

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125. AKAMAI Technologies Houses ALL foreign government sites. (Please see White Paper by Akamai.)
126. AKAMAI Technologies houses ALL .gov state sites. (ref Item 123 Wisconsin.gov Example)



- 127.
128. Wisconsin has EDGE GATEWAY port which is AKAMAI TECHNOLOGIES based out of GERMANY.
129. Using AKAMAI Technologies is allowing .gov sites to obfuscate and mask their systems by way of HURRICANE ELECTRIC (he.net) Kicking it to anonymous (AKAMAI Technologies) offshore servers.

Hosts	General	Services	Traceroute
wisconsin.gov (165.189.150.147)			
			3 3.00 207.89.33.137
			4 4.00 10.40.50.7
			5 13.00 172.22.7.24
			6 15.00 206.126.236.37 10gigabitethernet2-2.core1.ash1.he.net
			7 41.00 184.105.64.133 100ge1-1.core2.chi1.he.net
			8 27.00 184.104.192.117 100ge15-2.core1.chi1.he.net
			9 32.00 184.105.65.226 100ge8-1.core1.msn1.he.net
			10 35.00 216.66.73.242 airstream-communications-llc.10gigabitethernet2-20.core1.msn1
			11 37.00 64.33.130.57 air-cpdg-asr-to-rdsn.airstreamcomm.net.130.33.64.in-addr.arpa
			12 37.00 64.33.143.186 win-retail-wi-doa-001-2.direct.airstreamcomm.net
			13 [REDACTED]
			14 [REDACTED]
			15 38.00 165.189.150.147

- 130.
131. AKAMAI Technologies has locations around the world.
132. AKAMAI Technologies has locations in China (ref item 22)
133. AKAMAI Technologies has locations in Iran as of 2019.
134. AKAMAI Technologies merged with UNICOM (CHINESE TELECOMM) in 2018.
135. AKAMAI Technologies house all state .gov information in GERMANY via TELIA AB.

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136. In my professional opinion, this affidavit presents unambiguous evidence:
137. That there was Foreign interference, complicit behavior by the previous administrations from 1999 up until today to hinder the voice of the people and US persons knowingly and willingly colluding with foreign powers to steer our 2020 elections that can be named in a classified setting.
138. Foreign interference is present in the 2020 election in various means namely,
139. Foreign nationals assisted in the creation of GEMS (Dominion Software Foundation)
140. Akamai Technologies merged with a Chinese company that makes the COTS components of the election machines providing access to our electronic voting machines.
141. Foreign investments and interests in the creation of the GEMS software.
142. US persons holding an office and private individuals knowingly and willingly oversaw fail safes to secure our elections.
143. The EAC failed to abide by standards set in HAVA ACT 2002.
144. The IG of the EAC failed to address complaints since their appointment regarding vote integrity
145. Christy McCormick of the EAC failed to ensure that EAC conducted their duties as set forth by HAVA ACT 2002
146. Both Patricia Layfield (IG of EAC) and Christy McCormick (Chairwoman of EAC) were appointed by Barack Hussein Obama and have maintained their positions since then.
147. The EAC failed to have a quorum for over a calendar year leading to the inability to meet the standards of the EAC.
148. AKAMAI Technologies and Hurricane Electric raise serious concerns for NATSEC due to their ties with foreign hostile nations.
149. For all the reasons above a complete failure of duty to provide safe and just elections are observed.
150. For the people of the United States to have confidence in their elections our cybersecurity standards should not be in the hands of foreign nations.
151. Those responsible within the Intelligence Community directly and indirectly by way of procurement of services should be held accountable for assisting in the development, implementation and promotion of GEMS.
152. GEMS ----- General Hayden.
153. In my opinion and from the data and events I have observed ----- with the assistance of SHADOWNET under the guise of L3-Communications which is MPRI. This is also confirmed by us.army.mil making the statement that shadownet has been deployed to 30 states which all

happen to be using Dominion Machines.

FAIRFAX, Va. -The Virginia National Guard's Bowling Green-based 91st Cyber Brigade completed the nationwide rollout of its ShadowNet enterprise solution July 19, 2019, with the integration of the 125th Cyber Protection Battalion into the solution's virtual private network. ShadowNet is a custom-built private cloud-based out of the brigade's data center in Fairfax, Virginia, that uses VPN connectivity to provide its aligned units with 24-hour, seven-days-a-week remote access to critical cyber training at both the collective and individual levels. The brigade successfully integrated its three other cyber protection battalions - the 123rd, 124th, and 126th Cyber Protection Battalions - into the solution last January.

"I'm extremely proud to announce that the Soldiers of the 91st Cyber Brigade have completed the construction and rollout of ShadowNet, a world-class enterprise solution designed to propel operational innovation in the field of cyber training," said Col. Adam C. Volant, commander of the 91st Cyber Brigade. "ShadowNet will allow us to leverage the expertise of cyber professionals across our four cyber protection battalions to build Soldier-centric programs and collective training environments that deliver breakthroughs in exercise complexity and cost efficiency. Its robust

OCTOBER 26, 2020
U.S. Army STAND-TO! | Army Readiness Training

SEPTEMBER 12, 2019
September 2017 Nominative Sergeant Major Assignments

SEPTEMBER 12, 2019
DA ANNOUNCES ROTATIONAL DEPLOYMENTS

154. Based on my research of voter data – it appears that there are approximately 23,000 residents of a Department of Corrections Prison with requests for absentee ballot in Wisconsin. We are currently reviewing and verifying the data and will supplement.

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	23230	Gutierrez	ivary	Jane	(262)994-9050	
23231	23231	Hansen	Luann	M	(262)994-9050	
23232	23232	Neberman	John	C	(262)994-9050	
23233	23233	Reynolds	Devi	J	(262)994-9050	
23234	23234	Rieckhoff	Kathryn	Susan	(262)994-9050	
23235	23235	Edwards	Mark	Landon	(262)994-9050	
23236	23236	Pfeiffer	Joseph	Patrick	(262)994-9050	
23237	23237	Hines	Dianna	K	(262)994-9050	
23238	23238	Beachem	Janice	F	(262)994-9050	
23239	23239	Blackstone	Thomas	Wayne	(262)994-9050	
23240	23240	Braun	Patricia	Ann	(262)994-9050	
23241	23241	Smith	Raymond	L	(262)994-9050	
23242	23242	Meyer	Steven	R	(262)994-9050	
23243	23243	Vincent	Herbert		(262)994-9050	
23244	23244	Guajardo	Juan	P	(262)994-9050	
23245	23245	Wallace	Kirk	R	(262)994-9050	
23246	23246	Kaplan	Bernard	L	(262)994-9050	
23247	23247	Bahrs	Michelle	M	(262)994-9050	
23248	23248	Shattuck	Elizabeth	L	(262)994-9050	
23249	23249	Munoz	Rosalio	S	JR (262)994-9050	
23250	23250	Strunk	Amy	C	(262)994-9050	
23251	23251	Schendel	Michael	P	JR (262)994-9050	
23252	23252	Mack	Kimberly	N	(262)994-9050	
23253	23253	Spikes	Debra	A	(262)994-9050	
23254	23254	Busarow	Suzanne	M	(262)994-9050	
23255	23255	Oliver	Timmy		(262)994-9050	
23256	23256	Wember	Jimmy	Dean	(262)994-9050	
23257	23257	Kosterman	Michael	Richard	(262)994-9050	
23258	23258	Szaradowski	Paul	M	(262)994-9050	
23259	23259	Oliver	Dale		(262)994-9050	
23260	23260	Derango	Nancy		(262)994-9050	
23261	23261	Smith	Arthur	J	(262)994-9050	SMITH24.3059@YAHOO
23262	23262	Brown	Michael	Edward	(262)994-9050	

155.

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I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge.
Executed this November 29th, 2020.



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OFFICE OF THE SECRETARY OF STATE

ELECTIONS DIVISION

SHEMIA FAGAN

SECRETARY OF STATE

CHERYL MYERS

DEPUTY SECRETARY OF STATE



BRENDA BAYES

INTERIM DIRECTOR

255 CAPITOL STREET NE, SUITE 501
SALEM, OREGON 97310-0722

(503) 986-1518

The table below shows the vote tally machine systems in use by each of Oregon's 36 county elections offices. Each of the vendors (ES&S, Clear Ballot, and HART) have been certified for use by the Secretary of State, Elections Division, in accordance with the law and applicable Oregon Administrative Rules.

	County	ES&S	Clear Ballot	HART
1	BAKER	X		
2	BENTON	X		
3	CLACKAMAS			X
4	CLATSOP	X		
5	COLUMBIA	X		
6	COOS		X	
7	CROOK		X	
8	CURRY		X	
9	DESCHUTES		X	
10	DOUGLAS		X	
11	GILLIAM	X		
12	GRANT	X		
13	HARNEY		X	
14	HOOD RIVER		X	
15	JACKSON		X	
16	JEFFERSON	X		
17	JOSEPHINE		X	
18	KLAMATH		X	
19	LAKE	X		
20	LANE		X	
21	LINCOLN	X		
22	LINN		X	

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	County	ES&S	Clear Ballot	HART
23	MALHEUR	X		
24	MARION			X
25	MORROW	X		
26	MULTNOMAH		X	
27	POLK	X		
28	SHERMAN	X		
29	TILLAMOOK	X		
30	UMATILLA	X		
31	UNION	X		
32	WALLOWA	X		
33	WASCO		X	
34	WASHINGTON		X	
35	WHEELER	X		
36	YAMHILL			X

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Exhibit C (Contacts)

Contact List

The following list of officials have been sufficiently notified but failed to act.

Ms. Stefanie Kirby - Baker County Clerk, Mr. Bruce Nichols - Baker County Commissioner, Mr. Bill Harvey - Baker County Commissioner, Mr. Mark E. Bennett - Baker County Commissioner, Mr. James Morales - Benton County Clerk, Ms. Nancy Wyse - Benton County Commissioner, Mr. Pat Malone - Benton County Commissioner, Xanthippe Augerot - Benton County Commissioner, Ms. Sherry Hall - Clackamas County Clerk, Ms. Tootie Smith - Clackamas County Commissioner, Ms. Sonya Fischer - Clackamas County Commissioner, Mr. Paul Savas - Clackamas County Commissioner, Ms. Martha Schrader - Clackamas County Commissioner, Mr. Mark Shull - Clackamas County Commissioner, Ms. Tracie Krevanko - Clatsop County Clerk, Mr. Mark Kujala - Clatsop County Commissioner, Ms. Lianne Thompson - Clatsop County Commissioner, Mr. John Toyooka - Clatsop County Commissioner, Ms. Pamela Wev - Clatsop County Commissioner, Ms. Courtney Bangs - Clatsop County Commissioner, Ms. Debbie Klug - Columbia County Clerk, Mr. Casey Garrett - Columbia County Commissioner, Mr. Henry Heimuller - Columbia County Commissioner, Ms. Margaret Magruder - Columbia County Commissioner, Ms. Dede Murphy - Coos County Clerk, Mr. Bob Main - Coos County Commissioner, Mr. John Sweet - Coos County Commissioner, Ms. Melissa Cribbins - Coos County Commissioner, Ms. Cheryl Seely - Crook County Clerk, Mr. Brian Barney - Crook County Commissioner, Mr. Jerry Brummer - Crook County Commissioner, Mr. Seth Crawford - Crook County Judge, Ms. Renee Kolen - Curry County Clerk, Mr. Court Boice - Curry County Commissioner, Mr. Christopher Paasch - Curry County Commissioner, Mr. John Herzog - Curry County Commissioner, Mr. Steve Dennison - Deschutes County Clerk, Ms. Patty Adair - Deschutes County Commissioner, Mr. Phil Chang - Deschutes County Commissioner, Mr. Tony

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DeBone - Deschutes County Commissioner, Mr. Tim Scott - Director of Elections, Mr. Dan Loomis - Douglas County Clerk, Mr. Tom Kress - Douglas County Commissioner, Mr. Chris Boice - Douglas County Commissioner, Mr. Tim Freeman - Douglas County Commissioner, Ms. Ellen Wagenaar - Gilliam County Clerk, Mr. Pat Shannon - Gilliam County Commissioner, Ms. Sherrie Wilkins - Gilliam County Commissioner, Ms. Elizabeth Farrar Campbell - Gilliam County Judge, Ms. Brenda J. Perry - Grant County Clerk, Mr. Jim Hamsher - Grant County Commissioner, Mr. Sam Palmer - Grant County Commissioner, Mr. Scott Myers - Grant County Judge, Mr. Dag Robinson - Harney County Clerk, Ms. Kristen Shelman - Harney County Commissioner, Ms. Patty Dorroh - Harney County Commissioner, Mr. Pete Runnels - Harney County Judge, Mr. Brian Beebe - Hood River County Clerk, Mr. Mike Oates - Hood River County Commissioner, Ms. Karen Joplin - Hood River County Commissioner, Mr. Arthur Babitz - Hood River County Commissioner, Mr. Bob Benton - Hood River County Commissioner, Les Perkins - Hood River County Commissioner, Ms. Christine Walker - Jackson County Clerk, Mr. Rick Dyer - Jackson County Commissioner, Mr. Dave Dotterer - Jackson County Commissioner, Ms. Colleen Roberts - Jackson County Commissioner, Ms. Kate Zemke - Jefferson County Clerk, Ms. Mae Huston - Jefferson County Commissioner, Mr. Wayne Fording - Jefferson County Commissioner, Mr. Kelly Simmerlink - Jefferson County Commissioner, Ms. Rhiannon Henkels - Josephine County Clerk, Mr. Dan DeYoung - Josephine County Commissioner, Mr. Herman Baertschiger Jr. - Josephine County Commissioner, Mr. Darin Fowler - Josephine County Commissioner, Ms. Rochelle Long - Klamath County Clerk, Ms. Kelly Minty - Klamath County Commissioner, Mr. Derrick DeGroot - Klamath County Commissioner, Mr. David Henslee - Klamath County Commissioner, Ms. Stacie Geaney - Lake County Clerk, Mr. Barry Shullanberger - Lake County Commissioner, Mr. James Williams -

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Lake County Commissioner, Mr. Mark Albertson - Lake County Commissioner, Ms. Dena
 Dawson - Lane County Clerk, Mr. Joe Berney - Lane County Commissioner, Mr. Jay Bozievich
 - Lane County Commissioner, Ms. Heather Buch - Lane County Commissioner, Mr. Pat Farr -
 Lane County Commissioner, Ms. Laurie Trieger - Lane County Commissioner, Ms. Dana
 Jenkins - Lincoln County Clerk, Ms. Claire Hall - Lincoln County Commissioner, Mr. Doug
 Hunt - Lincoln County Commissioner, Ms. Kaety Jacobson - Lincoln County Commissioner, Mr.
 Steve Druckenmiller - Linn County Clerk, Mr. Roger Nyquist - Linn County Commissioner, Ms.
 Sherrie Sprenger - Linn County Commissioner, Mr. Will Tucker - Linn County Commissioner,
 Ms. Gayle Trotter - Malheur County Clerk, Mr. Ron Jacobs - Malheur County Commissioner,
 Mr. Don Hodge - Malheur County Commissioner, Mr. Don Joyce - Malheur County Judge, Mr.
 Bill Burgess - Marion County Clerk, Mr. Kevin Cameron - Marion County Commissioner, Ms.
 Danielle Bethell - Marion County Commissioner, Mr. Colm Willis - Marion County
 Commissioner, Ms. Bobbi Childers - Morrow County Clerk, Mr. Don Russell - Morrow County
 Commissioner, Mr. Jim Doherty - Morrow County Commissioner, Ms. Melissa Lindsay -
 Morrow County Commissioner, Ms. Deborah Kafoury - Multnomah County Commissioner, Ms.
 Susheela Jayapal - Multnomah County Commissioner, Ms. Sharon Meieran - Multnomah County
 Commissioner, Ms. Lori Stegmann - Multnomah County Commissioner, Ms. Jessica Vega
 Pederson - Multnomah County Commissioner, Ms. Valerie Unger - Polk County Clerk, Mr.
 Craig Pope - Polk County Commissioner, Mr. Lyle Mordhorst - Polk County Commissioner, Mr.
 Jeremy Gordon - Polk County Commissioner, Ms. Kristi Weis - Sherman County Clerk, Ms.
 Joan Bird - Sherman County Commissioner, Mr. Justin Miller - Sherman County Commissioner,
 Mr. Joe Dabulskis - Sherman County Judge, Ms. Tassi O'Neil - Tillamook County Clerk, Ms.
 Mary Faith Bell - Tillamook County Commissioner, Ms. Erin Skaar - Tillamook County

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Commissioner, Mr. David Yamamoto - Tillamook County Commissioner, Mr. Dan Lonai - Umatilla County Clerk, Mr. George Murdock - Umatilla County Commissioner, Mr. John Shafer - Umatilla County Commissioner, Mr. Dan Dorran - Umatilla County Commissioner, Ms. Robin Church - Union County Clerk, Mr. Paul Anderes - Union County Commissioner, Ms. Donna Beverage - Union County Commissioner, Mr. Matt Scarfo - Union County Commissioner, Ms. Sandy Lathrop - Wallowa County Clerk, Mr. Todd Nash - Wallowa County Commissioner, Ms. Susan Roberts - Wallowa County Commissioner, Mr. John Hillock - Wallowa County Commissioner, Ms. Lisa Gambee - Wasco County Clerk, Ms. Kathy Schwartz - Wasco County Commissioner, Mr. Steve Kramer - Wasco County Commissioner, Mr. Scott Hege - Wasco County Commissioner, Mr. Dan Forester - Washington Co. Elections Manager, Ms. Kathryn Harrington - Washington County Commissioner, Ms. Nafisa Fai - Washington County Commissioner, Mr. Roy Rogers - Washington County Commissioner, Ms. Pam Treece - Washington County Commissioner, Mr. Jerry Willey - Washington County Commissioner, Ms. Brenda Snow - Wheeler County Clerk, Mr. Clinton Dyer - Wheeler County Commissioner, Mr. Rick Shaffer - Wheeler County Commissioner, Mr. N. Linn Morley - Wheeler County Judge, Ms. Keri Hinton - Yamhill County Clerk, Ms. Lindsay Berschauer - Yamhill County Commissioner, Ms. Mary Starrett - Yamhill County Commissioner, Mr. Casey Kulla - Yamhill County Commissioner, Ms. Shemia Fagan - Oregon Secretary of State, and Mr. Eric Blaine - Crook County Counsel.

September 13, 2022

Enclosed you will find information for clear ballot in visual context for your records, please retain.

- **Clear ballot makes up 15 of our 36 counties**
- **ES & S makes up 18 of the 36 counties**
- **Hart only 3 counties out of the 36**

The machines and software used in each county **affects** their surrounding counties and vice versa.

We are addressing the most intimate part of our county's election practices.

The results of our research have been so overwhelmingly glaring, that **3 ordinary Oregon Women** have filed a federal lawsuit against our SOS pro se, to protect our rights for fair, equal, and transparent elections, in which we have been underserved.

One should ask themselves, what would cause this action? I assure you it's certainly not media misinformation as most County Official's like to cite, but **our own** unwavering extensive research.

We have been met with many roadblocks for public records, unprofessional replies and letters from our elected officials and a **severe cognitive dissonance** in the information surrounding the issue at hand when they're presented.

This is not about a candidate, and 100% about participating in unlawful election practices that do not protect voters. **ORS 246.046** Secretary of State and county clerks to seek out evidence of violations.

Have you sought out the concerns that have been presented? The public that employs you certainly has.

We have made this visual as simple as possible to support you in your expected efforts and **fiduciary diligence**. All Oregonians have vested personal interest in each office of trust surrounding our official's.

Further expect you to thoroughly investigate the election processes under federal standards and the Help America Vote Act (HAVA) of 2002 with your County Law Counsel **on each of these demonstrated details that your county has overlooked or unknowingly participated in.**

The information presented is gathered from Oregon law, HAVA Act and the EAC, which sets the standard for using election machines and software in our State of Oregon and across our Country.

Please research, learn, and know the rules that affect our entire state and **your job**.

With the upmost diligence, we are striving for lawful and fair elections for all.

This includes **YOU**, you're a voter too!



Jennifer Gunter
Wasco County



Christina Milcarek
Marion County



Chelsea Weber
Clackamas County

The Help America Vote Act (HAVA) of 2002 was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election. **Read the Help America Vote Act of 2002**

<https://www.congress.gov/107/plaws/publ252/PLAW-107publ252.pdf>

HAVA creates new **mandatory minimum standards** for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA **compliance** and to distribute HAVA funds to the states. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program.

Voting System Test Laboratory Program Manual, Version 2.0

- 3.6.1. **Certificate of Accreditation.** A Certificate of Accreditation shall be issued to each laboratory accredited by vote of the Commissioners. The certificate shall be signed by the Chair of the Commission and state:

3.6.1.1. The name of the VSTL;

3.6.1.2. The scope of accreditation, by stating the Federal standard or standards to which the VSTL is competent to test;

 3.6.1.3. The effective date of the certification, which shall not exceed a period of two (2) years; and

3.6.1.4. The technical standards to which the laboratory was accredited.

- 3.6.2. **Post Information on Web Site.** The Program Director shall make information pertaining to each accredited laboratory available to the public on EAC's Web site. This information shall include (but is not limited to):

3.6.2.1. NIST's Recommendation Letter;

3.6.2.2. The VSTL's Letter of Agreement;

3.6.2.3. The VSTL's Certification of Conditions and Practices;

3.6.2.4. The Commissioner's Decision on Accreditation; and

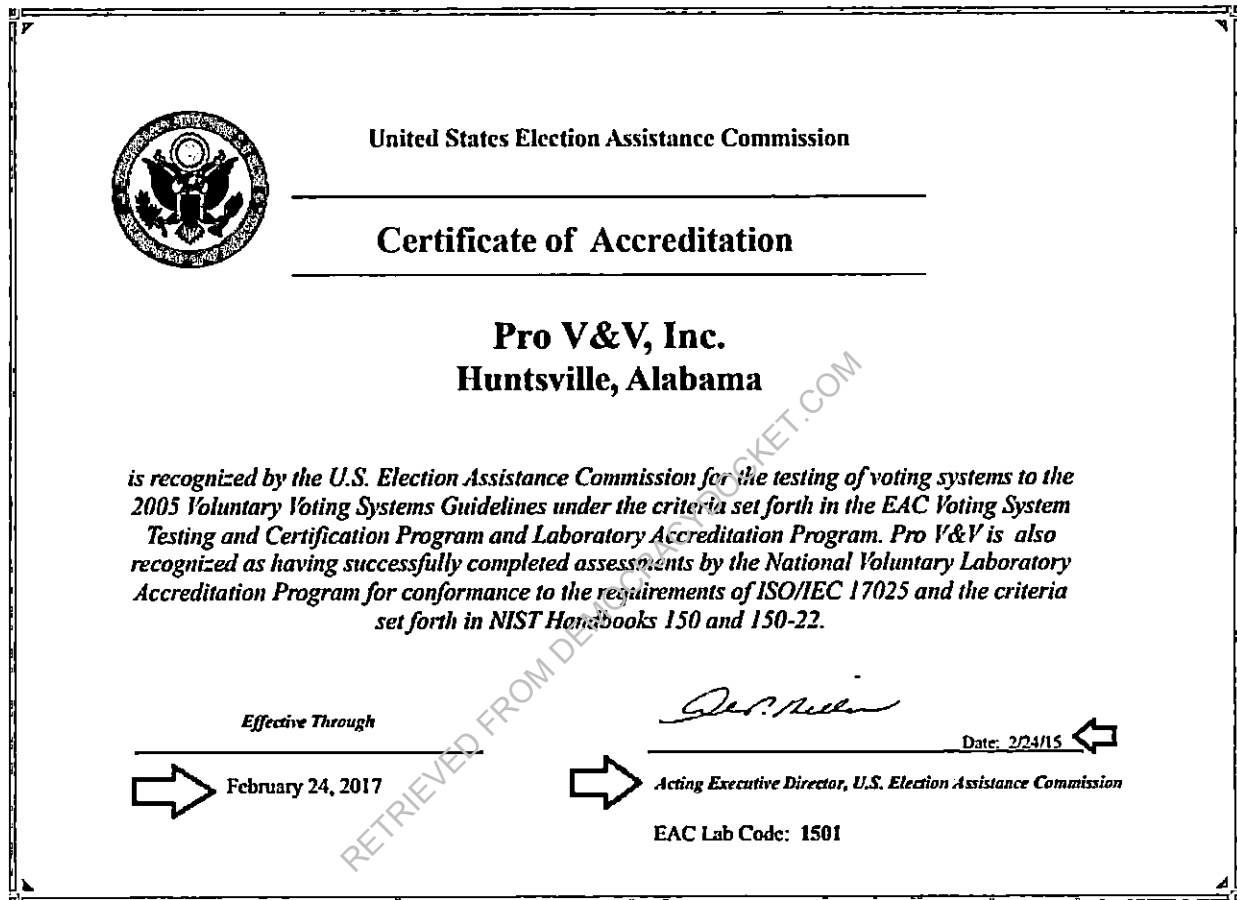
3.6.2.5. The Certificate of Accreditation.

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

3.6.1 “shall” be signed by the Chair of the Commission.

3.6.1.3 “shall” not exceed a Period of two years (this means it is not a blanketed or indefinite certification length of time).

“shall” is an imperative command, indicating that certain actions are mandatory, and not permissive. This contrasts with the word “may,” which is generally used to indicate a permissive provision, ordinarily implying some degree of discretion.



The last available EAC accreditation prior to 2021 for VSTL Pro V&V was signed on 2/24/2015 and was **only** effective through February 24, 2017. It was also signed by the Acting Executive Director and **not** by the EAC Chair as **required** per VSTL Program Manual ver. 2.0 effective May 31, 2015, Sec 3.6.1

<https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl/pro-vv>

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United States Election Assistance Commission

Certificate of Accreditation

Pro V&V, Inc.
Huntsville, Alabama

is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2005 and 2015 Voluntary Voting Systems Guidelines (VVG 1.0 & 1.1) under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. Pro V&V is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.

Accreditation not to exceed 2 years per the rules

Original Accreditation Issued on: 2/24/2015

Accreditation remains effective until revoked by a vote of the EAC pursuant to 52 U.S.C. § 20971(c)(2).

Mona Harrington

Date: 2/1/21

Mona Harrington,
 Executive Director, U.S. Election Assistance Commission
 EAC Lab Code: 1501

Not signed by the EAC Chair per the rules

(2) Approval by Commission required for revocation

The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

You cannot "revoke an accreditation that expired or lapsed.

This action defies the common sense of rule. How can you revoke an accreditation not in existence?

That would be the same idea as the DMV revoking an "expired license".

https://www.eac.gov/sites/default/files/voting_system_test_lab/files/Pro%20V%26V%20Accreditation%20Certificate.pdf

[52 U.S. Code § 20971 - Certification and testing of voting systems | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)](#)

Pro V&V










Pro V&V was accredited by the EAC on February 24, 2015. Federal law provides that EAC accreditation of a voting system test laboratory cannot be revoked unless the EAC Commissioners vote to revoke the accreditation; "The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission." 52 U.S. Code § 20971(c)(2). The EAC has never voted to revoke the accreditation of Pro V&V. Pro V&V has undergone continuing accreditation assessments and had new accreditation certificate issued on February 1, 2021.

6705 Odyssey Dr NW Suite C,
Huntsville, Alabama 35806
Status: Accredited
Program Manager: President
Phone: 256-713-1111
Lab Contact: Jack Cobb

Revocation and lapse/expiration in accreditation are not the same thing. There is no documentation that Pro V&V was accredited between 2017 & 2021

Related Documents

2015 Certificate expired in 2017 per the Document and Program Rules. No further Accreditation Certificate was issued until 2021 leaving a gap in accreditation between 2017 & 2021

- 7/22/21 - VSTL Certificates and Accreditation 
- 3/10/21 - Pro V&V Letter of Agreement 
- 3/10/21 - Pro V&V Certification of Conditions and Practices 
- 2/1/2021 - Pro V&V Certificate of Accreditation 
- 01/27/2021 - Pro V&V Accreditation Renewal Memo 
- 02/24/2015 - Certificate of Accreditation 
- 08/02/2015 - Pro V&V Letter of Agreement 
- 08/02/2012 - NIST Recommendation Letter - Pro V&V 
- 08/02/2012 - Pro V&V Certification of Conditions and Practices 

According to the rules, the EAC is also **required** to "Post Information on the Website" per section 3.6.2. None of these documents are listed for this time frame nor can any supporting documents of accreditation be obtained through Public Record Request or FOIA's.

However, the Secretary of State noted on their Certificate of Approval in February of 2020 that Pro V&V is an EAC Accredited tester, even though their accreditation purportedly expired February 2017, yet still claiming all is good for the 2022 elections.

Do we feel blind trust is the answer when our voice through voting is at stake?

<https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl/pro-vv>


The EAC website also lists this memo between the accreditation certificates which is dated AFTER the election and they stated that COVID caused a delay in the renewal process.



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

FROM: Jerome Lovato, Voting System Testing and Certification Director

SUBJECT: Pro V&V EAC VSTL Accreditation

DATE: 1/27/2021  **EAC Letter Dated AFTER the 2020 Elections even though Pro V&V Accreditation Expired in 2017**

Pro V&V has completed all requirements to remain in good standing with the EAC's Testing and Certification program per section 3.8 of the Voting System Test Laboratory Manual, version 2.0:

Expiration and Renewal of Accreditation. A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending. VSTLs in good standing shall also retain their accreditation should circumstances leave the EAC without a quorum to conduct the vote required under Section 3.5.5.



Due to the outstanding circumstances posed by COVID-19, the renewal process for EAC laboratories has been delayed for an extended period. While this process continues, Pro V&V retains its EAC VSTL accreditation.

https://www.eac.gov/sites/default/files/voting_system_test_lab/files/Pro_VandV_Accreditation_Renewal_delay_memo012721.pdf

The accreditation expired in 2017 and the WHO did NOT declare a Pandemic until March of 2020. There was not a Pandemic in 2017, 2018, or 2019.

NIH National Library of Medicine
National Center for Biotechnology Information

PubMed.gov

Advanced

> Acta Biomed. 2020 Mar 19;91(1):157-160. doi: 10.23750/abm.v91i1.9397.

WHO Declares COVID-19 a Pandemic

<https://pubmed.ncbi.nlm.nih.gov/32191675/>

The Secretary of State authorized Election Systems & Software (ES&S), EVS 6.1.1.0 Voting System to be used in the November 2020 Election – NO Accreditation can be found from the SOS or the EAC proving they were authorized to test this version. The SOS office mentions they submitted a federal test lab report but this report is NOT listed on the SOS Website.

OFFICE OF THE SECRETARY OF STATE

BEV CLARNO
SECRETARY OF STATE



ELECTIONS DIVISION

STEPHEN N. TROUT
DIRECTOR

255 CAPITOL STREET NE, SUITE 501
SALEM, OREGON 97310-0722
(503) 986-1518

CERTIFICATE OF APPROVAL

Election Systems & Software EVS 6.1.1.0 Voting System

Election Systems and Software has made upgrades to their EVS Voting System. Specifically they have submitted EVS version 6.1.1.0 consisting solely of ElectionWare 6.0.1.0, along with their federal test lab report. The test reports document that the systems meet all of the Oregon requirements and are conformant with the federal Voluntary Voting System Guidelines (VVSG), Version 1.0 (2005). Election Systems and Software has requested approval of this change for use in Oregon elections.

The Secretary of State partnered with Benton, Washington, Marion, Linn, Yamhill, Clackamas and Multnomah counties. After reviewing the certification application and test lab reports we have determined that the upgraded system complies with the statutory requirements of Oregon Revised Statutes 246.550 and 246.560, specifically ORS 246.550(4) and Oregon Administrative Rule 165-007-0350.

Accordingly, the ES&S EVS 6.1.1.0 Voting System is certified for sale, lease or use in all elections in Oregon. The system must be used in compliance with the provisions of applicable Oregon statutes and all Secretary of State, Election Division rules and directives.

Dated this 7th day of August 2020.

Stephen N. Trout
Director of Elections

<https://sos.oregon.gov/elections/Documents/vote-systems/ESS-EVS-6-1-1-0-Certification.pdf>

According to OAR 165-007-0350, All voting systems used in Oregon **must** be certified by the EAC or by a federally accredited voting system test laboratory (VSTL)

https://oregon.public.law/rules/oar_165-007-0350

Oregon Secretary of State, Elections Division

Rule 165-007-0350

Oregon Voting System Certification

- (1) All voting systems submitted for certification pursuant to ORS 246.550 (Examination and approval of equipment by Secretary of State) must be certified by the Elections Assistance Commission (EAC) or be examined by a federally accredited voting systems testing laboratory (VSTL).

According to the EAC Website, Pro V&V evaluated Version 6.1.1.0 in June of 2020 and was issued a Certificate of Conformance from the EAC in July of 2020. Given VSTL Pro V&V did not have an active accreditation per the rules, they were not legally authorized to test and approve the equipment for Oregon elections.



6705 Odyssey Drive
Suite C
Huntsville, AL 35806
Phone (256)713-1111
Fax (256)713-1112

**Test Report for EAC VVSG 1.0 Certification Testing
Election Systems & Software (ES&S)
Voting System (EVS) 6.1.1.0**

EAC Project Number: ESSEVS6110





Version: 01

Date: 06/23/2020

https://www.eac.gov/sites/default/files/voting_system/files/ESS%20EVS6110%20Test%20Report-01.pdf

_ Verified Correct Copy of Original 11/4/2022. _

This document states that Pro V&V was accredited – again, no certificate of accreditation can be found for 2020 which is a violation of a congressionally passed act.

	<p>United States Election Assistance Commission</p> <hr/> <p>Certificate of Conformance</p> <hr/> <p>ES&S EVS 6.1.1.0</p>	
<p>The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the <i>Voluntary Voting System Guidelines Version 1.0 (VVSG 1.0)</i>. Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the <i>EAC Voting System Testing and Certification Program Manual</i> and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.</p>		
<p>Product Name: <u>EVS</u></p> <p>Model or Version: <u>6.1.1.0</u></p> <p>Name of VSTL: <u>Pro V&V</u></p> <p>EAC Certification Number: <u>ESSEVS6110</u></p> <p>Date Issued: <u>July 27, 2020</u> </p>		
		<p> Executive Director</p> <p>Scope of Certification Attached</p>

https://www.eac.gov/sites/default/files/voting_system/files/ES%26S%20EVS6110%20Certificate%20and%20Scope%20of%20Conformance%2007-27-2020.pdf.pdf

Circling back to the EAC Rules, the accreditation is valid for a period **NOT TO EXCEED** two years and they were required to file a renewal application package between 30-60 days prior to February 24, 2017. Given the lack of documentation on the EAC website and documentation requested from the EAC and SOS, we cannot find that Pro V&V was accredited to test EVS 6.1.1.0 and ultimately approved by the SOS for use in the 2020 Elections.

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

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

Q + ↺ ⌂ Page view | A Read aloud | Add text

3.8. Expiration and Renewal of Accreditation. A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending. VSTLs in good standing shall also retain their accreditation should circumstances leave the EAC without a quorum to conduct the vote required under Section 3.5.5.

By utilizing voting machines tested by a VSTL with improper EAC accreditation at the time of certification and with the potential for the Trapdoor mechanism as described in Terpesehore Maras Affidavit that was filed in Case #2:20-cv-01771-PP in the 2nd Judicial District of the Denver District Court in Denver, Colorado, Oregonians voices are silenced.

<https://storage.courtlistener.com/recap/gov.uscourts.wied.92717/gov.uscourts.wied.92717.9.13.pdf>

Oregon has deprived its voters of secure, fair and equal voting. This Oversight denies all voters of their constitutional right to vote fairly with equal representation. Oregonians have vested personal interest in the offices of their elected officials. How elected public servants perform their fiduciary duties is imperative, so Oregonians are not underserved or marginalized.

PRO V&V Accreditation was good through 2017, again a 5-year glaring gap.

Another glaring issue has been found by two other gentlemen in Georgia with the same findings but even more alarming information that the EAC may have falsified Pro V&V documents. **Therefore, please review Attachment 1.**

Additionally, ES&S authorizes the use of Commercial Off The Shelf Software (COTS) and equipment which is an attractive point of attack for bad or foreign actors and can be hacked with a device no larger than a piece of rice.

Bloomberg
US Edition

Businessweek | Feature

The Big Hack: How China Used a Tiny Chip to Infiltrate U.S. Companies

The attack by Chinese spies reached almost 30 U.S. companies, including Amazon and Apple, by compromising America's technology supply chain, according to extensive interviews with government and corporate sources.



**CYBERSECURITY
& INFRASTRUCTURE
SECURITY AGENCY**

Alerts and Tips

Resources

Build Security In > Legacy Systems > Security Considerations in Managing COTS Software

Per CISA:

- COTS Software Presents an Attractive Point of Attack
- It Is Difficult to Verify the Security of COTS Products
- <https://www.cisa.gov/uscert/bsi/articles/best-practices/legacy-systems/security-considerations-in-managing-cots-software>

Also, to quote our own Oregon AG's office based on OREGON SECRETARY OF STATE'S REPLY IN SUPPORT OF THE MOTION TO INTERVENE in Case No. 22CV07782, page 2:

21 physical access to the system is sufficient (at 5-6). ~~[To take just that last example, the National]~~
 22 ~~Academy of Sciences' authoritative report on election security squarely rejects Mr. Sippel's~~
 23 ~~claim that cybersecurity is unnecessary for a system that is not connected to the Internet. See,~~
 24 ~~National Academies of Sciences, Engineering, and Medicine, "Securing the Vote: Protecting~~
 25 ~~American Democracy" (2018), at 90, <https://nap.nationalacademies.org/read/25120/chapter/7#90>~~

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Page 2 - OREGON SECRETARY OF STATE'S REPLY IN SUPPORT OF THE MOTION TO INTERVENE
 BM2/sv3/415-08899

Department of Justice
 100 SW Market Street
 Portland, OR 97201
 (971) 673-1880 / Fax: (971) 673-5000

21 ~~Even when systems are not directly connected to networks, they are vulnerable to attack~~
 22 ~~through physical or wireless access."~~

Oregon Laws:

ORS 246.046

- "The Secretary of State **and each county clerk shall diligently seek out any evidence of violation of any election law.** [Formerly 260.325]"
- https://oregon.public.law/statutes/ors_246.046

ORS 246.530

- "A governing body **may** adopt, purchase or otherwise procure, and provide for the use of, any voting machine or vote tally system approved by the Secretary of State in all or a portion of the precincts."
 - https://oregon.public.law/statutes/ors_246.530
 - This Law does **not** say "SHALL", it says "May" leaving the decision up to the Governing Body.
 - There is no law stating machines must be used, none.
 - This was a County Clerks choice whether machines will or will not be used.

A workable Solution:

- The County Clerk **is required to diligently** seek out election violations –
 - Non accreditation is a violation of the EAC Program and violates Federal Standards as set forth in the HAVA Act of 2002
- Put the Scanners, printers, and Tally Machines in a corner and immediately implement a Bi-Partisan Counting Board for the November 2022 Election
- This is the **ONLY** way to preserve the integrity of Oregon elections

- ORS 254.485 - Section 1
 - Section 1 – “Ballots may be tallied by a vote tally system **or by a counting board.**”
 - Section 3 – “A counting board shall audibly announce the tally as it proceeds. The board shall use only pen and ink to tally.”
 - example section 3- this means when it’s time to tally/count votes a person announces the vote cast, while another tally’s and repeats back what was stated to ensure proper counting, each station has checks and balances as the tally proceeds.

If your county moves forward with using unaccredited machines this is a CLEAR violation of your oaths of office. We are depending on you and your fiduciary duties to ensure our elections don’t underserve or under privilege Oregonians.

PLEASE, get with your County law counsel ASAP and review this information to inquire what the next step is for your county to ensure lawful procedure of reporting any evidence of any election law violation!

THIS IS EVIDENCE. We do not consent to unlawful machine use.

The Help America Vote Act (HAVA) of 2002 was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election. **Read the Help America Vote Act of 2002**

<https://www.congress.gov/107/plaws/publ252/PLAW-107publ252.pdf>

HAVA creates new **mandatory minimum standards** for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA **compliance** and to distribute HAVA funds to the states. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program.

Voting System Test Laboratory Program Manual, Version 2.0

3.6.1. **Certificate of Accreditation.** A Certificate of Accreditation shall be issued to each laboratory accredited by vote of the Commissioners. The certificate shall be signed by the Chair of the Commission and state:

3.6.1.1. The name of the VSTL;

3.6.1.2. The scope of accreditation, by stating the Federal standard or standards to which the VSTL is competent to test;



3.6.1.3. The effective date of the certification, which shall not exceed a period of two (2) years; and

3.6.1.4. The technical standards to which the laboratory was accredited.

3.6.2. **Post Information on Web Site.** The Program Director shall make information pertaining to each accredited laboratory available to the public on EAC's Web site. This information shall include (but is not limited to):

3.6.2.1. NIST's Recommendation Letter;

3.6.2.2. The VSTL's Letter of Agreement;

3.6.2.3. The VSTL's Certification of Conditions and Practices;

3.6.2.4. The Commissioner's Decision on Accreditation; and

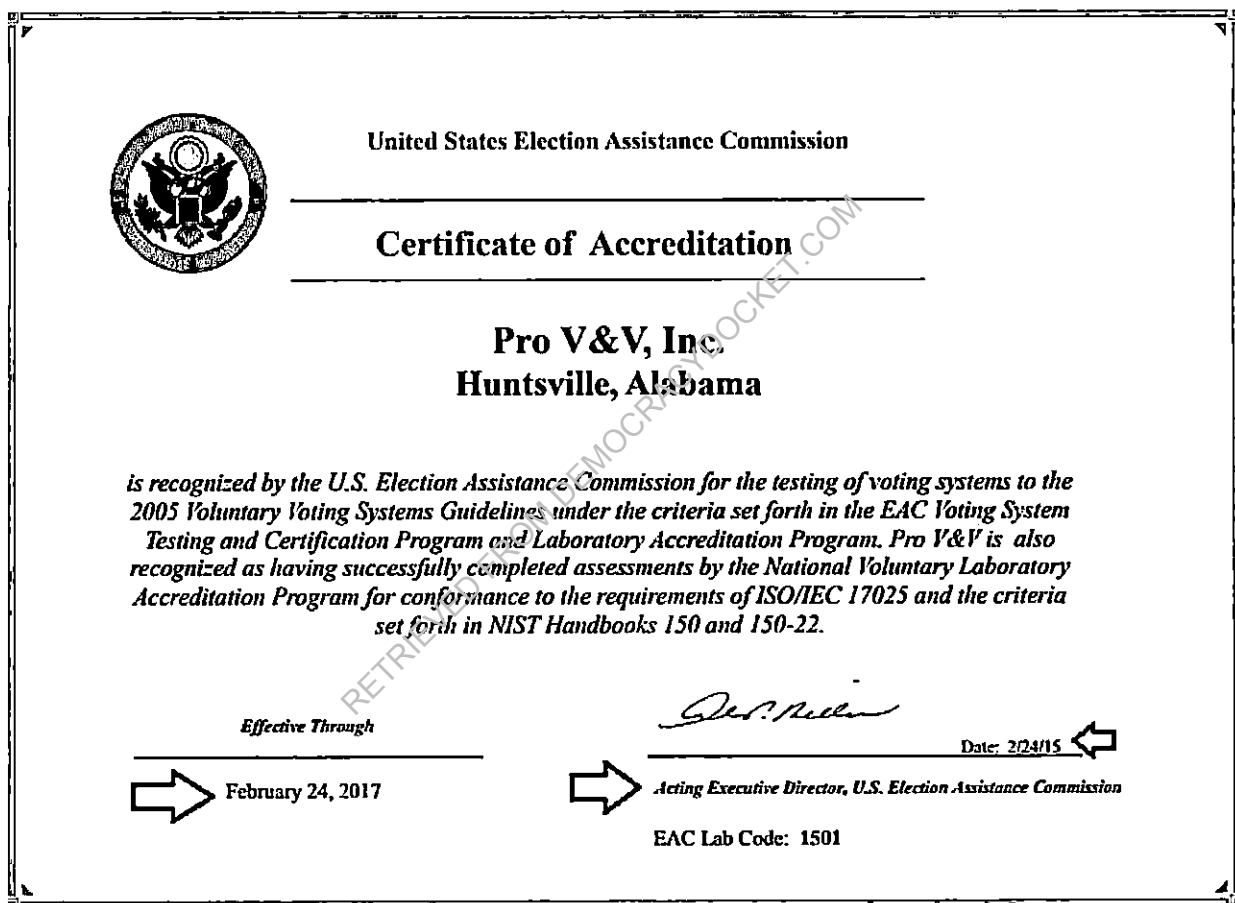
3.6.2.5. The Certificate of Accreditation.

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

3.6.1 “shall” be signed by the Chair of the Commission.

3.6.1.3 “shall” not exceed a Period of two years (this means it is not a blanketed or indefinite certification length of time)


“shall” is an imperative command, indicating that certain actions are mandatory, and not permissive. This contrasts with the word “may,” which is generally used to indicate a permissive provision, ordinarily implying some degree of discretion.



The last available EAC accreditation prior to 2021 for VSTL Pro V&V was signed on 2/24/2015 and was **only** effective through February 24, 2017. It was also signed by the Acting Executive Director and **not** by the EAC Chair as **required** per VSTL Program Manual ver. 2.0 effective May 31, 2015, Sec 3.6.1

<https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl/pro-vv>

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		United States Election Assistance Commission	
<hr/> Certificate of Accreditation <hr/>			
<p align="center">Pro V&V, Inc. Huntsville, Alabama</p>			
<p><i>is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2005 and 2015 Voluntary Voting Systems Guidelines (VVSG 1.0 & 1.1) under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. Pro V&V is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.</i></p>			
<p><i>Accreditation not to exceed 2 years per the rules</i></p>		<p><i>Original Accreditation Issued on: 2/24/2015</i></p>	
<p><i>Accreditation remains effective until revoked by a vote of the EAC pursuant to 52 U.S.C. § 20971(c)(2).</i></p>		<p><i>Not signed by the EAC Chair per the rules</i></p>	
<p><i>Signature: Mono Harrington</i></p>		<p><i>Date: 2/1/21</i></p>	
<p><i>Executive Director, U.S. Election Assistance Commission</i></p>		<p><i>EAC Lab Code: 1501</i></p>	

(2) Approval by Commission required for revocation

The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

You cannot "revoke an accreditation that expired or lapsed.

This action defies the common sense of rule. How can you revoke an accreditation not in existence?

That would be the same idea as the DMV revoking an "expired license".

https://www.eac.gov/sites/default/files/voting_system_test_lab/files/Pro%20V%26V%20Accreditation%20Certificate.pdf

52 U.S. Code § 20971 - Certification and testing of voting systems | U.S. Code | US Law | LII / Legal Information Institute (cornell.edu)

Pro V&V










Pro V&V was accredited by the EAC on February 24, 2015. Federal law provides that EAC accreditation of a voting system test laboratory cannot be revoked unless the EAC Commissioners vote to revoke the accreditation: "The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission." 52 U.S. Code § 20971(c)(2). The EAC has never voted to revoke the accreditation of Pro V&V. Pro V&V has undergone continuing accreditation assessments and had new accreditation certificate issued on February 1, 2021.

6705 Odyssey Dr NW Suite C,
Huntsville, Alabama 35806
Status: Accredited
Program Manager: President
Phone: 256-713-1111
Lab Contact: Jack Cobb

Revocation and lapse/expiration in accreditation are not the same thing. There is no documentation that Pro V&V was accredited between 2017 & 2021

Related Documents

2015 Certificate expired in 2017 per the Document and Program Rules. No further Accreditation Certificate was issued until 2021 leaving a gap in accreditation between 2017 & 2021

- 7/22/21 - VSTL Certificates and Accreditation 
- 3/10/21 - Pro V&V Letter of Agreement 
- 3/10/21 - Pro V&V Certification of Conditions and Practices 
- 2/1/2021 - Pro V&V Certificate of Accreditation 
- 01/27/2021 - Pro V&V Accreditation Renewal Memo 
- 02/24/2015 - Certificate of Accreditation 
- 08/02/2015 - Pro V&V Letter of Agreement 
- 08/02/2012 - NIST Recommendation Letter - Pro V&V 
- 08/02/2012 - Pro V&V Certification of Conditions and Practices 

According to the rules, the EAC is also required to "Post Information on the Website" per section 3.6.2. None of these documents are listed for this time frame nor can any supporting documents of accreditation be obtained through Public Record Request or FOIA's.

However, the Secretary of State noted on their Certificate of Approval in February of 2020 that Pro V&V is an EAC Accredited tester, even though their accreditation purportedly expired February 2017, yet still claiming all is good for the 2022 elections.

Is blind trust the answer when our voice through voting is at stake?

<https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl/pro-vv>

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The EAC website also lists this memo between the accreditation certificates which is dated AFTER the election and they stated that COVID caused a delay in the renewal process.



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001


FROM: Jerome Lovato, Voting System Testing and Certification Director

SUBJECT: Pro V&V EAC VSTL Accreditation

DATE: 1/27/2021  EAC Letter Dated AFTER the 2020 Elections even though Pro V&V Accreditation Expired in 2017

Pro V&V has completed all requirements to remain in good standing with the EAC's Testing and Certification program per section 3.8 of the Voting System Test Laboratory Manual, version 2.0:

Expiration and Renewal of Accreditation. A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending. VSTLs in good standing shall also retain their accreditation should circumstances leave the EAC without a quorum to conduct the vote required under Section 3.5.5.

 Due to the outstanding circumstances posed by COVID-19, the renewal process for EAC laboratories has been delayed for an extended period. While this process continues, Pro V&V retains its EAC VSTL accreditation.

https://www.eac.gov/sites/default/files/voting_system_test_lab/files/Pro_VandV_Accreditation_Renewal_delay_memo012721.pdf

The accreditation expired in 2017 and the WHO did NOT declare a Pandemic until March of 2020. There was not a Pandemic in 2017, 2018, or 2019.



PubMed.gov

Advanced

> Acta Biomed. 2020 Mar 19;91(1):157-160. doi: 10.23750/abm.v91i1.9397.

WHO Declares COVID-19 a Pandemic

<https://pubmed.ncbi.nlm.nih.gov/32191675/>

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The Secretary of State authorized Clear Ballot Group, Clear Vote Voting System in February of 2020 – NO Accreditation can be found from the SOS or the EAC.

OFFICE OF THE SECRETARY OF STATE

BEV CLARNO
SECRETARY OF STATE



ELECTIONS DIVISION

STEPHEN N. TROUT
DIRECTOR

255 CAPITOL STREET NE, SUITE 501
SALEM, OREGON 97310-0722
(503) 988-1518

CERTIFICATE OF APPROVAL

Clear Ballot Group

Clear Vote Voting System (Clear Count 2.1 and Clear Design 2.1)

Clear Ballot has made upgrades to their ClearVote Voting System. Specifically they have submitted ClearCount version 2.1 and ClearDesign version 2.1 along with their test lab report by EAC Certified tester Pro V&V. The test report documents that the systems meet all of the Oregon requirements and are conformant with the federal Voluntary Voting System Guidelines (VVSG), Version 1.0 (2005). Clear Ballot has requested approval of this change for use in Oregon elections.

The Secretary of State partnered with Benton, Washington, Linn, Yamhill, Marion and Multnomah counties and Pro V&V. We have determined that the upgraded system complies with the statutory requirements of Oregon Revised Statutes 246.550 and 246.560, specifically ORS 246.550(4) and Oregon Administrative Rule 165-007-0350 in that these changes do not impair the accuracy, efficiency, or capacity of the machine or system.

Accordingly, the ClearVote Voting System consisting of ClearCount version 2.1 and ClearDesign version 2.1 is certified for sale, lease or use in all elections in Oregon. The system must be used in compliance with the provisions of applicable Oregon statutes and all Secretary of State, Election Division rules and directives.

Dated this 18 day of February 2020.

Stephen N. Trout

Exhibit D

<https://sos.oregon.gov/elections/Documents/vote-systems/Clear-Ballot-2-1-Certification.pdf>

According to OAR 165-007-0350, All voting systems used in Oregon **must** be certified by the EAC or by a federally accredited voting system test laboratory (VSTL)

https://oregon.public.law/rules/oar_165-007-0350

Oregon Secretary of State, Elections Division

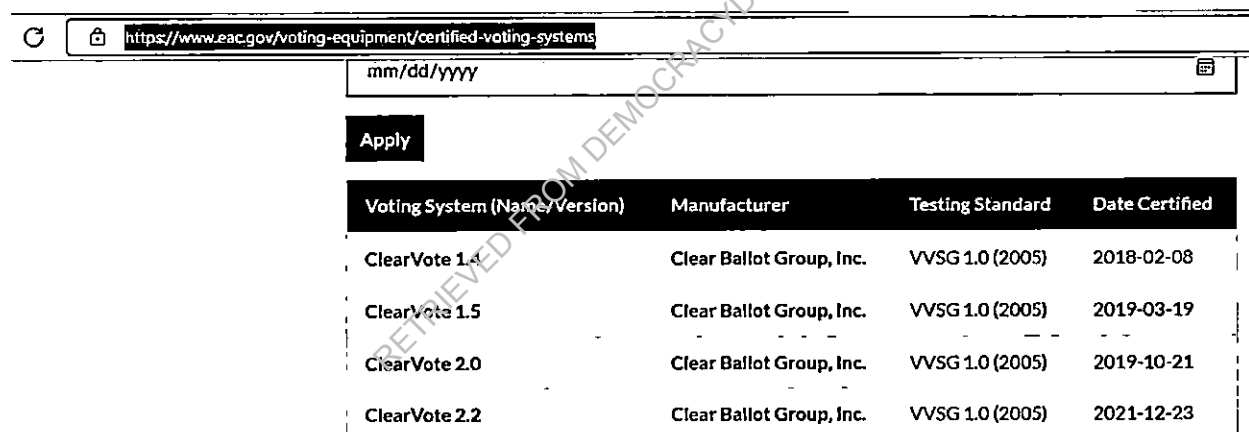
Rule 165-007-0350

Oregon Voting System Certification

- (1) All voting systems submitted for certification pursuant to ORS 246.550 (Examination and approval of equipment by Secretary of State) must be certified by the Elections Assistance Commission (EAC) or be examined by a federally accredited voting systems testing laboratory (VSTL).

According to the EAC Website, they did **NOT** certify ClearVote 2.1, so it had to be examined by a certified federally accredited voting systems testing laboratory (VSTL). Which leaves many years of a gap with VSTL accreditation for Pro V & V expiring in February of 2017.

<https://www.eac.gov/voting-equipment/certified-voting-systems>



The screenshot shows a web browser window with the URL <https://www.eac.gov/voting-equipment/certified-voting-systems>. Below the address bar is a search bar with the placeholder text "mm/dd/yyyy" and an "Apply" button. The main content is a table with the following data:

Voting System (Name/Version)	Manufacturer	Testing Standard	Date Certified
ClearVote 1.4	Clear Ballot Group, Inc.	VVSG 1.0 (2005)	2018-02-08
ClearVote 1.5	Clear Ballot Group, Inc.	VVSG 1.0 (2005)	2019-03-19
ClearVote 2.0	Clear Ballot Group, Inc.	VVSG 1.0 (2005)	2019-10-21
ClearVote 2.2	Clear Ballot Group, Inc.	VVSG 1.0 (2005)	2021-12-23

According to the SOS of Oregon Website, ClearVote 2.1 was tested by Pro V & V and approved by the SOS for use in 2020. To this current day, the VSTL lab Pro V&V accreditation has **not** been confirmed between 2017 and 2021.


<https://sos.oregon.gov/elections/Pages/voting-systems.aspx>


The SOS website lists the ClearVote Test Report by Pro V&V which was dated 2/5/20.

<https://sos.oregon.gov/elections/Pages/voting-systems.aspx>

 ClearVote 1.4 Voting System Test Report

ClearVote 2.1

 Clear Ballot 2.1 Certification

 ClearVote 2.1 Voting System Test Report

<https://sos.oregon.gov/elections/Documents/vote-systems/CBG-ClearVote-2-1-Test%20Report-00-FINAL.pdf>

PRO V&V



6705 Odyssey Drive, Suite C
Huntsville, AL 35806
Phone (256)713-1111
Fax (256)713-1112

Test Report for State Certification Testing Clear Ballot Group ClearVote 2.1 Voting System

Version: 00 (Initial Release)

Date: 02/05/2020

Circling back to the EAC Rules, the accreditation is valid for a period **NOT TO EXCEED** two years and they were required to file a renewal application package between 30-60 days prior to February 24, 2017. Given the lack of documentation on the EAC website and documentation requested from the EAC and SOS, we cannot find that Pro V&V was accredited to test ClearVote 2.1 in 2020 and ultimately approved by the SOS for use in the 2020 Elections.

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

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

Q



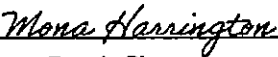
— + ↺ ⌂ Page view | A Read aloud | Add text |

3.8. **Expiration and Renewal of Accreditation.** A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending. VSTLs in good standing shall also retain their accreditation should circumstances leave the EAC without a quorum to conduct the vote required under Section 3.5.5.

By utilizing voting machines tested by a VSTL with improper EAC accreditation at the time of certification and with the potential for the Trapdoor mechanism as described in Terpesehore Maras Affidavit that was filed in Case #2:20-cv-01771-PP in the 2nd Judicial District of the Denver District Court in Denver, Colorado, Oregonians voices are silenced.

<https://storage.courtlistener.com/recap/gov.uscourts.wied.92717/gov.uscourts.wied.92717.9.13.pdf>

Oregon has deprived its voters of secure, fair and equal voting. This Oversight denies all voters of their constitutional right to vote fairly with equal representation. Oregonians have vested personal interest in the offices of their elected officials. How elected public servants perform their fiduciary duties is imperative, so Oregonians are not underserved and marginalized.

	United States Election Assistance Commission	
Certificate of Conformance		
Clear Ballot ClearVote 2.2		
<p>The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the <i>Voluntary Voting System Guidelines Version 1.0 (VVSG 1.0)</i>. Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the <i>EAC Voting System Testing and Certification Program Manual</i> and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.</p>		
Product Name: <u>ClearVote</u>		
Model or Version: <u>2.2</u>		
Name of VSTL: <u>Pro V&V</u>		
EAC Certification Number: <u>CBG-CV-22</u>		
Date Issued: <u>December 23, 2021</u>		
		 Executive Director
		Scope of Certification Attached

https://www.eac.gov/sites/default/files/voting_system/files/CBG%20ClearVote%202.2%20Certificate%20and%20Scope%20of%20Conformance%2012_23_2021.pdf

PROV &V Accreditation was good through 2017, again a 5-year glaring gap.

Another glaring issue has been found by two other gentlemen in Georgia with the same findings but even more alarming information that the EAC may have falsified Pro V&V documents. Therefore, please review **Attachment 1**.

Additionally, Clear Ballot authorizes the use of Commercial Off The Shelf Software (COTS) and equipment which is an attractive point of attack for bad or foreign actors and can be hacked with a device no larger than a piece of rice.

Bloomberg

US Edition ▼

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Businessweek | Feature

The Big Hack: How China Used a Tiny Chip to Infiltrate U.S. Companies

The attack by Chinese spies reached almost 30 U.S. companies, including Amazon and Apple, by compromising America's technology supply chain, according to extensive interviews with government and corporate sources.



**CYBERSECURITY
& INFRASTRUCTURE
SECURITY AGENCY**



Alerts and Tips

Resources

Build Security In > Legacy Systems > Security Considerations in Managing COTS Software

Per CISA:

- COTS Software Presents an Attractive Point of Attack
- It Is Difficult to Verify the Security of COTS Products
- <https://www.cisa.gov/uscert/bsi/articles/best-practices/legacy-systems/security-considerations-in-managing-cots-software>

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Also, to quote our own Oregon AG's office based on OREGON SECRETARY OF STATE'S REPLY IN SUPPORT OF THE MOTION TO INTERVENE in Case No. 22CV07782, page 2:

21 physical access to the system is sufficient (at 5-6). ~~To take just that last example, the National~~
 22 ~~Academy of Sciences' authoritative report on election security squarely rejects Mr. Sippel's~~
 23 ~~claim that cybersecurity is unnecessary for a system that is not connected to the internet. See~~
 24 ~~National Academies of Sciences, Engineering, and Medicine, Securing the Votes Protecting~~
 25 ~~American Democracy (2018), at 90, <https://naep.nationalacademies.org/read/25120/figure/7#90>~~
 26

Page 2 - OREGON SECRETARY OF STATE'S REPLY IN SUPPORT OF THE MOTION TO INTERVENE

BM2/sv.3/415408899

Department of Justice
 100 SW Market Street
 Portland, OR 97201
 (971) 673-1880 / Fax: (971) 673-5000

21 ~~(Even when systems are not directly connected to networks, they are vulnerable to attack~~
 22 ~~through physical or wireless access.)~~

Oregon Laws:

ORS 246.046

- "The Secretary of State and each county clerk shall diligently seek out any evidence of violation of any election law. [Formerly 260.325]"
- https://oregon.public.law/statutes/ors_246.046

ORS 246.530

- "A governing body ~~may~~ adopt, purchase or otherwise procure, and provide for the use of, any voting machine or vote tally system approved by the Secretary of State in all or a portion of the precincts."
 - https://oregon.public.law/statutes/ors_246.530
 - This Law does **not** say "SHALL", it says "May" leaving the decision up to the Governing Body.
 - There is no law stating machines must be used, none.
 - This was a County Clerks choice whether machines will or will not be used.

A workable Solution:

- The County Clerk is **required** to **diligently** seek out election violations –
 - Non accreditation is a violation of the EAC Program and violates Federal Standards as set forth in the HAVA Act of 2002
- Put the Scanners, printers, and Tally Machines in a corner and immediately implement a Bi-Partisan Counting Board for the November 2022 Election
- This is the **ONLY** way to preserve the integrity of Oregon elections

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- ORS 254.485 - Section 1
 - Section 1 – “Ballots may be tallied by a vote tally system **or by a counting board.**”
 - Section 3 – “A counting board shall audibly announce the tally as it proceeds. The board shall use only pen and ink to tally.”
 - example section 3- this means when it’s time to tally/count votes a person announces the vote cast, while another tally’s and repeats back what was stated to ensure proper counting, each station has checks and balances as the tally proceeds.

If your county moves forward with using unaccredited machines this is a CLEAR violation of your oaths of office. We are depending on you and your fiduciary duties to ensure our elections don’t underserve or under privilege Oregonians.

PLEASE, get with your County Law Counsel ASAP and review this information to inquire what the next step is for your county to ensure lawful procedure of reporting any evidence of any election law violation!

THIS IS EVIDENCE. We do not consent to unlawful machine use.

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The Help America Vote Act (HAVA) of 2002 was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election. [Read the Help America Vote Act of 2002](#)

<https://www.congress.gov/107/plaws/publ252/PLAW-107publ252.pdf>

HAVA creates new **mandatory minimum standards** for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA **compliance** and to distribute HAVA funds to the states. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program.

Voting System Test Laboratory Program Manual, Version 2.0

- 3.6.1. **Certificate of Accreditation.** A Certificate of Accreditation shall be issued to each laboratory accredited by vote of the Commissioners. The certificate shall be signed by the Chair of the Commission and state:

3.6.1.1. The name of the VSTL;

3.6.1.2. The scope of accreditation, by stating the Federal standard or standards to which the VSTL is competent to test;

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3.6.2.1. NIST's Recommendation Letter;

3.6.2.2. The VSTL's Letter of Agreement;

3.6.2.3. The VSTL's Certification of Conditions and Practices;

3.6.2.4. The Commissioner's Decision on Accreditation; and

3.6.2.5. The Certificate of Accreditation.

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

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3.6.1 “shall” be signed by the Chair of the Commission.

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“shall” is an imperative command, indicating that certain actions are mandatory, and not permissive. This contrasts with the word “may,” which is generally used to indicate a permissive provision, ordinarily implying some degree of discretion.

The last available EAC accreditation prior to 2021 for VSTL SLI Compliance was signed on 1/10/2018 but states it was good for 3 years. The RULES clearly state “shall not exceed a period of 2 years” so this accreditation was set to expire on 1/10/2020. It was also signed by the Executive Director and **not** by the EAC Chair as **required** per VSTL Program Manual ver. 2.0 effective May 31, 2015, Sec 3.6.1.

https://www.eac.gov/sites/default/files/voting_system_test_lab/files/SLI_Compliance_Certificate_of_Accreditation011018.pdf

	<p>United States Election Assistance Commission</p> <hr/> <p>Certificate of Accreditation</p> <hr/> <p>SLI Compliance, Division of Gaming Laboratories International, LLC Wheat Ridge, Colorado</p> <p><i>is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2002 Voting Systems Standards, the Voluntary Voting Systems Guidelines versions 1.0 and 1.1 under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. SLI Compliance is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.</i></p>				
<table border="1" style="margin: auto;"> <tr> <td style="padding: 5px;">Effective Through</td> </tr> <tr> <td style="padding: 5px;">January 10, 2021</td> </tr> </table>	Effective Through	January 10, 2021	<div style="display: flex; align-items: center; justify-content: center;">  <table border="1" style="margin-left: 20px;"> <tr> <td style="padding: 2px 5px;">Date: 1/10/18</td> </tr> </table> </div> <table border="1" style="margin: 10px auto; width: 80%;"> <tr> <td style="padding: 5px;"> Brian Newby, Executive Director, U.S. Election Assistance Commission </td> </tr> </table> <p>EAC Lab Code: 0701</p>	Date: 1/10/18	Brian Newby, Executive Director, U.S. Election Assistance Commission
Effective Through					
January 10, 2021					
Date: 1/10/18					
Brian Newby, Executive Director, U.S. Election Assistance Commission					

_ Verified Correct Copy of Original 11/4/2022. _

The next available Certificate of Accreditation was issued 2/1/2021 which now says 2007 to 2021 and is still not signed by the EAC Chair per Section 3.6.1. Additionally, they've added information about revocation which has nothing to do with a Certificate of Accreditation expiring and the VSTL being required to submit a renewal package for recertification.

	United States Election Assistance Commission
Certificate of Accreditation	
SLI Compliance Division of Gaming Laboratories International, LLC Wheat Ridge, Colorado	
<p><i>is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2005 and 2015 Voluntary Voting Systems Guidelines (VVG 1.0 & 1.1) under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. SLI Compliance is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.</i></p>	
Original Accreditation Issued on: 2/28/2007	Accreditation not to exceed 2 years per Section 3.6.1.3
<div style="border: 1px solid black; padding: 2px;"> Accreditation remains effective until revoked by a vote of the EAC pursuant to 52 U.S.C. § 20971(c)(2). </div>	<div style="text-align: right;"> <i>Mona Harrington</i> Date: 2/1/21 </div> <div> Mona Harrington Executive Director, U.S. Election Assistance Commission EAC Lab Code: 0701 </div>

(2) Approval by Commission required for revocation

The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

https://www.eac.gov/sites/default/files/voting_system_test_lab/files/SLI%20Certificate%20of%20Accreditation%202021.pdf

<https://www.law.cornell.edu/uscode/text/52/20971>

As you can see from the EAC Website for SLI Compliance, they only list the two certificates as noted above, then in between, they list a document called "SLI Compliance Accreditation Renewal Memo" which is dated 1/27/2021 (a full year after the 2020 expiration).

<https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl/sli-compliance-division-gaming-laboratories>

SLI Compliance, a Division of Gaming Laboratories International, LLC

SLI Compliance was accredited by the EAC on February 28, 2007. Federal law provides that EAC accreditation of a voting system test laboratory cannot be revoked unless the EAC Commissioners vote to revoke the accreditation: "The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission." 52 U.S. Code § 20971(c)(2). The EAC has never voted to revoke the accreditation of SLI Compliance. SLI Compliance has undergone continuing accreditation assessments and had a new accreditation certificate issued on February 1, 2021.

4720 Independence Street
Wheat Ridge, Colorado 80033
Status: Accredited
Program Manager: Director of Operations
Phone: 303-422-1566
Lab Contact: Traci Mapps

Revocation and lapse/expiration in accreditation are not the same thing. There is no documentation that SLI Compliance was accredited in 2020 nor applied for re-accreditation.

State Information
Managing Elect
Correspondence
Press Releases
Frequently Asked
Manuals and Fo
Test and Certifi

Related Documents

- 7/22/21 VSTL Certificates and Accreditation
- 2/14/21 - SLI Compliance Letter of Agreement
- 2/12/21 - SLI Compliance Certification of Laboratory Conditions and Practices
- 2/1/2021 - SLI Compliance Certificate of Accreditation
- 01/27/2021 - SLI Compliance Accreditation Renewal Memo
- 01/11/18 - SLI Compliance Certificate of Accreditation
- 01/11/2016 Letter on Company Name/Address Change

**Both
Certificates
exceed the
2 year rule**

This memo uses COVID-19 as the reason why the renewal process for SLI Compliance was delayed - COVID was not declared a pandemic until March of 2020

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Here is the Memo that is dated in 2021, talks about 2 years, talks about the 30-60 day submission process and states COVID-19 is the reason.

So, the EAC is trying to state the Accreditation in 2018 was good for 3 years but they needed to use COVID-19 as the excuse for a delayed renewal process in 2021? Wouldn't this letter imply the original 2018 Accreditation did in fact expire in 2020 if they had to report a delay in renewal?

https://www.eac.gov/sites/default/files/voting_system_test_lab/files/SLI_Compliance_Accreditation_Renewal_de lay_memo012721.pdf



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

FROM: Jerome Lovato, Voting System Testing and Certification Director

SUBJECT: SLI Compliance EAC VSTL Accreditation

DATE: 1/27/2021 Created in 2021 after the fact?

SLI Compliance, a division of Gaming Laboratories International, LLC (SLI) has completed all requirements to remain in good standing with the EAC's Testing and Certification program per section 3.8 of the Voting System Test Laboratory Manual, version 2.0:

30 to 60
days prior
to
expiration
is Nov-
Dec 2019

Expiration and Renewal of Accreditation. *A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending. VSTLs in good standing shall also retain their accreditation should circumstances leave the EAC without a quorum to conduct the vote required under Section 3.5.5.*

Due to the outstanding circumstances posed by COVID-19, the renewal process for EAC laboratories has been delayed for an extended period. While this process continues, SLI retains its EAC VSTL accreditation.

The WHO did NOT declare a Pandemic until Mar 2020



PubMed.gov

Advanced

Acta Biomed. 2020 Mar 19;91(1):157-160. doi: 10.23750/abm.v91i1.9397.

WHO Declares COVID-19 a Pandemic

<https://pubmed.ncbi.nlm.nih.gov/32191675/>

_ Verified Correct Copy of Original 11/4/2022._

The Secretary of State Authorized Hart InterCivic, Verity 2.4 Voting System in June of 2020 for use in the November 2020 Elections. The VSTL is SLI Compliance yet the Secretary of State lists SLI Laboratories in her Certificate of Approval. You can clearly see SLI Laboratories is not the VSTL approved by the EAC nor can we confirm SLI Compliance was accredited in 2020.

If words matter, then the mis-naming the VSTL on her Certificate of Approval MATTERS.

OFFICE OF THE SECRETARY OF STATE

BEV CLARNO
SECRETARY OF STATE



ELECTIONS DIVISION

STEPHEN N. TROUT
DIRECTOR
255 CAPITOL STREET NE, SUITE 601
SALEM, OREGON 97310-0722
(503) 986-1518

CERTIFICATE OF APPROVAL

Hart InterCivic
Verity 2.4 Voting System

Hart InterCivic has made upgrades to their Verity Voting System. Specifically they have submitted Verity version 2.4 along with their test lab report by EAC Certified tester SLI Laboratories. The test report documents that the system meets all of the Oregon requirements and are conformant with the federal Voluntary Voting System Guidelines (VVSG), Version 1.0 (2005). Hart InterCivic has requested approval of this change for use in Oregon elections.

The Secretary of State partnered with Benton, Washington, Linn, Marion, Yamhill, Clackamas and Multnomah counties. After reviewing the certification application and test lab reports we have determined that the upgraded system complies with the statutory requirements of Oregon Revised Statutes 246.550 and 246.560, specifically ORS 246.550(4) and Oregon Administrative Rule 165-007-0350.

Accordingly, the Hart InterCivic Verity 2.4 Voting System is certified for sale, lease or use in all elections in Oregon. The system must be used in compliance with the provisions of applicable Oregon statutes and all Secretary of State, Election Division rules and directives.

Dated this 15th day of June 2020.

Stephen N. Trout
Director of Elections

<https://sos.oregon.gov/elections/Documents/vote-systems/Hart-Verity-2-4-Certification.pdf>

According to OAR 165-007-0350, All voting systems used in Oregon must be certified by the EAC or by a federally accredited voting system test laboratory (VSTL).

https://oregon.public.law/rules/oar_165-007-0350

Oregon Secretary of State, Elections Division



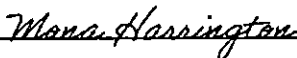
Rule 165-007-0350

Oregon Voting System Certification

- (1) All voting systems submitted for certification pursuant to ORS 246.550 (Examination and approval of equipment by Secretary of State) must be certified by the Elections Assistance Commission (EAC) or be examined by a federally accredited voting systems testing laboratory (VSTL).

According to the EAC Website for Verity Voting 2.4, this system has been evaluated at an accredited voting system testing laboratory for conformance. This testing was approved on February 21, 2020 after SLI Compliance Accreditation should have expired in January of 2020.

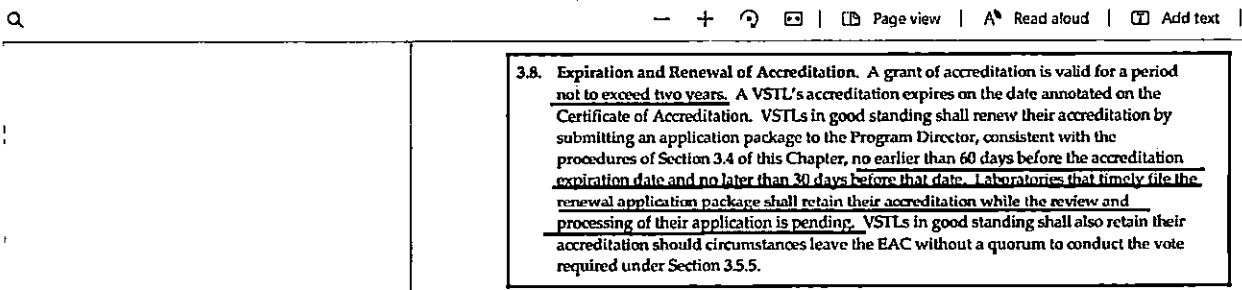
https://www.eac.gov/sites/default/files/voting_system/files/HRT-VERITY-2.4%20Certificate%20and%20Scope%20202-21-2020.pdf

	United States Election Assistance Commission	
Certificate of Conformance		
Hart Verity Voting 2.4		
<p>The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the <i>Voluntary Voting System Guidelines Version 1.0 (VVSG 1.0)</i>. Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the <i>EAC Voting System Testing and Certification Program Manual</i> and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.</p>		
Product Name:	Verity Voting	
Model or Version:	2.4	
Name of VSTL:	SLI Compliance	
EAC Certification Number:	HRT-VERITY-2.4	
Date Issued:	February 21, 2020	
	 Acting Executive Director	
	Scope of Certification Attached	

Circling back to the EAC Rules, the accreditation is valid for a period NOT TO EXCEED two years and they are required to file a renewal application package between 30-60 days prior to January 10, 2020. Given the lack of documentation on the EAC website and documentation requested from the EAC and SOS, we cannot find that SLI Compliance was accredited to test Hart Verity 2.4 in 2020 and ultimately approved by the SOS for use in the 2020 Elections.

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

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



By utilizing voting machines tested by a VSTL with improper EAC accreditation at the time of certification and with the potential for the Trapdoor mechanism as described in Terpesehore Maras Affidavit that was filed in Case #2:20-cv-01771-PP in the 2nd Judicial District of the Denver District Court in Denver, Colorado.

<https://storage.courtlistener.com/recap/gov.uscourts.wied.92717/gov.uscourts.wied.92717.9.13.pdf>

Oregon has deprived its voters of secure, fair and equal voting. This Oversight denies all voters of their constitutional right to vote fairly with equal representation. Oregonians have vested personal interest in the offices of their elected officials. How elected public servants perform their fiduciary duties is imperative, to ensure Oregonians are not underserved or marginalized.

Additionally, Hart Verity 2.4 authorizes the use of Commercial Off The Shelf Software (COTS) and equipment which is an attractive point of attack for bad or foreign actors and can be hacked with a device no larger than a piece of rice.



**CYBERSECURITY
& INFRASTRUCTURE
SECURITY AGENCY**



Alerts and Tips Resources

Build Security In > Legacy Systems > Security Considerations in Managing COTS Software

Bloomberg

US Edition

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Businessweek | Feature

The Big Hack: How China Used a Tiny Chip to Infiltrate U.S. Companies

The attack by Chinese spies reached almost 30 U.S. companies, including Amazon and Apple, by compromising America's technology supply chain, according to extensive interviews with government and corporate sources.

Per CISA:

- COTS Software Presents an Attractive Point of Attack
- It Is Difficult to Verify the Security of COTS Products
- <https://www.cisa.gov/uscert/bsi/articles/best-practices/legacy-systems/security-considerations-in-managing-cots-software>

One more vulnerability we found during our extensive review of Verity 2.4 is that Hart Verity's COTS Software and Firmware lists Microsoft Windows Embedded Standard 7, Service Pack 1 as the platform which can be found in the following Certificate of Conformance on page 5.

https://www.eac.gov/sites/default/files/voting_system/files/HRT-VERITY-2.4%20Certificate%20and%20Scope%20002-21-2020.pdf

COTS Software and Firmware	
Description	Version
Verity Data, Build, Central, Count, Relay, Print, Scan – Paper Ballot Scanner (Additional Item below), Touch Writer – Electronic BMD Device, Touch Writer Duo – Electronic BMD Device, Controller, Touch – Electronic ORE Device, Touch with Access – Electronic ORE Device	
Microsoft Windows Embedded Standard 7, Service Pack 1	6.1.7601
Microsoft SQL Server 2012 for Embedded Systems License	11.00.2100
McAfee Application Control for Devices (McAfee Solidifier)	8.21.1-143

According to Microsoft, Windows 7 Service Pack 1 ended support on January 14, 2020 and extended support on October 13, 2020. Microsoft cited security vulnerabilities which means during the 2020 General Election, the machines were not even covered by Microsoft.

<https://support.microsoft.com/en-us/topic/october-13-2020-kb4580387-security-only-update-9781ea5e-4fab-9f66-7528-77e9c5649081#:~:text=For%20Windows%20Embedded%20Standard%207%2C%20extended%20support%20ends,on%20the%20screen%20until%20you%20interact%20with%20it.>

Also, to quote our own Oregon AG's office based on OREGON SECRETARY OF STATE'S REPLY IN SUPPORT OF THE MOTION TO INTERVENE in Case No. 22CV07782, page 2:

- 21 physical access to the system is sufficient (at 5–6). ~~To take just that last example, the National~~
- 22 ~~Academy of Sciences' authoritative report on election security squarely rejects Mr. Sippel's~~
- 23 ~~claim that cybersecurity is unnecessary for a system that is not connected to the internet. See,~~
- 24 ~~National Academies of Sciences, Engineering, and Medicine, "Securing the Vote: Protecting~~
- 25 ~~American Democracy" (2018) at 90, <https://nap.nationalacademies.org/read/25120/chapter/7#90>~~
- 26

Page 2 - OREGON SECRETARY OF STATE'S REPLY IN SUPPORT OF THE MOTION TO INTERVENE
BM2/sv3/415408899

Department of Justice
100 SW Market Street
Portland, OR 97201
(971) 673-1889 / Fax: (971) 673-5000

- 1) ~~Given when systems are not directly connected to networks, they are vulnerable to attack~~
- 2) ~~through physical or wireless access."~~

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Laws:

ORS 246.046

- “The Secretary of State **and each county clerk shall diligently seek out any evidence of violation of any election law.** [Formerly 260.325]”
- https://oregon.public.law/statutes/ors_246.046

ORS 246.530

- “A governing body **may** adopt, purchase or otherwise procure, and provide for the use of, any voting machine or vote tally system approved by the Secretary of State in all or a portion of the precincts.”
 - https://oregon.public.law/statutes/ors_246.530
 - This Law does **not** say “SHALL”, it says “May” leaving the decision up to the Governing Body.
 - There is no law stating machines must be used, none.
 - This was a County Clerks choice whether machines will or will not be used.

A workable Solution:

- The County Clerk is **required** to **diligently** seek out election violations –
 - Non accreditation is a violation of the EAC Program and violates Federal Standards as set forth in the HAVA Act of 2002
- Put the Scanners, printers, and Tally Machines in a corner and immediately implement a Bi-Partisan Counting Board for the November 2022 Election
- This is the **ONLY** way to preserve the integrity of Oregon elections
- ORS 254.485 - Section 1
 - Section 1 – “Ballots may be tallied by a vote tally system **or by a counting board.**”
 - Section 3 – “A counting board shall audibly announce the tally as it proceeds. The board shall use only pen and ink to tally.”
 - example section 3- this means when it’s time to tally/count votes a person announces the vote cast, while another tally’s and repeats back what was stated to ensure proper counting, each station has checks and balances as the tally proceeds.

If your county moves forward with using unaccredited machines this is a **CLEAR** violation of your oaths of office. We are depending on you and your fiduciary duties to ensure our elections don’t underserve or under privilege Oregonians.

PLEASE, get with your County Law Counsel ASAP and review this information to inquire what the next step is for your county to ensure lawful procedure of reporting any evidence of any election law violation!

THIS IS EVIDENCE. We do not consent to unlawful machine use.

Kevin M. Moncla

824 Lake Grove Drive
 Little Elm, TX 75068
 469-588-7778
KMoncla@gmail.com

David Cross

4805 Spring Park Circle
 Suwanee, GA 30024
 678-925-6983
DCross108@protonmail.com

September 12, 2022

Georgia State Election Board
 2 MLK Jr. Drive
 Suite 802 Floyd West Tower
 Atlanta, Georgia 30334

Mr. Matt Mashburn
mmashburn@georgia-elections.com

Dr. Jan Johnston
JJohnstonMD.seb@gmail.com

Mrs. Sara Tindall Ghazal
SaraGhazal.seb@gmail.com

Mr. Edward Lindsey
Edwardlindsey.seb@gmail.com

Ex officio:
 Mr. Brad Raffensperger
 Secretary of State
 214 State Capitol
 Atlanta, Georgia 30334

RE: OFFICIAL COMPLAINT**Board Members:**

We are submitting this official complaint regarding the circumstances surrounding the official certification of Georgia's electronic voting system by the Elections Assistance Commission (hereinafter "EAC"). Our investigation has uncovered evidence which calls in to question, not only the validity of Georgia's voting system certification, but the accreditation of the Voting System Testing Laboratory, and the credibility of the EAC itself.

While the actions and deficiencies of the EAC are beyond the purview of this board, Georgia law required the purchase of an EAC certified electronic voting system.¹

When the Georgia State legislature passed such a requirement, they did so with the implicit expectation that such an EAC certified voting system would meet standards in accordance with federal law.

Unfortunately, that certification is but an empty shell as the EAC's outdated voting system guidelines, requirements, rules, and methods of measuring compliance as promulgated by federal law have been effectively ignored, circumvented, and dismissed. The EAC has failed to maintain oversight and accreditation of the Voting System Testing Labs as required by the Help America Vote Act (HAVA).² Efforts to conceal this fact have only magnified the damage, perpetuated a fraud upon the American people, and prevented correction or

¹ Ga. Code § 21-2-300 ("(3) The state shall furnish a uniform system of electronic ballot markers and ballot scanners for use in each county as soon as possible. Such equipment shall be certified by the United States Election Assistance Commission prior to purchase, lease, or acquisition.")

² Help America Vote Act | U.S. Election Assistance Commission

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remedy. Specifically:

1. Pro V&V's EAC Voting System Testing Lab Accreditation expired in 2017.
2. EAC officials have falsely misrepresented the accreditation status of Pro V&V and have gone to extraordinary lengths to conceal the fact that Pro V&V's accreditation was expired for an extended period of time.
 - A. Records and analysis strongly suggest that the EAC fabricated documents on behalf of Pro V&V then posted those documents on the EAC website. Seemingly this was done in an effort to make it appear as though the required documents had been timely submitted.
 - B. Following the 2020 General Election, the EAC falsely claimed that the reason Pro V&V's accreditation certificate(s) had not been issued was because of:
 1. Delays caused by COVID-19
 2. Administrative Error
 3. Accreditation wasn't Revoked
3. Georgia's current voting system was not certified in accordance with the Help America Vote Act. The voting system Georgia purchased was not tested by an EAC accredited Voting System Testing Lab as required thereby rendering the EAC certification invalid based upon the established requirements.

BACKGROUND

The issues presented in this complaint are governed by the rules and regulations of the Election Assistance Commission (EAC). The EAC's authority is derived from the Help America Vote Act (HAVA) which was passed by the U.S. Congress in 2002.³ HAVA requires that the EAC provide for the accreditation and revocation of accreditation of independent, non-federal laboratories qualified to test voting systems to Federal standards.⁴ The EAC is also charged with establishing those Federal Standards.⁵

³ HAVA is codified at 52 U.S.C. 20901 to 21145

⁴ Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15371(b)) requires that the EAC provide for the accreditation and revocation of accreditation of independent, non-federal laboratories qualified to test voting systems to Federal standards.

⁵ Section 311 of the Help America Vote Act of 2002 (HAVA) requires the U.S. Election Assistance Commission (EAC) to periodically adopt standards for voting systems in the form of Voluntary Voting System Guidelines

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From the EAC's website:

HAVA creates new mandatory minimum standards for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA compliance and to distribute HAVA funds to the states. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program.

The EAC is responsible for creating voting system testing guidelines which are standards and rules that voting machines must comply with to be certified. The EAC accredits third-party companies to test whether voting systems meet the requirements of the voting system guidelines. These companies are called Voting System Testing Labs (VSTLs). Although this complaint centers on the accreditation of one VSTL, it's important to understand the following facts:

1. **Every** voting machine certified by the EAC used in the United States today has not been tested beyond a 2005 standard (Pre-iPhone).⁶
2. Voting system certification does not include testing for penetration, intrusion or system manipulation (doesn't test if the machines can be used to cheat).⁷
3. The Voting System Testing Labs (VSTLs) responsible for testing the voting systems for the EAC are not paid by the EAC but by the voting system manufacturers (Dominion, ES&S, Hart); therefore, an inherent conflict of interest exists.⁸
4. The VSTLs are not qualified nor are they accredited by the EAC to perform any type of forensic audits of the voting systems like those they were paid to perform in many locales following the 2020 general election (Maricopa, Georgia, Michigan, etc.).⁹
5. There are only 2 VSTLs currently recognized by the EAC; Pro V&V and SLI Compliance.¹⁰

1. PRO V&V'S ACCREDITATION EXPIRED IN 2017

⁶ [Certified Voting Systems | U.S. Election Assistance Commission \(eac.gov\)](https://www.eac.gov/certified-voting-systems)

⁷ [Voluntary Voting System Guidelines | U.S. Election Assistance Commission \(eac.gov\)](https://www.eac.gov/voluntary-voting-system-guidelines)

⁸ [Frequently Asked Questions | U.S. Election Assistance Commission \(eac.gov\)](https://www.eac.gov/frequently-asked-questions)

⁹ [Chain of Custody Best Practices \(eac.gov\)](https://www.eac.gov/chain-of-custody-best-practices)

¹⁰ [Voting System Test Laboratories \(VSTL\) | U.S. Election Assistance Commission \(eac.gov\)](https://www.eac.gov/voting-system-test-laboratories)

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The VSTL Program Manual¹¹ explicitly states:

3.8. Expiration and Renewal of Accreditation. A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending.

The fact is that Pro V&V was not in good standing. The first Certificate of Accreditation issued to Pro V&V is below:



The Certificate of Accreditation clearly delineates the beginning date of February 24, 2015 and is “Effective Through” February 24, 2017. There are simply no submissions by Pro V&V as required to renew their accreditation (save those filed in 2015) until after the 2020 general election. The fact is that Pro V&V’s accreditation expired on February 24, 2017. Even so, Pro V&V continued as though they remained accredited. It was during this time when Pro V&V tested Dominion’s Democracy Suite 5.5A(G), which was subsequently and erroneously certified by the EAC.

2. EAC FALSELY MISREPRESENTED PRO V&V’S ACCREDITATION

¹¹ VSTL Program Manual, Version 1, effective July 2008, and Version 2, effective May 2015, approved by vote of the EAC Commission

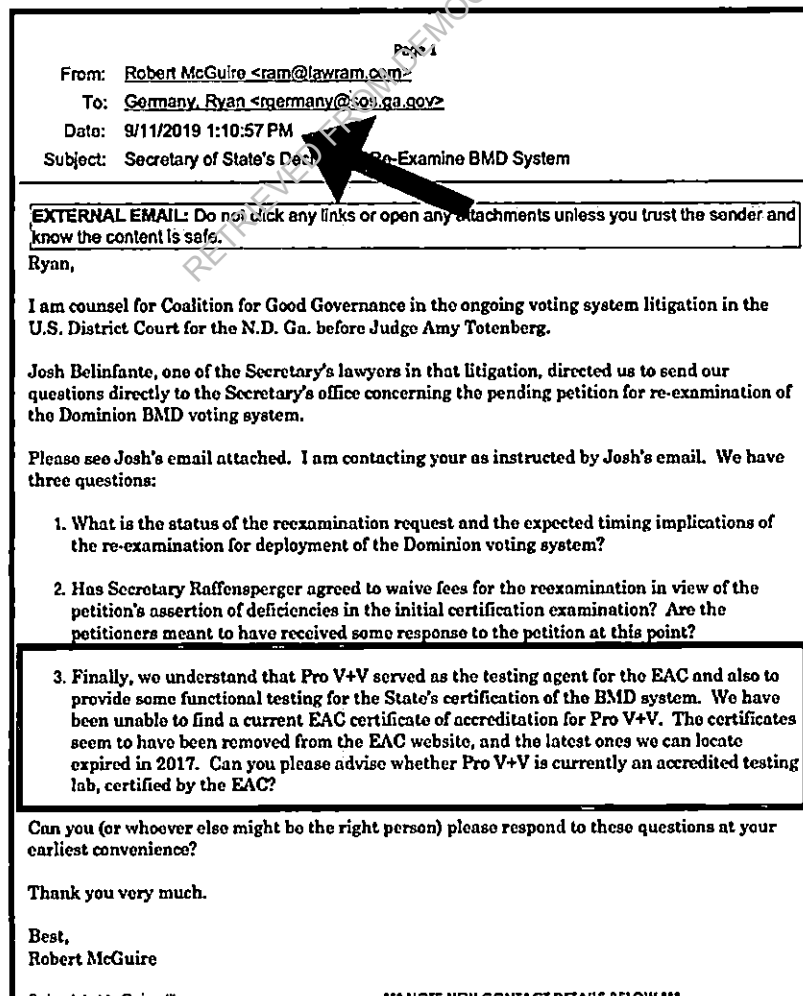
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Through a series of fraudulent acts and extraordinary statements, the EAC has engaged in a practice of subterfuge and deceit to conceal the fact that Pro V&V was not an accredited laboratory for an extended period of time.

A. FABRICATION OF DOCUMENTS

On September 11, 2019, an attorney representing the Coalition for Good Governance in a pending federal lawsuit (Curling v. Raffensperger) sent an email to Ryan Germany, General Counsel for the Georgia Secretary of State. The email inquired about the accreditation status of Pro V&V who had tested Georgia's Dominion Democracy Suite 5.5A(G) voting system that the EAC had subsequently certified. Specifically, the email states in part:

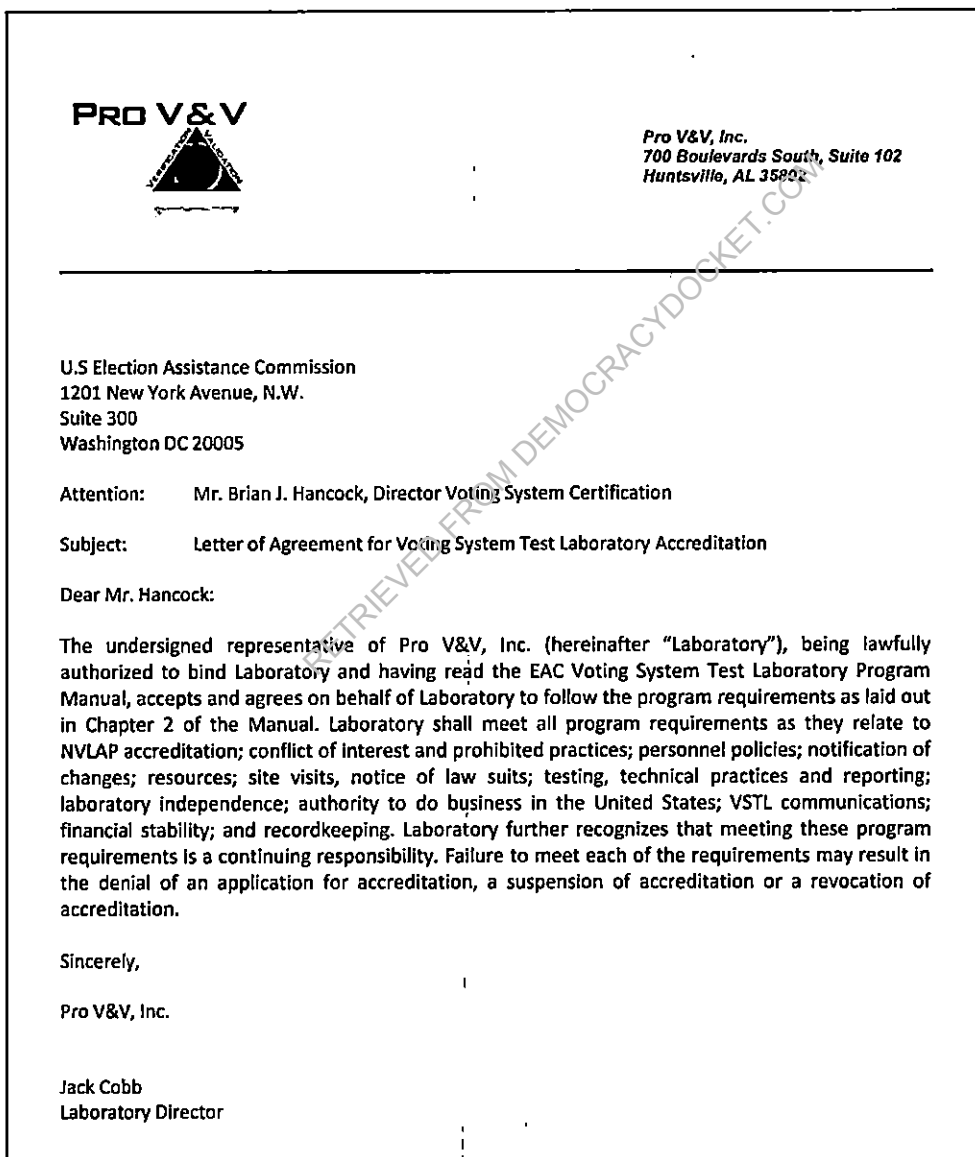
"3. Finally, we understand that Pro V+V served as the testing agent for the EAC and also to provide some functional testing for the State's certification of the BMD system. We have been unable to find a current EAC certificate of accreditation for Pro V+V. The certificates seem to have been removed from the EAC website, and the latest ones we can locate expired in 2017. Can you please advise whether Pro V+V is an accredited testing lab, certified by the EAC?"



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As Mr. McGuire states in the email above, the EAC website showed only one certificate of accreditation for Pro V&V which was issued in February of 2015 and expired in February of 2017.

A review of Pro V&V's records posted on the EAC's website revealed a document which was not posted until *after* the inquiry noted above. Complainants downloaded the document with the filename "Pro V&V Letter of Agreement.pdf" which is posted below (An electronic copy is also attached for your independent review):



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Pro V&V's "Letter of Agreement" was addressed to Mr. Brian J. Hancock, the former Director of Voting System Certification for the EAC. Interestingly, there is no date nor signature which the rules adopted by the EAC specifically require:

Submission of Documents. Any documents submitted pursuant to the requirements of this Manual shall be submitted:

with a proper signature when required by this Manual. Documents that require an authorized signature may be signed with an electronic representation or image of the signature of an authorized management representative.

3.4.2. Letter of Agreement. The applicant laboratory must submit a signed letter of agreement as part of its application. To that end, applicant laboratories are required to submit a Letter of Application requesting accreditation. The letter shall be addressed to the Testing and Certification Program Director and attach (in either hard copy or on CD/DVD) (1) all required information and documentation; (2) a signed letter of agreement; and (3) a signed certification of conditions and practices.

Due to the suspect circumstances surrounding the document, we decided to view the file's metadata. This shows the document posted on the EAC's website was created six (6) days after the email seeking the status of Pro V&V's accreditation.



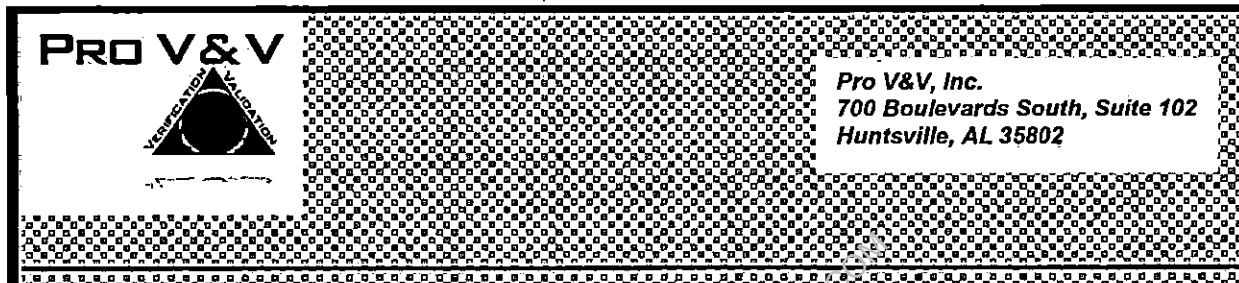
What's more, the Letter of Agreement that Mr. Lovato seemingly created on September 17, 2019, was addressed to Mr. Brian J. Hancock. The problem is that Mr. Hancock had retired in February of 2019, or nearly seven months before the letter was created.

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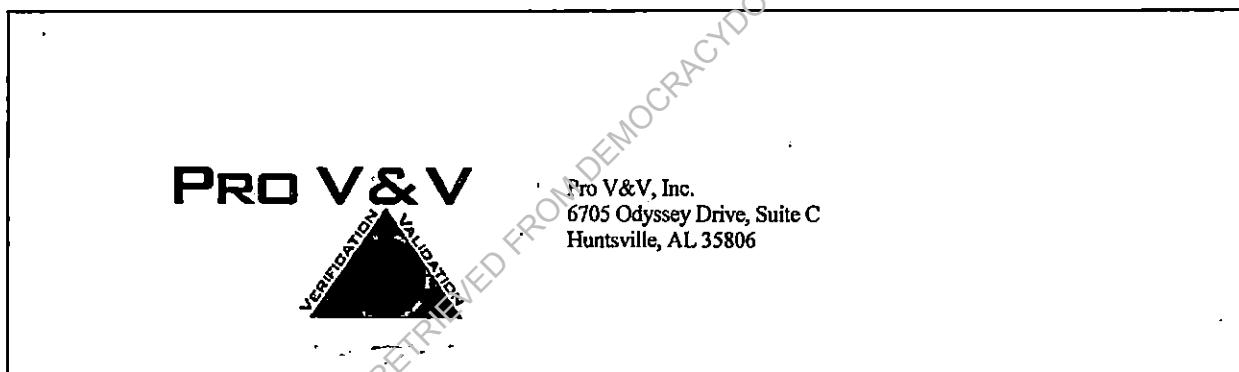
Verified Correct Copy of Original 11/4/2022.

Additionally, the file's metadata shows that the document was not authored by Jack Cobb of Pro V&V, but by the EAC's own Testing and Certification Director, Jerome Lovato. Perhaps there's a good explanation, or at least a plausible one; however, there are other problems. When the document was opened in Photoshop, it revealed that the letterhead was not one image as one would expect, but images that had been cut and pasted:

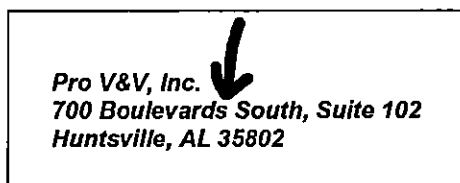
Document Header from the Letter of Agreement added by Jerome Lovato as shown in Adobe Photoshop:



Document Header from the 2020 Letter of Agreement as shown in Adobe Photoshop using the same process:



If the Letter of Agreement was in-fact created by Pro V&V, they didn't include their phone number, email, and misspelled their own address on their "letterhead":



Also, the EAC's address changed from that of the letter (1201 New York Ave, DC) to 1335 East West Highway, MD on October 22, 2013, or before the date to which the letter was attributed.

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No matter the provenance of the Letter of Agreement, without a date or signature it fails to meet any acceptable standard. The same is acknowledged by the fact that the document was not publicly posted as required until 6 days after the email cited above inquiring about Pro V&V's accreditation status. Lastly, the EAC never issued a Certificate of Accreditation for 2017 when Pro V&V's 2015 accreditation expired.

B. EAC MISREPRESENTED STATUS OF PRO V&V

After the 2020 General election the EAC went so far as to surreptitiously cover-up the fact that Pro V&V was not accredited and had not been for years. Pro V&V was granted EAC accreditation as a Voting Systems Testing Laboratory (VSTL) on February 24, 2015 and was effective through February 24, 2017. From the Voting System Test Laboratory Program Manual, Version 2.0

3.8 Expiration and Renewal of Accreditation. A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending. VSTLs in good standing shall also retain their accreditation should circumstances leave the EAC without a quorum to conduct the vote required under Section 3.5.5.

There is no record whatsoever of Pro V&V renewing their accreditation in 2017, despite the requirement that all associated documents *shall* be posted on the EAC's website:

3.6.2. Post Information on Web Site. The Program Director shall make information pertaining to each accredited laboratory available to the public on EAC's Web site. This information shall include (but is not limited to):

- 3.6.2.1. NIST's Recommendation Letter;*
- 3.6.2.2. The VSTL's Letter of Agreement;*
- 3.6.2.3. The VSTL's Certification of Conditions and Practices;*
- 3.6.2.4. The Commissioner's Decision on Accreditation; and 3.6.2.5. The Certificate of Accreditation.*

There is also no record of Pro V&V renewing their accreditation in 2019. It isn't until after the 2020 general election that Pro V&V's accreditation is renewed.

1. PANDEMIC EXCUSE

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On January 27, 2021, Jerome Lovato of the EAC issued the following memo attempting to use the pandemic somehow as cause for Pro V&V's "questionable" accreditation status:



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

FROM: Jerome Lovato, Voting System Testing and Certification Director
SUBJECT: Pro V&V EAC VSTL Accreditation
DATE: 1/27/2021

Pro V&V has completed all requirements to remain in good standing with the EAC's Testing and Certification program per section 3.8 of the Voting System Test Laboratory Manual, version 2.0:

Expiration and Renewal of Accreditation. A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending. VSTLs in good standing shall also retain their accreditation should circumstances leave the EAC without a quorum to conduct the vote required under Section 3.5.5.

Due to the outstanding circumstances posed by COVID-19, the renewal process for EAC laboratories has been delayed for an extended period. While this process continues, Pro V&V retains its EAC VSTL accreditation.

Lovato states:

Pro V&V has completed all requirements to remain in good standing with the EAC's Testing and Certification program per section 3.8 of the Voting System Test Laboratory Manual, version 2.0:

The statement above is false by any metric. Lovato would have us believe that Pro V&V's accreditation was somehow current despite the required submissions and Certificates of Accreditation missing from the EAC's website (The EAC is required to post the documents). Then Lovato claims that the pandemic is the cause of any accreditation deficiency:

Due to the outstanding circumstances posed by COVID-19, the renewal process for EAC laboratories has been delayed for an extended period. While this process continues, Pro V&V retains its EAC VSTL accreditation.

Interestingly, Lovato specifically names Pro V&V and doesn't mention the other VSTL, SLI

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Compliance. Furthermore, the EAC's pandemic excuse is refuted simply by referencing a calendar. Pro V&V's accreditation expired in February of 2017, three years before the pandemic. Even if we were to accept the cryptic, undated and unsigned Letter of Agreement of questionable origin and attribute it to 2017, the accreditation would have expired in 2019, a year before COVID-19 was deemed a national emergency.

2. CLERICAL ERROR EXCUSE

The pandemic excuse is not retroactive to a time before the pandemic, a fact which was evidently brought to the attention of the EAC and what precipitated the release of the next memo (attached hereto as "Exhibit C") which states:

Due to administrative error during 2017-2019, the EAC did not issue an updated certificate to Pro V&V causing confusion with some people concerning their good standing status. Even though the EAC failed to reissue the certificate, Pro V&V's audit was completed in 2018 and again in early 2021 as the scheduled audit of Pro V&V in 2020 was postponed due to COVID-19 travel restrictions. Despite the challenges outlined above, throughout this period, Pro V&V and SLI Compliance remained in good standing with the requirements of our program and retained their accreditation. In addition, the EAC has placed appropriate procedures and qualified staff to oversee this aspect of the program ensuring the continued quality monitoring of the Testing and Certification program is robust and in place.

Again, even if we were to accept the highly suspect Letter of Agreement and attribute it to 2017, along with the EAC's explanation of administrative error in failing to issue a Certificate of Accreditation in 2017, the accreditation would have expired in February of 2019 without exception (3.8. *Expiration and Renewal of Accreditation. A grant of accreditation is valid for a period not to exceed two years*). The EAC conveniently ignores the irrefutable fact that Pro V&V is lacking *two* Certificates for Accreditation- one for 2017 and another for 2019. Also missing from the record and the EAC's website are Pro V&V's filings for accreditation renewal for both 2017 and 2019.

3. REVOCATION EXCUSE

In the same memo cited above, Mr. Lovato disingenuously attempts to address the concerns of *expiration* with the prospect of *revocation*. From the memo:

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The VSTL accreditation does not get revoked unless the commission votes to revoke accreditation; and by that same token, EAC generated certificates or lack thereof do not determine the validity of a VSTL's accreditation status.

Pro V&V was accredited by the EAC on February 24, 2015, and SLI Compliance was accredited by the EAC on February 28, 2007. Federal law provides that EAC accreditation of a voting system test laboratory cannot be revoked unless the EAC Commissioners vote to revoke the accreditation: "The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission." 52 U.S. Code § 20971(c)(2). The EAC has never voted to revoke the accreditation of Pro V&V. Pro V&V has undergone continuing accreditation assessments and had new accreditation certificate issued on February 1, 2021.

The EAC raises the matter of revocation and that such action requires a "vote of the Commission". It goes on to say "*The EAC has never voted to revoke the accreditation of Pro V&V*". The EAC is conflating the matters of *revocation* with that of *expiration*. Suggesting that simply because the Commission has never voted to revoke Pro V&V's accreditation, then it remains active by default. The prospect defies logic. The term "Expired" is defined as:

Expired- *cease to be valid after a fixed period of time.*

The term "Revocation" is defined as:

Revoked- *put an end to the validity or operation of.*

Expiration is automatic, as in when the term is up. Revocation requires an affirmative act to end something. Like a driver's license can be expired or revoked, the two are different and have different causes and meanings. A driver's license can be expired and therefore invalid without being revoked. Mr. Lovato's assertion is analogous to claiming that your expired driver's license is valid simply because it's not revoked. This rationale is ludicrous. Furthermore, to accept such a prospect would require ignoring the clearly defined prescription of time "...not to exceed two years."

The bright lines of the rules regarding accreditation renewal and expiration are clear; therefore, this is an effort of either deception or ignorance. Considering that Mr. Lovato cites the plain language detailing expiration in his January 21, 2021 memo (above), the possibility of ignorance is removed.

Also removed is a page from the EAC's website with the heading, "Labs with Expired Accreditation" that can be found archived here:

[Voting System Test Laboratories \(VSTL\) - Voting Equipment | US Election Assistance Commission \(archive.org\)](#)

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The fact that the category, “Labs with Expired Accreditation” existed on the EAC’s website is damning to Lovato’s assertion as it establishes the EAC’s own acknowledgement that VSTL accreditations do expire *without* revocation. The removal of the page suggests that the EAC realized the same and acted to conceal that which would lift the thin veil of plausible deniability.

What’s more, we know from the email to the Georgia Secretary of State’s general counsel that the Secretary of State and the EAC were both made aware of Pro V&V’s long-expired accreditation over a year before the 2020 general election. Instead of properly addressing the deficiency at the time, the EAC presumably elected to create a fraudulent record on behalf of Pro V&V. Regardless, they knowingly chose to fraudulently misrepresent Pro V&V’s accreditation status and attempted to cover-up the facts with a litany of excuses that just don’t hold water.

3. GEORGIA’S VOTING SYSTEM WAS NEVER PROPERLY CERTIFIED

Pro V&V performed the testing on Georgia’s Dominion Democracy Suite 5.5A(G) system and submitted the final report to the EAC on August 7, 2019. Because Pro V&V’s VSTL accreditation expired in February of 2017 (or February of 2019 if we accept the EAC’s flawed excuses) and system certification requires testing by an EAC accredited VSTL, the EAC certification of Georgia’s voting system is not valid.

SUMMARY

As we mark the EAC’s 20th year, we must acknowledge that the EAC has failed to develop and maintain voting system testing guidelines, failed to oversee the accreditation of testing labs, and failed to test our country’s voting systems to a remotely reasonable standard. The fact is that EAC has miserably failed to perform not only its core mission, but all missions for its entire existence.

The actions of the EAC as detailed herein extend far beyond mere *failure*. The EAC has fabricated a fraudulent record for Pro V&V and has repeatedly, knowingly, and intentionally misrepresented the expired accreditation status of a Voting Systems Testing Laboratory to the American people. The EAC’s deceptive practices have fostered a false sense of security and materially violated their responsibilities under the HAVA in both letter and spirit of the law.

The inherit standard of any established institution or industry does not exist with voting systems in the United States. There is no benchmark, no independent method of testing, no oversight, and therefore there is no alternative but for the States to perform their own due

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diligence in testing our voting systems.

Wherefore, the Georgia State Election Board must immediately suspend use of the Dominion voting systems until a thorough, review by a panel of independent experts can be performed.

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EXHIBIT E



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

VIA EMAIL

August 17, 2022

Jennifer Gunter
jennof4@gmail.com

Greetings:

This acknowledges the U.S. Election Assistance Commission's receipt of your Freedom of Information Act request (No. 22-00171):

"Please forward and supply web links and or pdf copies of the EAC test reports for Clear Ballot and also named/referred to as Clear Vote for the Version 2.1."

The EAC does not possess records responsive to your request. EAC Testing and Certification has confirmed that ClearVote 2.1 is not an EAC certified system and the EAC does not possess documents for it.

This letter completes the response to your request. If you interpret any portion of this response as an adverse action, you may appeal this action to the Election Assistance Commission. Your appeal must be in writing and sent to the address set forth below. Your appeal must be postmarked or electronically transmitted within 90 days from the date of the acknowledgment to your request. Please include your reasons for reconsideration and attach a copy of this and subsequent EAC responses.

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

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you have any questions please contact my office at your convenience.

Sincerely,



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

Camden Kelliher

Camden Kelliher, Associate Counsel
U.S. Election Assistance Commission
ckelliher@eac.gov

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Verified Correct Copy of Original 10/26/2022.



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

VIA EMAIL

August 17, 2022

Jennifer Gunter
jennof4@gmail.com

Greetings:

This acknowledges the U.S. Election Assistance Commission's receipt of your Freedom of Information Act request (No. 22-00179):

"Copies of all archived, all historical and all present applications and certificates of the EAC's Certificate of Conformance and Scope for the following voting systems

Clear Vote (and Clear Ballot) 1.1
Clear Vote (and Clear Ballot) 1.2
Clear Vote (and Clear Ballot) 1.3
Clear Vote (and Clear Ballot) 1.3.3
Clear Vote (and Clear Ballot) 2.1
Clear Vote (and Clear Ballot) 2.2.1."

The EAC does not possess records responsive to your request.

This letter completes the response to your request. If you interpret any portion of this response as an adverse action, you may appeal this action to the Election Assistance Commission. Your appeal must be in writing and sent to the address set forth below. Your appeal must be postmarked or electronically transmitted within 90 days from the date of the acknowledgment to your request. Please include your reasons for reconsideration and attach a copy of this and subsequent EAC responses.

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

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

_ Verified Correct Copy of Original 11/4/2022._
_ Verified Correct Copy of Original 10/26/2022._

If you have any questions please contact my office at your convenience.

Sincerely,

Camden Kelliher

Camden Kelliher, Associate Counsel
U.S. Election Assistance Commission
ckelliher@eac.gov

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OFFICE OF THE SECRETARY OF STATE

BEV CLARNO
SECRETARY OF STATE

ELECTIONS DIVISION

STEPHEN N. TROUT
DIRECTOR255 CAPITOL STREET NE, SUITE 501
SALEM, OREGON 97310-0722

(503) 986-1518

CERTIFICATE OF APPROVAL**Clear Ballot Group****Clear Vote Voting System (Clear Count 2.1 and Clear Design 2.1)**

Clear Ballot has made upgrades to their ClearVote Voting System. Specifically they have submitted ClearCount version 2.1 and ClearDesign version 2.1 along with their test lab report by EAC Certified tester Pro V&V. The test report documents that the systems meet all of the Oregon requirements and are conformant with the federal Voluntary Voting System Guidelines (VVSG), Version 1.0 (2005). Clear Ballot has requested approval of this change for use in Oregon elections.

The Secretary of State partnered with Benton, Washington, Linn, Yamhill, Marion and Multnomah counties and Pro V&V. We have determined that the upgraded system complies with the statutory requirements of Oregon Revised Statutes 246.550 and 246.560, specifically ORS 246.550(4) and Oregon Administrative Rule 165-007-0350 in that these changes do not impair the accuracy, efficiency, or capacity of the machine or system.

Accordingly, the ClearVote Voting System consisting of ClearCount version 2.1 and ClearDesign version 2.1 is certified for sale, lease or use in all elections in Oregon. The system must be used in compliance with the provisions of applicable Oregon statutes and all Secretary of State, Election Division rules and directives.

Dated this 18 day of February 2020.

A handwritten signature in black ink, appearing to read "S. Trout".

Stephen N. Trout
Director of Elections

EXHIBIT G



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

VIA EMAIL

July 21, 2022

Jennifer Gunter
jennof4@gmail.com

Greetings:

This acknowledges the U.S. Election Assistance Commission's receipt of your Freedom of Information Act request:

"The requested records are for both VSTLs Pro V&V, and SLI Compliance (and under their previous companies names) - please provide:

- 1) From 2016 thru December 2020 - all original emails, with official EAC-issued (unedited) Certificate of Accreditation as attachment to both listed VSTLs
- 2) From 2016 thru December 2020 -all original (unedited) EAC-issued Certificate of Accreditation for the listed VSTLs
- 3) From 2016 thru December 2020 - all EAC commissioner meeting minutes, where VSTL accreditation was discussed
- 4) From 2016 thru December 2020 - all applications for accreditation renewal or supplemental information the VSTLs provided to the EAC"

Pursuant to 11 CFR § 9405.10 as a requester designated as "other," you will be charged search and duplication fees. However, the first two hours of search time and the first 100 pages of duplication are free. You will not be charged fees for review of documents. The EAC estimates that this FOIA request will not require more than 2 free hours of search time. Therefore, the EAC does not anticipate that there will be fees associated with this request.

Your request for expedited processing has been denied pursuant to 11 C.F.R. § 9405.7(h). The request, as submitted, demonstrates no evidence of a "compelling need" as defined by EAC regulations. While the public's right to know is a significant and important value, it is not sufficient by itself to satisfy this standard. *Al-Fayed v. CIA*, 254 F.3d 300, 310 (D.C.Cir. 2001).

All Pro V&V certificates of accreditation are available here:

https://www.eac.gov/sites/default/files/foia/Pro_V%26V_Certificates_of_Accreditation.pdf. All SLI certificates of accreditation are available here:

https://www.eac.gov/sites/default/files/foia/SLI_Certificates_of_Accreditation.pdf. Additionally, a one page overview of the EAC certification process has been made available here:



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

https://www.eac.gov/sites/default/files/foia/How_a_Voting_System_Becomes_EAC_Certified_Overview_of_the_EAC_Certification_Process.pdf

We have determined we will process your request pursuant to the Freedom of Information Act and EAC regulations. This request has been assigned file number 22-00084. Please be advised that due to the coronavirus pandemic we are experiencing additional delays in processing Freedom of Information Act requests. You have the right to seek assistance from the EAC FOIA Public Liaison if you have questions regarding processing delays, transparency, request status, and dispute resolution.

Amanda Joiner, FOIA Public Liaison
ajoiner@eac.gov
301-563-3919

If you interpret any portion of this response as an adverse action, you may appeal this action to the Election Assistance Commission. Your appeal must be in writing and sent to the address set forth below. Your appeal must be postmarked or electronically transmitted within 90 days from the date of the response to your request. Please include your reasons for reconsideration and attach a copy of this and subsequent EAC responses.

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

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you have any questions please contact my office at your convenience.

Sincerely,

Camden Kelliher

Camden Kelliher, Associate Counsel
U.S. Election Assistance Commission
ckelliher@eac.gov

Verified Correct Copy of Original 11/4/2022.
Verified Correct Copy of Original 10/26/2022.

Cancel **Re: Records Request- Public...**



On Aug 31, 2022, at 1:01 PM, Camden Kelliher
<ckelliher@eac.gov> wrote:

Good afternoon,

The EAC still estimates sending a completed response by October, 31 2022. As noted in the update provided in July, this is only an estimate and is subject to change. We look forward to working with you on the completion of this request.

Sincerely,

Camden Kelliher

Camden Kelliher | Associate Counsel
U.S. Election Assistance Commission
633 3rd Street NW, Suite 200 | Washington, DC 20001

From: Jennifer Gunter <jenno4@gmail.com>
Sent: Wednesday, August 31, 2022 2:41 PM
To: Camden Kelliher <ckelliher@eac.gov>
Subject: Re: Records Request- Public FOIA

Caution: This email is from an external source.
Please take care when clicking links or opening
attachments. If the message looks suspicious,
please use the Phish Alert Report button for the
security team to review.

Good day-

Camden, I wanted to check back in as it has
been quite sometime to see if the estimated
completed response time for my records